

**Blue highlights represent punctuation and grammatical amendments.
Yellow highlights represent recommended Charter amendments.**

PART I
HOME RULE CHARTER*

- Art. I. Basic Provisions, §§1.01 - 1.07
- Art. II. Elections, §§ 2.01 - 2.06
- Art. III. Town Council, §§ 3.01 - 3.17
- Art. IV. School Committee, §§ 4.01 - 4.09
- Art. V. Town Manager, §§ 5.01 - 5.06
- Art. VI. Probate Court, §§ 6.01 - 6.06
- Art. VII. Town Solicitor, §§ 7.01 - 7.04
- Art. VIII. Financial Provisions, §§ 8.01 - 8.59
- Art. IX. Department of Records and Personnel, §§ 9.01 - 9.13**
- Art. X. Department of Finance, §§ 10.01 - 10.52
- Art. XI. Department of Public Works, §§ 11.01 - 11.06
- Art. XI-A. Department of Building Inspector and Zoning Enforcement Officer §§ 11A.01
- Art. XII. Department of Safety and Welfare, §§ 12.01 - 12.33
- Art. XIII. Department of Planning and Development, §§ 13.01 - 13.60
- Art. XIV. Other Offices and Commissions, §§ 14.01 - 14.20
- Art. XV. General Provisions, §§ 15.01 - 15.21
- Art. XVI. Succession in Government, §§ 16.01 - 16.09
- Art. XVII. Transition, §§ 17.01 - 17.03
- Art. XVIII. Municipal Court, §§ 18.01 - 18.16**

PREAMBLE

We, the people of the Town of Coventry, 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, and of all other powers, do hereby adopt and establish this Charter for the Town of Coventry.

***Editors Note** - Printed herein is the Home Rule Charter of the Town of Coventry, Rhode Island, adopted by the town at an election held on November 7, 1972; effective January 1, 1973. Amendments to the original Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provisions derives unchanged from the original Charter. A uniform system of punctuation and capitalization has been used. Obvious misspellings have been corrected without notation and material in brackets [] has been added for clarity. The Special Act validating the Charter (P.L. 1973, Ch. 4) is set out in Part II, Art. I of this volume.

ARTICLE I BASIC PROVISIONS

Section 1.01. Incorporation.

The inhabitants of the Town of Coventry in the State of Rhode Island, 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, under the name of Town of Coventry.

Section 1.02. Form of Government.

The form of town government provided by this Charter shall be the Council-Manager 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 shall be vested in an elected Town Council, which shall enact local legislation, and in an appointed Town Manager, who shall be responsible for the execution of the laws and the administration of the town government.

Section 1.03. Powers of the Town.

The town shall have all the powers granted to towns by the home rule amendment and other provisions of the constitution, and the general laws of this state, and special acts applicable to the town, together with all such additional powers as hereafter may be granted to the towns by the laws of the state, together with all powers implied in, or incident to, the powers expressly granted.

The town shall have power to sue and be sued, to enact ordinances and pass resolutions, and to make rules and regulations necessary and proper for carrying into execution its powers; and such ordinances may be made enforceable by the imposition of fines, forfeitures and penalties, except as prohibited by the constitution of this state, or by laws enacted by the general assembly in conformity with powers reserved to the general assembly.

Except as prohibited by the constitution of this state, or as restricted by this Charter, the town shall have and may exercise all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever. The enumeration of particular powers by this Charter shall not be deemed to be exclusive, and, in addition to the powers enumerated herein, or implied, or appropriate to the exercise of such powers, it is intended that the town shall have and may exercise all powers which, under the constitution of this state, it would be competent for this Charter specifically to enumerate. All powers of the town shall be exercised in the manner prescribed by this Charter and by state law, or, if the manner is not prescribed, then in such manner as may be prescribed by rule, resolution, or ordinance.

Section 1.04. Acquisition, management and disposition of property.

The town may acquire property within or without its corporate limits for town purposes, in fee or any lesser interest or estate, by purchase, lease, gift, devise, and by condemnation within the town, for public use; and the town may hold, manage and control, and may sell, lease, and convey such property as its interests may require.

Section 1.05. Trust funds.

The town may continue to hold and administer, in accordance with the intention of the donor, all funds given or bequeathed to the town, including but not being limited to the H. N. Waterman Fund and the Isaac Fiske Fund; and the town may accept and administer any gift, bequest or devise which may come to the town in the future; and may continue to accept and administer funds which have been, or may in the future be, accepted by the town for the perpetual care of cemetery lots.

Section 1.06. Intergovernmental relations.

The town 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 with the United States or any agency thereof.

The town may enter into contracts with one or more states or civil divisions, or agencies thereof, or the United States or any agency thereof.

Section 1.07. Construction.

The powers of the town under this Charter shall be construed liberally in favor of the town, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general powers stated in this article.

**ARTICLE II
ELECTIONS**

Section 2.01. Election laws.

The provisions of the constitution and the general laws of the State of Rhode Island, now or hereafter in effect, pertaining to elections, special, general, and primary shall govern all town election, so far as they may be applicable. **Whenever, in said election, laws and related matters, reference is made to any political party, or reference is made to voting machines as being prepared for voting purposes in accordance with political party designation, or any reference of whatever kind and designation is made in said election laws and related matters to any political party or political designation, for the purpose of this Charter only, each and every such reference to a political party shall be held to be eliminated from said election laws in accordance with the provisions of this Charter**

Section 2.02. Qualifications of elected officials.

All elected officials shall be qualified electors of the town.

Section 2.03. Elections; recall.

- (a) *Time of general election.* All elected officials of the town shall be elected at a general election held on the first Tuesday after the first Monday in November in each even numbered year, commencing November 1974 in the manner provided by the election laws of the state.
- (b) *Recall.* An elected official holding a town office, having been in office for at least six (6) months, may be removed from office by a recall petition prepared and approved by the voters of the town in the manner hereinafter provided for recall procedure.

Upon application by a registered voter, the Town Clerk shall issue the recall petition blanks, which shall be dated, which shall demand the removal of the designated elected official, and **which** shall state the cause upon which the removal is sought. The petition is to be filed with the Town Clerk within thirty (30) days after issuance to be in order for the certification process.

The signatures to a recall petition need not all be appended to one paper but each signer shall add **his the signer's** signature, as it appears on the **Board of Canvassers and Registration's** records, **his and the signer's** place of residence, giving the street and number or other sufficient designation if there be no street and number. One of the signers shall take an oath before an officer competent to administer oaths that the statement therein made is true, as **he the signer** believes, and **that** each signature to the paper appended is the genuine signature of the person whose name it purports to be.

The recall petition, as it pertains to a town-wide office holder, shall be signed by at least thirty (30) percent of the registered voters of the town and, in addition, by at least twenty (20) percent of the registered voters in each Town Council district for certification purposes. In regard to a district office holder, the recall petition shall be signed by at least thirty (30) percent of the registered voters of said district for certification purposes.

The petition is to be submitted by the Town Clerk to the **Board of Canvassers and Registration** for certification forthwith. If the petition shall be found and certified by the **Board of Canvassers and Registration** to be sufficient, within ten (10) days the board shall submit the same with its certificate to the Town Council without delay; **and** the Town Council shall order an election to be held on a Tuesday fixed by **them it** not more than seventy-five (75) days after the date of the **Board of Canvassers and Registration's** certificate that a sufficient petition is filed; **provided,** **h**However, **that** if any other town election is to occur within one hundred twenty (120) days after the date of the certificate, the Town Council shall postpone the holding of the recall election to the date of such other election. (Amend. of 11-7-1978; Amend. of 11-4-1980)

Section 2.04. Special elections.

The Town Council shall provide by ordinance for the nomination and elections of town officers, not otherwise provided for in this Charter or by state law, and for **the** holding of special town elections when required, according to law.

Section 2.05. Board of Canvassers and Registration.

There shall be a bipartisan canvassing authority elected by the Town Council as provided by the constitution and laws of the state. Said canvassing authority shall be known as the Board of Canvassers and Registration, and shall be vested with all the powers and duties now or hereafter vested by law in such canvassing authority. All members of the Board of Canvassers and Registration now in office shall continue in said positions as members thereof until the expiration of the terms for which they were respectively chosen.

After each decennial census and prior to the next general election thereafter, the Board of Canvassers and Registration shall divide the town into five compact and contiguous districts of as nearly equal population as possible for the election of members of the Town Council pursuant to Section 3.01 and the School Committee pursuant to Section 4.01 of this Charter.

It shall be the duty of said board, within one (1) year after each gubernatorial election and each decennial state redistricting, or more frequently, to review and, if necessary, to alter the district boundary lines of the districts to be determined by said Board of Canvassers for the election of the members of the Town Council, which The districts also are to be used for the election of members of the School Committee, under this Charter, in such manner that the five (5) districts shall each comprise compact and contiguous territory which has, contained as nearly as practicable, into an equal number of electors, and have well defined boundaries. Each district shall contain as nearly as possible the same number of voters, determined from the registration for the last state wide general election; but districts shall not differ in population by more than fifteen (15) percent of the voters in the smallest district created. (amended January 1, 2009)

Section 2.06. Moderators and Clerks.

At least ten (10) days prior to every election, the Board of Canvassers and Registration shall appoint a moderator and a clerk for each polling place, one (1) of whom shall be a Democrat and one (1) a Republican, and who shall be party voters in the district for which they are appointed.

Section 2.07. Non-partisan Elections.

All municipal elections in the Town of Coventry, whether primary, general, or special election, shall be non-partisan. There shall be no party mark or designation upon any declaration of candidacy, nomination, petition, or list of candidates.

Section 2.08. Ballot order.

The position upon the ballot of the names of the candidates in any primary, general or special town election shall be determined by lot and said names shall be so placed upon said ballot under title of the office to be filled. Said determination of said position by lots shall be conducted by the Board of Canvassers and Registration, at which said candidates or their representatives shall be entitled to be present. Candidates shall be notified of the time and place of such drawing at least twenty-four hours in advance thereof.

Section 2.09. Primary Election; Town Council, School Committee.

At any primary election the two Town Council candidates of each respective district receiving the highest number of votes shall be deemed and declared to be the candidates for the office of Town Council in their respective districts in the general town election. At any primary election the two School Committee candidates of each respective district receiving the highest number of votes shall be deemed and declared to be the candidates for the office of School Committee in their respective district in the general town election.

**ARTICLE III
TOWN COUNCIL**

Section 3.01. Number; term; constituency.

The Town Council shall have five (5) members, one (1) to be elected from, and by the electors of each of the five (5) districts of the town, for a term of two (2) years, or until their individual successors are elected and qualified.

At the general election to be held in November 2012 and every fourth year thereafter, three (3) members, *one each from districts 2, 3, and 5*, shall be elected, ~~the district shall be determined by the Board of Canvassers~~ and at the general election to be held in November 2014, and every fourth year thereafter, two (2) members shall be elected from the remaining two (2) districts, each for a term of four (4) years.

Section 3.02. Commencement of term.

The term of a **Council member** shall begin at the first meeting of the Town Council to be held on the first Monday after the issuance of a certificate of election.

Section 3.03. Qualifications.

A member of the Town Council shall hold no other public office or employment in the service of the Town of Coventry, the State of Rhode Island, or **of** the government of the United States, except as provided in section 15.01(f).

A member of the Town Council shall not be eligible for appointment to any paid office in the town during the term for which **he** **the member** was elected to the Town Council.

Section 3.04. Forfeiture of office.

A **Council member** shall forfeit **his** office if **he** **the member** (1) lacks, at any time during **his** **the** term of office, any qualifications for the office prescribed by this Charter, or by law; (2) violates any express provision of this Charter; or (3) is convicted of a crime involving moral turpitude.

Section 3.05. Vacancy.

The office of Council member shall become vacant upon his the Council member's death, a resignation in writing filed with the Town Clerk, a removal from office in any manner authorized by law, or by a forfeiture of office. The vacancy shall be filled by a qualified elector from the same district.

Section 3.06. Filling vacancy.

If a vacancy shall occur in the Town Council twelve (12) months or more prior to the next regular election, a special election shall be called by the Town Clerk in the manner prescribed by law to fill such vacancy. If by the thirtieth day after the vacancy occurs, the Town Clerk shall have failed to call such special election, then the Board of Canvassers and Registration shall call such election to fill such vacancy within forty-five (45) days of the date of occurrence of such vacancy. If such vacancy shall occur less than twelve (12) months prior to the next regular election, the vacancy shall be filled for the unexpired term by the remaining members of the Town Council. The vacancy shall be filled by a qualified elector from the same district.

Section 3.07. Judge of election and qualification of members.

The Town Council shall be the judge of the election and qualification of its members, and of the grounds for forfeiture of their the office, and for that purpose the Town Council shall have power to subpoena witnesses, administer oaths, and require the production of evidence.

Section 3.08. Presiding officer.

The Town Council shall elect from among its members a president and a vice-president, each of whom shall serve at the pleasure of the Town Council. The president shall preside at meetings of the Town Council. The president shall have the right to speak and vote as any other member. The vice-president shall act as president during the absence or temporary disability of the president.

The Town Council shall be recognized as head of the town government for all ceremonial purposes and by the R.I. Governor for purposes of military law but shall have no administrative duties.

Section 3.09. Declare state of emergency.

The president of the Town Council shall have the power and authority (1) to declare a state of emergency in the event of a disaster, catastrophe, or other similar event, or the imminent danger thereof which endangers the public peace, health, safety, welfare, and the protection of property of the inhabitants of the town; and (2) to take such lawful action as he the president deems necessary.

Section 3.10. Compensation.

The Council members shall each receive an initial annual salary of \$4,500; an additional allowance of \$1,000 shall be paid to the president of the Town Council for expenses.

The Town Council may, from time to time, fix the annual salary of each **Council member** and of the president of the Town Council; provided, however, that no such ordinance changing the salary of the **Council members**, or of the president of the Town Council, shall become effective during the current term of such Town Council. (Amend. of 6-13-2000)

Section 3.11. Quorum.

Three (3) members of the Town Council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to penalties prescribed by the rules of the Town Council. No action of the Town Council, except as otherwise provided in the preceding sentence, shall be valid or binding unless adopted by the affirmative vote of three (3) or more members of the Town Council. Upon the request of any member of the Town Council, a roll call vote shall be taken on any matter, and the ayes and nays shall be recorded in the minutes of the meeting.

Section 3.12. Regular meetings.

The Town Council shall meet regularly at least once in every month, and may meet more often, at such times and places as the Town Council may prescribe.

Section 3.13. Special meetings.

Special meetings may be held at the call of the president, or, in the absence of the president, at the call of the vice-president, or at the call of three (3) or more members. Notice of a special meeting shall be delivered to each member or left for **him the member** at **his the member's** home or place of business at least twelve (12) hours prior to the time fixed for the special meeting. Any member may waive the requirement of notice of a special meeting, and such waiver shall be entered in the record of the proceedings of such special meeting. 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 stated in the notice.

Section 3.14. Powers and duties.

All powers of the town shall be vested in the Town Council, except as otherwise provided by law or by the provisions of this Charter, **and** The Town Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed upon the town by law.

The Town Council shall be vested with the power to adopt, amend, and repeal ordinances for the preservation of the public peace, health, safety, welfare, and for the protection of persons and property; and **with the power** to provide for their enforcement by the enactment of appropriate penalties for the violation thereof.

Without limiting the generality of the foregoing, the Town Council shall have and **shall** exercise the following specific powers, subject to the provisions of the constitution, and laws enacted by the General Assembly in conformity with the powers reserved to the General Assembly.

The Town Council may enact, reenact, amend or repeal ordinances and resolutions:

- (a) ~~Providing f~~For zoning; a building code; a sanitation code; regulations for the platting and subdividing of land; regulations concerning trailers and mobile homes; and regulations concerning parking on town highways and also on town property.
- (b) For the appropriation of money.
- (c) For the levy of taxes and assessments.
- (d) For the borrowing of money and the issuance of bonds, notes, or other evidence of indebtedness.
- (e) For the purchase, sale, lease, or the acceptance of a gift or device, of real or personal property located within or without the corporate limits of the town, ~~and for~~ ordinances concerning the holding, management, control, sale, lease and conveyance of such property.
- (f) For the condemnation of land located within the town as permitted by the laws of this state.
- (g) For the control and management of any fund which has been, or in the future may be, given to the town by gift, bequest, or in any other manner, in accordance with the terms of such gift as expressed by the donor, including, but not limited to, the H. N. Waterman Fund and the Isaac Fiske Fund.
- (h) For the control and management of funds which have been or may be hereafter accepted by the town for the perpetual care of cemetery lots specified in the acceptance.
- (i) ~~For~~ granting, suspending or revoking licenses and permits in accordance with law.
- (j) ~~For~~ fixing the amount of official bonds of all officers of the town, who in the opinion of the Town Council shall be bonded, the premium of such bond to be paid by the town.
- (k) For the establishment and operation of a personnel classification system, not inconsistent with any general or special act, or provision of this Charter; and, in accordance therewith, fix the compensation of the Town Manager, and fix the compensation and provide rules and regulations with respect to the hours of employment and vacations of all officers and employees of the town, ~~except employees of the school department.~~ (direct the Solicitors office to make conforming changes to the language to accomplish the intent of the commission)
- (l) For the establishment and operation of any department, office or agency, in addition to those created by this Charter, which the Town Council may, from time to time, deem necessary to provide the services and functions not otherwise provided by the departments created herein. This provision is not to apply to elected officials.
- (m) To appoint committees of the Town Council which may investigate and report on any matter referred to it and make recommendations thereon. ~~but N~~o committee shall have any executive or legislative powers, and final action on all matters shall be determined by the Town Council as a whole.

(n) The Town Council may make investigations into the affairs of the town, and the conduct of any town department, office or agency, and For this purpose it may subpoena witnesses, administer oaths, take testimony and require the production of evidence. The Town Council shall have the power, by ordinance, to provide for the punishment of any person who fails or refuses to obey a lawful order issued in the exercise of the powers set forth in this section.

(o) No collective bargaining agreement or personnel contract between the Town of Coventry, including the School Committee, and any labor organization shall become effective unless and until ratified by majority vote of the Coventry Town Council.

Section 3.15. Procedure.

The Town Council shall determine its own rules and order of business.

The Town Council may act by rule, resolution or ordinance. In addition to the cases in which an ordinance is required by any specific provision of this Charter or by any applicable law, any action creating or abolishing any office or agency of the town government shall be by ordinance only.

Section 3.16. Ordinances.

(a) *Introduction.* Every proposed ordinance, including an amendment to an existing ordinance, except an emergency ordinance, shall be filed with the Town Clerk by a member of the Town Council, not later than four (4) business days previous to the date of the meeting at which it is to be introduced. A copy thereof shall be posted by the Town Clerk in some conspicuous place in the town house hall where it shall be accessible for inspection by the public. The Town Clerk shall forthwith provide each member of the Town Council with a copy of the proposed ordinance.

(b) *First reading.* Every proposed ordinance, other than an emergency ordinance, shall be read a first time by title at the meeting at which it is introduced and shall be published in full in one (1) or more newspapers of general circulation in the town. No ordinance, except an emergency ordinance, shall be adopted by the Town Council at the meeting at which it is introduced, but it shall be referred to the next subsequent regular or special meeting.

(c) *Mandatory public hearing.* The Town Council, except for an emergency ordinance, shall hold a public hearing on every proposed ordinance after the proposed ordinance has been introduced and published in full in one (1) or more newspapers of general circulation in the town. No and no action shall be taken on the ordinance until the conclusion of the public hearing. The Town Council, by majority vote, may amend or otherwise act on the proposed ordinance at the public hearing.

(d) *Ordinances in emergency.* Enactments by the Town Council dealing with an emergency or emergencies may be adopted on the day of introduction, without a previous filing with the Town

Clerk or publication thereof. **The enactments** shall contain a declaration of the existence of the emergency, ~~which~~ **and the** declaration shall be conclusive as to the existence of such emergency. ~~and~~ **The enactments** shall take effect upon passage. Such emergency ordinance shall be temporary, and for the period of the emergency only, ~~and~~ **The ordinance** may authorize departments, offices and agencies of the town government to act outside and beyond the usual requirement of ordinances, resolutions, rules and regulations. The Town Council may by resolution declare the emergency ended.

(e) *Enacting clause.* The enacting clause of all ordinances shall be, "The Town Council of the Town of Coventry hereby ordains:"

(f) *Recording.* The Town Clerk shall record in full, in a properly indexed book kept for the purpose, all ordinances adopted by the Town Council.

(g) *Publication.* Every ordinance which imposes a penalty for the violation of its provisions shall be published in full by the Town Clerk once as a paid advertisement, within one week of ~~its~~ **the** adoption **of the ordinance**, in a newspaper having general circulation in the town.

(h) *Codification.* The Town Council shall, on or before November 1, 1974, and within every ten (10) years thereafter, arrange for the publication of all ordinances of general and permanent character and may arrange for supplements to be issued from time to time. (Amend. of 11-7-1978)

Section 3.17. Annual audit.

The Town Council shall provide for an independent annual audit of all town accounts by a certified public accountant or by the state bureau of audits and may provide for such more frequent audits as it deems necessary. The audit shall cover all books, accounts, and other evidence of the financial transactions of the town, ~~and~~ **The audit** shall conform with generally accepted auditing standards, including all procedures necessary for the auditors to express an informed opinion of the financial condition of the town. A copy of the audit report each year shall be filed with the Town Clerk and shall be a public record.

ARTICLE IV SCHOOL COMMITTEE

Section 4.01. Membership.

The School Committee shall have five (5) members, one to be elected from and by the electors of each of the five (5) districts of the town.

The members in office when this Charter shall take effect shall continue in office until their terms shall expire and their successors are elected and qualified.

Section 4.02. Election.

At the general election to be held in November, 1974, and every fourth year thereafter, three (3) members shall be elected. The district shall be determined by the Board of Canvassers and Registration and at the general election to be held in November, 1976, and every fourth year thereafter, two (2) members shall be elected, from the remaining two (2) districts, each for a term of four (4) years.

Section 4.03. Filling vacancy.

If a vacancy shall occur in the School Committee twelve (12) months or more prior to the next regular election, a special election shall be called by the Town Clerk in the manner prescribed by law to fill such vacancy. If by the thirtieth day after the vacancy occurs the Town Clerk shall have failed to call such special election, then the Board of Canvassers and Registration shall call such election to fill such vacancy within forty-five (45) days of the date of occurrence of such vacancy. If such vacancy shall occur less than twelve (12) months prior to the next regular election, the vacancy shall be filled for the unexpired term by the Town Council. The vacancy shall be filled by a qualified elector from the same district. (amended January 1, 2009)

Section 4.04. Qualifications.

A member of the School Committee shall hold no other public office or employment in the service of the Town of Coventry, the State of Rhode Island, or of the government of the United States, except as provided in section 15.01(f).

A member of the School Committee shall not be eligible for appointment to any paid office in the town during the term for which he the member was elected to the School Committee.

Section 4.05. Chairman and clerk.

The School Committee shall elect one of its members as chairman, who shall sign any orders or official papers of the committee, and shall elect a clerk who, under the direction of the committee, shall keep a journal of the proceedings of the committee. The clerk need not be a member of the committee. Either the chairman or the clerk may be removed at the pleasure of the committee.

Section 4.06. Meetings.

The School Committee shall adopt its own rules and order of business, and shall hold at least nine regular meetings in every year, at such time and place within the town as the committee shall, by general or special order, fix and determine.

All meetings are to be open to the public, in accordance with the provisions of state law and section 15.04 of this Charter.

Section 4.07. Powers and duties.

- (a) *Control school policy.* The School Committee shall determine and control all policies affecting the administration, maintenance and operation of the public schools, and It shall have all the powers and perform all the duties prescribed by the laws of the state.
- (b) *Submit budget estimates.* The School Committee shall submit budget estimates to the Town Manager for his the manager's consideration on or before a date to be fixed by the Town Council. The allocation of amounts appropriated shall be determined by the School Committee and final action by the Town Council upon the budget proposals of the School Committee shall relate only to the total amount thereof.
- (c) *Buildings and equipment.* The School Committee shall be responsible for the location of school buildings; for the maintenance, care, control and upkeep of all school buildings and grounds, including repairs of buildings; and for the proper use of all materials, furniture, supplies, and equipment now in its possession or which, in the future, may be acquired.
- (d) *New buildings and additions.* When a new school building is to be constructed, or an addition made to an existing school building, or an existing school building is to be extensively remodeled or rebuilt at a cost of more than two hundred fifty thousand dollars (\$250,000.00), the Town Council shall appoint a bipartisan school building committee of nine (9) members. Two (2) of the members of said committee shall be members of the School Committee; two (2) shall be members of the Town Council; and the remaining five (5) members shall be electors of the town. The Superintendent of Schools and the Town Solicitor shall serve as ex-officio members of said building committee but shall not have a vote. A new committee shall be appointed for each new project.
- (e) *Purchasing.* At the request of the School Committee, the Town Manager may direct the Department of Public Works to perform work on property within the jurisdiction of the School Committee, and may direct the purchasing agent to purchase materials, supplies, and equipment specified by the school department for use in the public schools, the cost of such work, and of such materials, supplies and equipment to be charged to the school department appropriation.
- (f) *Power of subpoena.* The School Committee shall have the power to issue subpoenas and to compel witnesses to testify and produce records as prescribed by law.
- (g) *Other.* The School Committee may exercise such other powers and perform such other duties as are prescribed by law and are not inconsistent with this Charter.
(Amend. of 11-2-1999)

Section 4.08. Cooperation with other departments.

The School Committee shall cooperate with the Director of Finance and Town Treasurer in order that they may carry out the duties imposed upon them by the provisions of Section 10.14 and any other and further duties which the Town Council may establish.

Section 4.09. Annual report.

The School Committee shall annually prepare a complete report of its finances and its activities. The which report shall be a public record, and made available within fourteen (14) days after the end of the fiscal year. A copy thereof shall be on file and available for inspection at the office of the School Committee, and in the office of the Town Clerk.

ARTICLE V TOWN MANAGER

Section 5.01. Appointment, qualifications, compensation.

The Town Council shall appoint a Town Manager for an indefinite term and fix his/her the manager's compensation. The Town Manager shall be chosen by the Town Council. He/she The manager shall hold a bachelor of arts or bachelor of sciences degree a master's degree in public administration, business administration or related master's degree from an accredited college or university as a minimum degree for the appointment, together with at least three five (3 5) years actual experience in some as a city, town or county government manager or assistant manager. ; or, he shall have a minimum degree in public administration from an accredited college or university with special preference to actual experience as hereinafter set forth. He/she need not be a resident of the town or state at the time The manager must maintain residency within the Town of Coventry within six (6) months of his/her appointment. but may reside outside the Town while in office only with the approval of the council. (Amend. of 11-2-1976, 1-1-2009 and 1-1-2010)

Section 5.02. Prohibition against other employment.

The Town Manager shall devote the manager's entire time and attention to his/her duties as Town Manager and shall not, during the his/her appointment, be actively engaged in any employment, or business, or in the practice of any profession, or hold any public office other than the office of Town Manager of the Town of Coventry.

Section 5.03. Acting Town Manager.

By letter filed with the Town Clerk, the Town Manager shall designate, subject to approval of the Town Council, a qualified town administrative officer to exercise the powers and perform the duties of Town Manager during his/her the manager's temporary absence or disability. During such absence or disability, the Town Council may revoke such designation at any time and appoint another officer of the town to serve until the Town Manager shall return or the manager's his/her disability shall cease.

Section 5.04. Powers and duties of the Town Manager.

The Town Manager shall be the chief administrative officer of the town. He-The manager shall be responsible to the Town Council for the administration of all town affairs placed in the

manager's ~~his/her~~ charge by or under this Charter. ~~He~~ **The manager** shall have the following powers and duties:

- (1) ~~He shall~~ Appoint, when ~~he~~ **the manager** deems it necessary, for the good of the service, suspend or remove all town employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law, this Charter, or ~~by~~ personnel rules adopted pursuant to this Charter. ~~He~~ **The manager** may authorize any administrative officer who is subject to **the manager's** ~~his/her~~ direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency.
- (2) ~~He shall~~ Direct and supervise the administration of all departments, offices and agencies of the town, except as otherwise provided by this Charter or by law.
- (3) ~~He shall~~ Attend all Town Council meetings and shall have the right to take part in discussion but may not vote.
- (4) ~~He shall~~ See that all laws, provisions of this Charter and acts of the Town Council, subject to enforcement by ~~him~~ **the manager** or by officers subject to **the manager's** ~~his/her~~ direction and supervision, are faithfully executed.
- (5) ~~He shall~~ Prepare and submit the annual budget and capital program to the Town Council.
- (6) ~~He shall~~ Submit to the Town Council and make available to the public a complete report on the finances and administrative activities of the town as of the end of each fiscal year.
- (7) ~~He shall~~ Make such other reports as the Town Council may require concerning the operations of the town departments, offices, and agencies subject to ~~his~~ **the manager's** direction and supervision.
- (8) ~~He shall~~ Keep the Town Council fully advised as to the financial condition and future needs of the town and make such recommendations to the Town Council concerning the affairs of the town as ~~he~~ **the manager** deems desirable.
- (9) ~~He shall~~ Perform such other duties as are specified in this Charter or may be required by the Town Council.
- (10) ~~He shall~~ Be responsible for the care and preservation of all town property and equipment, except property under the jurisdiction of the **School** **C**ommittee.

Section 5.05. Assume duties of other town offices.

The Town Manager may assume, with the approval of the Town Council, in addition to the duties of the office of Town Manager, any other administrative office or offices, or part or all of the duties of any such office under ~~his~~ **the manager's** supervision, but by reason thereof **the m**anager's ~~he/she~~ shall not be entitled to any additional compensation.

Section 5.06. Removal.

The Town Council may remove the Town Manager from office in accordance with the following procedures:

- (1) The Town Council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the Town Manager from duty for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered promptly to the Town Manager.
- (2) Within five (5) days after a copy of the resolution is delivered to the Town Manager, ~~he~~ **the manager** may file with the Town Council a written request for a public hearing. This hearing shall be held at a Town Council meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed. The Town Manager may file with the Town Council a written reply not later than five (5) days before the hearing. The Town Manager shall have a choice between a public or private hearing on ~~the~~ **his/her** suspension.
- (3) The Town Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after five days from the date when a copy of the preliminary resolution was delivered to the Town Manager, if ~~he~~ **the manager** has not requested a public hearing, or ~~if~~, at any time after the public hearing, ~~if he~~ **the manager** has requested one.

The Town Manager shall continue to receive his/~~her~~ salary until the effective date of a final resolution of removal. The action of the Town Council in suspending or removing the Town Manager shall not be subject to review by any court or agency.

ARTICLE VI PROBATE COURT

Section 6.01. Judge.

There shall be a **J**udge of **P**robate who shall exercise and perform the powers and duties of a probate court for the town.

Section 6.02. Appointment and term.

The **J**udge of **P**robate shall be appointed by the Town Council to serve for a term of office concurrent with that of the Town Council and until ~~his~~ **the judge's** successor is appointed and qualified.

Section 6.03. Qualifications.

The **J**udge of **P**robate shall be an attorney-at-law in good standing who has been admitted to the practice of law in this state. ~~He~~ **The judge** need not be a resident of the town.

Section 6.04. Absence or disability.

In the absence, disability, or disqualification of the Judge of Probate so that the judge he/she is unable to fulfill his the judge's duties, or there is a vacancy in such office, the duties of the Judge of Probate shall be performed by the Town Solicitor or municipal court judge; and when so serving, the acting Judge of Probate shall have and exercise all the powers and duties of the judge of probate.

(amended 1-1-2009)

Section 6.05. Clerk.

The Town Clerk shall be the clerk of the probate court.

Section 6.06. Fees.

All fees collected by the clerk of the probate court shall inure to the benefit of the town and shall be paid over to the Town Treasurer unless otherwise directed by the laws of the state.

**ARTICLE VII
TOWN SOLICITOR**

Section 7.01. Appointment and term.

There shall be a Town Solicitor who shall be appointed by the Town Manager, with the approval of the Town Council, to serve at the pleasure of the Town Manager. The Town Solicitor may, in like manner, and subject to the approval of the Town Council, appoint one (1) or more assistant Town Solicitors.

Section 7.02. Qualifications.

The Town Solicitor and any assistant Town Solicitor shall be an attorney-at-law in good standing of the bar of this state. He The solicitor need not be a resident of the town. The Town Solicitor and any assistant Town Solicitor shall not hold any other office in the town government, except that of acting Judge of Probate when so necessary.

Section 7.03. Duties.

The Town Solicitor shall serve as chief legal advisor to the Town Council and to the Town Manager.

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, offices or agencies, including the Town Council, the Town Manager and the School Committee.

The Town Solicitor shall also perform such other duties, appropriate to his office, as the Town Council and the Town Manager may require.

The Town Solicitor shall examine and approve the form of all ordinances and resolutions, and of all invitations to bid, contracts, and other legal documents issued by any department, office or agency of the town.

Section 7.04. Written opinions.

All written opinions of the Town Solicitor furnished to the Town Council, the Town Manager, and all departments, offices and agencies of the town shall be filed with the Town Clerk and shall become a public record.

Nothing herein contained shall be construed to abridge any powers now or which, in the future, may be conferred upon town solicitors by state law.

ARTICLE VIII. FINANCIAL PROVISIONS

Section 8.01. 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, commencing with the fiscal year beginning July 1, 1979. Notwithstanding the provisions of Sections 8.53 through 8.55 of this Home Rule Charter, the Town Council is authorized, by resolution passed by the affirmative votes of a majority of the members of the Town Council, to finance the cost of operating the Town of Coventry for the period March 1 through June 30, 1979, through either the issuance of bonds, notes, or otherwise. Bonds may be issued, notes sold, or any other action may be taken by the Town Council for the financing of said period without a vote of the electors. (Amend. of 11-7-1978)

Section 8.02. Due date of taxes.

Taxes shall be due and payable on a day fixed by the Town Council. The Town Council shall further provide the installments in which taxes may be paid without penalty, the dates on which penalties for nonpayment shall apply, and the rate of such penalties.

Section 8.10. General budget.

The general budget shall be composed of two sections:

- (a) The capital improvement program and capital budget which shall be approved, with or without amendment, thirty (30) days prior to the submission of the operating budget as prescribed by the Town Council; and
- (b) The operating budget which shall provide a complete financial plan for the budget year. It shall contain three (3) parts:

1. The operating budget message **is** prepared by the Town Manager **and gives giving** a general summary of the principal sources of anticipated revenue, with amounts to be raised from each source, **and a summary** of the principal objects of expenditures, with amounts to be expended for each object. **making The message shall make** clear how expenditures are to be kept within anticipated revenue and **comparing** shall compare the general estimates for the coming year with the corresponding figures for the past year and the year in progress.
2. Detailed estimates of all anticipated revenues applicable to proposed expenditures together with supporting information. The total of such anticipated revenues shall at least equal the total of such proposed expenditures.
3. Drafted bills prepared by the Town Manager, for appropriating revenues and borrowing if necessary, **putting The bills shall put** the details of **the** operating budget plan into proper legal form ready for action by the Town Council.

Section 8.11. Submission of capital improvement budget.

The Town Council shall direct:

- (a) All agencies, officials, and departments to submit to the **D**irector of **P**lanning and **D**evelopment, all capital programs or projects requests on or before a date fixed by the Town Council.
- (b) The **D**irector of **P**lanning and **D**evelopment shall review all proposals with the agency, department, or official submitting them. The following factors, among others, will be taken into consideration:
 1. ~~Relative need for each program or project so shown in the facts presented by the agency, department or official.~~
 1. Relation~~ship~~ of the program or project to plans for the development of the town, **and**
 2. Relationship to other programs or projects.
 3. ~~Ability of the town to finance the program or projects.~~ **Consistency with the Town's Comprehensive Community Plan.**

Section 8.12. Review.

The recommended capital improvement programs, including the annual capital budget, shall be forwarded to the Town Manager on or before a date fixed by the Town Council.

Section 8.13. Recommendations forwarded.

The Town Manager shall forward to the Town Council with his/her comments; the capital improvement program with the included annual capital budget on or before a date fixed by the Town Council.

Section 8.14. Submission of the operating budget to Town Council.

The Town Manager shall submit to the Town Council on or before a date fixed by the Town Council the proposed operating budget and an accompanying message from the Town Manager. The Town Council may request the Town Manager to explain his the manager's estimates and recommendations.

Section 8.15. Operating budget format.

- (a) In parallel columns opposite the several items of anticipated revenues there shall be placed the amount of each such item in the budget of the last completed year, the amounts of such operating items actually received during that year, the amount of each such item in the operating budget of the current fiscal year, and the amount actually received to the time of preparing the operating budget, plus receipts for the remainder of the current fiscal year estimated as accurately as may be.
- (b) In parallel columns opposite the several items of proposed expenditures, there shall be placed the amount of each such item in the operating budget of the last completed fiscal year, the amounts of such items actually expended during the year, the amount of each such item expended to the time of preparing the operating budget, plus expenditures for the remainder of the current fiscal year estimated as accurately as may be.
- (c) The estimates of receipts for all departments shall be detailed by source. The estimates of the expenditures shall be detailed by departments and the principal subdivisions thereof; (offices, boards, commissions, and agencies of the town) and shall show for each unit the requested amount broken down by personal service, contractual service, materials and supplies, fixed charges, and capital outlays.

Section 8.16. Capital improvement budget and operating budget, notice of hearings.

The Town Council shall publish in one or more newspapers of general circulation in the town the general summary of the operating budget and capital improvement budget and a notice stating:

- (a) The times and places where copies of the message and budgets are available for inspection by the public.
- (b) The time and place, not less than two weeks after such publication, for one or more public hearings at which time each item of the proposed budgets shall be considered and any person shall be heard and shall be allowed to question in detail not only the Town Council, the Town Manager, but also any department head including a representative of the School

Committee who has submitted any item of expenditure in the preceding fiscal year's budget or on the proposed budgets.

- (c) After the public hearings the Town Council may amend the operating and capital improvement budgets.
- (d) The Town Council shall set aside as part of each annual budget an amount equal to no less than fifty (50%) percent of monies remitted to the town by the Tax Administrator of the State of Rhode Island pursuant to the provisions of R.I.G.L. § 44-25-1 et seq. the "Real Estate Conveyance Tax", so called. Said funds shall be used exclusively by the Coventry Land Trust for acquisition and reservation of open space in the Town of Coventry. Said funds shall be used exclusively for capital expenditures and no portion thereof shall be used for administrative expenditures.
(Amend. of 11-2-1999)

Section 8.17. Item Veto by Town Manager.

If the Town Council has increased the amount of any item or items, or has added any item or items not included in the budget as submitted by the Town Manager, the Town Clerk shall forthwith deliver to the Town Manager; a copy of that portion of the record setting forth such changes. If the Town Manager disapproves of any such change, ~~he~~ **the manager** shall, within forty-eight (48) hours of his receipt of the record of changes, file with the Town Clerk a message expressing ~~his~~ **the manager's** disapproval and giving ~~his~~ **the** reasons thereof. The Town Council by affirmative vote of four (4) members may over-ride the Town Manager's disapproval. If the Town Manager's disapproval is not over-ridden, the change disapproved shall be eliminated.

~~A copy of the budget, as finally adopted, shall be filed in the office of the Town Clerk and shall be a public record.~~

Section 8.18. Adoption of operating and capital improvements budgets.

After the public hearing, the town council shall present the capital improvement and operating budgets to the financial town meeting for adoption by majority vote with or without amendment. In amending the budgets, the town financial meeting may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the operating budget shall increase the authorized expenditures to an amount greater than the total of estimated income. An all-day referendum shall be required on any amendment or amendments which would increase or decrease the capital improvement or operating budget by a sum of one hundred thousand dollars (\$100,000.00) or more.

If the town financial meeting fails to adopt the operating budget before the last day of the current fiscal year, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the town financial meeting adopts a budget for the ensuing fiscal year.

(Amend. of 11-2-1976)

Comment [MSOffice1]

The original Charter language is highlighted in pink

Comment [MSOffice2]

Recommendation to eliminate FTM would eliminate this section.

After the public hearing, the Town Council shall present the capital improvement and operating budgets to the financial town meeting for adoption by majority vote with or without amendment.

- (a) Date. The Town Council will convene the financial town meeting on the first **second** Monday **Tuesday** in June, prior to the start of the next fiscal year.
- (b) Location. The meeting will be held at the **Coventry** High School at seven p.m. Eastern Standard **local time**.
- (c) Moderator. The Town Council shall appoint a moderator to preside over the financial town meeting.
- (d) Amendments. In amending the budgets, the financial town meeting may add or increase programs or amounts and may delete or decrease programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the operating budget shall increase expenditures to an amount greater than the total of estimate income.
 1. Proposals to amend shall be in writing, and may address the general budget as a whole, or individual sub-sections thereof.
 2. An all-day referendum shall be required on any amendment or amendments which would increase or decrease the capitol improvement **and** operating budget by a **net** sum of one hundred seventy-five thousand dollars (\$175,000) or more to be adjusted every year by the change in the Consumer Price Index **in January preceding the financial town meeting**.

(e) Failure to adopt. If the town financial meeting fails to adopt the operating budget before the last day of the current fiscal year, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the town financial meeting adopts a budget for the ensuing fiscal year.

(f) Filing of adopted budget. A copy of the budget, as finally adopted, shall be filed in the office of the Town Clerk and shall be a public record. (amendment of 11-2-1976, 1-1-09 and 1-1-2010)

A copy of the budget, as finally adopted, shall be filed in the office of the Town Clerk and shall be a public record.

Section 8.19. Amendments after adoption.

- (a) *Supplemental appropriations.* If during the fiscal year the Town Manager certifies that there is available for appropriation revenues in excess of those estimated in the budget, the special financial town meeting may make supplemental appropriations for the year up to the amount of such excess.
- (b) *Emergency appropriations.* To meet a public emergency affecting life, health, property of [or] the public peace, the Town Council may make emergency appropriations. To the extent that there are no available, unappropriated revenues to meet such appropriations, the Town Council may authorize the issuance of emergency notes, which may be renewed from time-to-time but the emergency notes and renewals in any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriated was made.
- (c) *Reduction of appropriations.* If, at any time during the fiscal year, it appears probable to the Town Manager that the revenues available will be insufficient to meet the amount appropriated, he the manager shall report to the Town Council without delay, indicating the estimated amount of the deficit, any remedial action taken by him the manager and his the manager's recommendations as to any other steps to be taken. The Town Council shall then take such further action as it deems necessary to prevent or minimize any deficit and, for that purpose, it may reduce one or more appropriations.
- (d) *Transfer of appropriations.* At any time during the fiscal year the Town Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office, or agency, and, upon written request by the Town Manager, the Town Council may transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another.
- (e) *Limitations: Effective date.* No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

- (f) *Limitations: Referendum approval.* Capital improvement programs or projects not subject to the provisions of Section 8.55, with an anticipated total cost for such program or project in excess of one hundred thousand dollars (\$100,000.00) shall not be initiated before referendum approval by the electors.

Section 8.20. Lapse of appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the 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 if three (3) years pass without any disbursement from or encumbrance of the appropriation.

Section 8.21. Work programs and allotment.

At such time as the Town Manager shall specify, each department, office, or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The Town Manager shall review and authorize such allotments with or without revision, as early as possible in the fiscal year. He The manager may revise such allotments during the year if he the manager deems it desirable and shall revise them to accord with any supplemental, emergency, reduced, or transferred appropriations.

Section 8.22. Payments and obligations prohibited.

No payment shall be made, or obligation incurred, against any allotment or appropriation except in accordance with appropriations duly made and unless the Town Manager or his the manager's designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation, and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payments so made illegal. Such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and he the officer shall also be liable to the town for any amount so paid. However, except where prohibited by law, nothing in this Charter shall be construed (1) to prevent the making or authorizing of payments or making of contracts for capital improvements, to be financed wholly or partly by the issuance of bonds, or (2) to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by the Town Council.

Section 8.30. Levy and assessment of taxes.

When action on the general budget has become final, the town financial meeting shall adopt, and the Town Council shall cause to be delivered to the tax assessor, a resolution levying and ordering the assessment and collection of a tax on ratable real estate and tangible personal property at such rate, to be fixed by the tax assessor, as provided by law, as will, together with the assessment and collection of a tax on ratable intangible property belonging to the inhabitants of the town, at rates established in accordance with law, amount in the aggregate to a minimum and a maximum to be set forth in the resolution. The minimum shall be equal to the receipts from taxes on property as estimated in the operating budget as adopted, and the maximum shall be as set by the town financial meeting.

It shall be the duty of the assessor to prepare a roll including all property subject to town taxes and deliver the same to the **T**own **T**reasurer on or before a date fixed by the Town Council.

Section 8.40. Requisition for purchases.

All purchases made and contracts executed on behalf of the town shall be pursuant to a written requisition from the head of the department, office, or agency whose appropriation will be charged. No contract or order shall be issued or payment made to any vendor, unless and until the **D**irector of **F**inance shall certify that there is to the credit of such department, office or agency a sufficient unencumbered appropriation balance to pay for the supplies, material, equipment, or contractual services for which the contract or order is to be issued.

Section 8.50. Borrowing; tax anticipation notes.

If necessary, the town financial meeting shall, by resolution, authorize the issuance of any notes which lawfully may be issued by the town in anticipation of taxes to the extent permitted by law.

Section 8.51. Revenue anticipation notes.

In any fiscal year, in anticipation of the collection of receipt of revenues other than the property tax of that fiscal year, the town financial meeting may, by resolution, authorize the borrowing of money by the issuance of negotiable notes of the town, each of which shall be designated "special revenue note for the year" (stating the fiscal year.) Such notes may be renewed, but all such notes, together with the renewals, shall mature and be paid not later than the end of the fiscal year immediately following the fiscal year in which the original notes shall have been issued.

Section 8.52. Sale of notes.

All notes issued pursuant to the foregoing sections may be sold at not less than par and accrued interest, at private sale, without prior advertisement, by the **D**irector of **F**inance.

Section 8.53. Bonds.

The town may borrow money by issuing its negotiable bonds and **it's** negotiable notes in anticipation of bonds, pledging the credit and property of the town to finance any capital project which it may lawfully construct or acquire.

Section 8.54. Capital project bonds.

The Town Council may, by resolution passed by the affirmative votes of a majority of the members of the Town Council, appropriate a sum of money for a capital project described in general terms in the resolution, and authorize the issuance of bonds to finance such project.

Section 8.55. Bond referendum.

No bonds shall be issued pledging the credit of the town unless submitted to the vote of the electors, at either a general or a special election, and **unless** approved by a majority of the electors voting upon the question.

Section 8.56. Pledge of credit.

The faith and credit of the town is hereby pledged for the payment of the principal and interest on all bonds and notes of the town hereafter issued pursuant to this Charter, whether or not such pledge be stated in the bonds or notes, or in the resolution authorizing their issuance. The town shall levy ad valorem taxes upon all the taxable property within the town for the payment of such bonds and notes, and interest thereon, without limitation of rate or amount, subject to the laws of the state.

Section 8.57. Bond anticipation notes.

In anticipation of the issuance of bonds, the Town Council may, by resolution, authorize the issuance of negotiable notes. Each such note shall be designated "Bond Anticipation Note" and, including renewals, shall mature and be paid within one (1) year after the date of issuance of the original note or such longer period as may be permitted by law. Such bond anticipation notes may be sold by the **D**irector of **F**inance at private sale, without previous public offering.

Section 8.58. Unexpended bond proceeds.

Any unexpended and unencumbered balance in a fund created by an issue of bonds, the whole or any part of which bond issue is outstanding and unpaid, shall, when such balance is no longer needed for the purpose for which such fund was created, be employed solely for the payment of said bonds and the interest thereon.

Section 8.59. ~~Other provisions.~~ Investment of Retirement Funds.

~~The Town Council, by resolution or by ordinance, may prescribe other and further requirements to be complied with in connection with the borrowing of money and the issuance of bonds, notes, or other evidence of indebtedness.~~ ***The Town shall be prohibited from investing retirement funds with or through the same firm, or subsidiary thereof, that provides actuarial services to the town.***

Section 8.59 ~~8.60.~~ Other provisions.

~~The Town Council, by resolution or by ordinance, may prescribe other and further requirements to be complied with in connection with the borrowing of money and the issuance of bonds, notes, or other evidence of indebtedness.~~

**ARTICLE IX
DEPARTMENT OF RECORDS AND PERSONNEL**

Section 9.01. Director.

There shall be a Department of Records and Personnel, the head of which shall be designated as the Director of Records and Personnel and shall be either the Town Manager or someone appointed by the manager him.

Section 9.02. Duties.

The Director of Records and Personnel shall have general supervision of the operation of the office of the Town Clerk, of the Board of Canvassers and Registration, of the Personnel Board, and of any other office or agency which the Town Council may establish and place under his its jurisdiction.

Section 9.10. Town Clerk.

There shall be a Town Clerk who shall be appointed by the Town Manager, to serve for an indefinite term. The Town Clerk, in like manner, shall appoint a Deputy Town Clerk. The Deputy shall have all the powers, and perform all the duties, which are granted to the office of Town Clerk.

Section 9.11. Duties.

The Town Clerk shall be the clerk of the Town Council, clerk of the Probate Court, and Recorder of Deeds. It shall be the duty of the Town Clerk to:

- (1) Make a permanent record of all proceedings and certify by his the clerk's signature all actions of the aforesaid bodies;
- (2) Be custodian of the town seal and of the official documents of the town;
- (3) Direct and supervise the recording of deeds, mortgages, vital statistics, licenses and permits and such other records as shall, by ordinance and by 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; and
- (5) Perform such other duties as may be prescribed by this Charter, by law pertaining to town clerks, and such other duties appropriate to this office as the Town Council and the Town Manager may require.

Section 9.12. Fees.

All fees collected by either the Town Clerk or the 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.

Section 9.13. Bond.

The Town Clerk and the Deputy Town Clerk shall respectively, within fifteen (15) days of the time of being sworn into office, give bond to the Town Treasurer with sufficient surety, in such sum as the Town Council shall prescribe, for the faithful performance of said office, the cost of such bonds to be paid by the town.

Section 9.20. Personnel board.

~~There shall be a personnel board consisting of three (3) members who shall be appointed by the Town Council, not more than two (2) of whom shall be members of the same political party.~~

Section 9.21. Appointments and tenure.

~~The original appointments shall be for one (1), two (2) and three (3) years respectively, and thereafter the appointment shall be for three (3) years.~~

Section 9.22. Vacancy.

~~The Town Council shall, within forty five (45) days, fill any vacancy which may occur in the membership of said board, for the unexpired term.~~

Section 9.23. Qualifications.

~~No member of the personnel board shall be an elected or appointed official, or employee, of the town, or of any department, office or agency of the town. No member shall have been, within two (2) years of his appointment, a member of any national, state or town committee of a political party, or an officer in any partisan political club or organization.~~

~~No person shall be eligible to serve for more than two (2) consecutive terms upon the personnel board.~~

~~Each member of said board shall be a person of good repute in his respective business, profession or trade, who is known to be in sympathy with the merit principle as applied to public employment.~~

Section 9.24. Duties.

~~It shall be the duty of the personnel board, within one (1) year of its appointment, to recommend rules and regulations for:~~

- (a) The classification of all town positions, based on the duties, authority and responsibility of each position, with adequate provision for reclassification of any position whenever warranted by change of circumstances.
- (b) A pay plan for all town positions.
- (c) Methods for determining the merit and fitness of candidates for appointment or promotion.
- (d) The policies and procedures regulating reduction in force and removal of employees.
- (e) The hours of work, attendance regulations and provisions for sick and vacation leave.
- (f) The policies and procedures governing persons holding provisional appointments.
- (g) The policies and procedures governing relationships with employees organizations.
- (h) Policies regarding in-service training programs.
- (i) Grievance procedures, including procedure for the hearing of grievances by the personnel board, which may render advisory opinions based on its findings to the Town Manager with a copy to the aggrieved employee.
- (j) Other practices and procedures necessary to the administration of the town personnel system.

Section 9.25. Recommendations.

The personnel board shall submit its recommendations to the administrator [Town Manager], through the director of records and personnel.

The Town Manager shall forthwith submit the recommendations of the personnel board, together with his comments and recommendations, to the Town Council.

Section 9.26. Action by Town Council.

Upon receipt of the said report, the Town Council shall forthwith hold public hearings upon a proposed ordinance, and thereafter adopt such ordinance as will provide for the town a comprehensive plan for recruiting and advancement of employees on the basis of merit, and provide for conditions of employment, remuneration and retirement.

Section 9.27. Exemptions.

All persons, including members of the permanent police force, excepting the chief of police, who, at the time this Charter takes effect, are holding positions in the town government, other than elected officials, members of appointed boards or commissions, or other direct appointees

of the Town Council, and employees of the school committee are hereby placed in the classified service of the town, and shall continue to hold such positions as though appointed in accordance with the provisions of the ordinance establishing the classified service. Any vacancy which occurs after the adoption of the ordinance shall be filled in accordance therewith.

The Town Council may grant further powers and duties to the personnel board.

ARTICLE X. DEPARTMENT OF FINANCE

Section 10.01. Director.

There shall be a Department of Finance, the head of which shall be the Director of Finance. The Director of Finance shall be the Town Manager, or someone appointed by the manager him/her.

Section 10.02. Qualifications.

The Director of Finance shall have knowledge of municipal accounting, finance, taxation, budgeting, and financial control and investments. He or she The director shall have a minimum bachelor of arts or science degree from an accredited college or university in a financial area of study. (amended 1-1-2009)

Section 10.03. Functions.

The function of the department shall be the supervision and direction of all matters pertaining to the financial operation of the town, including, but not limited to, accounting and budgeting, control of expenditures, assessment and collection of taxes and other [sic] administration of trust funds, and such other duties as shall be required by this Charter, by ordinance, or by state law.

Section 10.04. Departmental offices.

Within the Department of Finance there may be the office of Town Treasurer, Tax Assessor, Tax Collector, Purchasing Agent, Board of Assessment Review, Town Auditor, and such other office or agency as the Town Council may establish and place under the jurisdiction of the Director of Finance.

The Director of Finance shall have general supervision and control of the operation of all offices in the Department of Finance.

Section 10.10. Town treasurer.

There shall be in the Department of Finance, a Town Treasurer who may be the Director of Finance, the Town Manager, or someone appointed by the Town Manager. The Town Manager may appoint a Deputy Town Treasurer if he the manager shall deem such appointment necessary, and such Deputy Town Treasurer shall have all the powers and perform the duties of the Town Treasurer.

Section 10.11. Qualifications.

The **T**own **T**reasurer shall have knowledge of accounting and shall have had experience in budgeting financial control.

Section 10.12. Bond.

The **T**own **T**reasurer and the **D**eputy **T**own **T**reasurer, within fifteen (15) days of the time of being sworn into office, shall give bonds to the town in such sum, and with such sureties as the Town Council shall prescribe, for the faithful performance of their duties, the cost of such bond to be paid by the town.

Section 10.13. Powers.

The **T**own **T**reasurer is hereby vested, and shall have and exercise, all the powers and duties now and hereafter vested by law in town treasurers, and **he the treasurer** shall have and exercise all the powers and duties vested by this Charter in the **T**own **T**reasurer or that may hereafter be vested in town treasurers by resolution, ordinance, or by state law.

Section 10.14. Duties.

The **T**own **T**reasurer shall:

- (a) Cooperate with the **D**irector of **F**inance, the **T**own **M**anager, and the **T**own **C**ouncil in compiling the expenditure and revenue estimates for the budget.
- (b) Receive all license 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 by this Charter or by law.
- (c) Have custody of all public funds belonging to or under the control of the town or of any department, office or agency of the town, including the **S**chool **D**epartment; **and** deposit all funds coming into **the treasurer's his** hands in such depositories as may be designated by the **T**own **C**ouncil; or, if no such designation shall be made, in such depositories as **the treasurer he** may choose, 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.
- (e) Pre-audit all bills, invoices, payrolls and other evidence of claims or charges against the town, and see that budget appropriations are not exceeded by any disbursements in any department, office, or agency of the town, including the **S**chool **D**epartment.

- (f) Pay out funds by check, such payments being made only after compliance with the provisions of the preceding paragraph and authorization of the Town 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, including the School Department, 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 appropriation, 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, including the School Department.
- (i) Prepare a monthly statement of all receipts and disbursements, in sufficient detail to show the financial condition of the town, for submission to the Director of Finance, the Town Manager, and the Town Council.
- (j) Prepare as soon as possible after, and as of, the end of each fiscal year, a complete financial statement and report, in accordance with state law, for submission to the Director of Finance, the Town Manager, the Town Council, and the electors of the town. A copy thereof shall be filed in the Town Clerk's office and shall become a public record.

Section 10.15. Waterman: Fiske: Cemetery funds.

The Town Treasurer may have custody, control, and responsibility for the operation of the H.N. Waterman Fund, the Isaac Fiske Fund, funds accepted to provide perpetual care of cemetery lots, and any other funds which may, in the future, come into possession of the town in a fiduciary capacity, with the approval of the Town Council in ~~their~~ its capacity as trustee or otherwise.

Section 10.20. Purchasing agent.

There shall be within the Department of Finance, a Purchasing Agent, who shall be the Town Manager, or someone appointed by ~~the manager~~ him. The Town Manager may appoint the Director of Finance as Purchasing Agent.

Section 10.21. Powers and duties.

The Purchasing Agent shall perform the work of buying for the town pursuant to rules and regulations established by the Town Manager, with the approval of the Town Council. The Purchasing Agent, or an officer appointed by ~~him~~ the Purchasing Agent, shall purchase or contract for all supplies, materials and equipment required by any department, office, or agency of the town, including the School Department; establish and enforce specifications with respect to supplies, materials and equipment; be responsible for the inspection of deliveries of supplies, materials and equipment to determine their quality, quantity, and conformance with specifications; cause to be made and kept current an inventory of all supplies, materials, and

equipment belonging to the town; store, if necessary, and distribute all supplies, materials, and equipment required by any department, office, or agency; transfer to, or between, departments, offices, or agencies, surplus obsolete and unused supplies, materials and equipment, and, subject to the approval of the Town Council, dispose of any such property, by sale if possible.

Section 10.22. Prohibition against independent purchases.

Whenever any department, office, or agency of the town shall purchase or contract for any supplies, materials, ~~or~~ equipment, or contractual services, independently and contrary to the provisions of this Charter and rules and regulations made hereunder such order or contract shall be voidable by the town.

Section 10.23. Competitive bidding.

Except in the case of contracts for professional services, before the town makes any purchase of, or contract for, supplies, materials, or work to be performed in excess of five thousand dollars (\$5,000.00), opportunity shall be given for competitive bidding, after public notice, under such rules and regulations and with such exceptions as the Town Council may prescribe. No such transaction which is essentially a unit shall be divided into a series of orders for the purpose of circumventing the requirement of this Charter for competitive bidding.

All such purchases, or such contracts, for more than five thousand dollars (\$5,000.00), shall be awarded to the lowest responsible bidder, except that the purchasing authority may be directed by the Town Council to reject any and all bids, and then to re-advertise for bids.

Bids, specifications, and all other factors being equal, preference shall be given to the bidder whose place of business is located in the Town of Coventry. (Amend. of 11-2-1999)

Section 10.30. Tax assessor.

There shall be, within the Department of Finance, the office of Tax Assessor. The Tax Assessor shall be appointed by the Town Manager, with the approval of the Town Council.

Section 10.31. Qualifications.

The Tax Assessor shall hold no other paid public office or employment in the service of the town, or of the state or federal government, except as provided in Section 15.01(f).

Section 10.32. Powers and duties.

The Tax Assessor shall have and perform all the powers and duties which are now, or may hereafter be, vested in tax assessors of towns in the State of Rhode Island.

The Tax Assessor shall:

- (a) Supervise and be responsible for the fixing of an assessed valuation, for the purposes of taxation, upon all real estate, and upon all taxable personal property;
- (b) 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;

- (c) Make and prepare all regular and special assessment rolls and tax rolls for the town in the manner prescribed by law;
- (d) Establish a uniform and equitable system for assessing all classes and kinds of property;
- (e) Prepare tax maps, land value maps, and maintain a record of the ownership of real estate for tax purposes;
- (f) Give notices of assessments and taxes, and perform such other duties as may be required by law;
- (g) Subject to the approval of the director of finance, to employ from time-to-time, within the limits of available appropriations, such clerical assistants, and such technical consultants, as may be necessary; and
- (h) Cooperate with the board of canvassers and registration in the preparation of lists of voters.

(i) Every ten (10) years, or at more frequent intervals if desirable, secure a complete revaluation of the real and personal property located within the town.

Section 10.40. Board of assessment review.

There shall be within the Department of Finance a Board of Assessment Review consisting of five (5) members. The tax assessors who are holding office on the date this Charter becomes effective shall become members of the board until the expiration of the term for which each was elected as a tax assessor. The Town Council shall appoint additional members to bring the membership of the board to five (5) members.

Section 10.41. Appointment and term.

The initial appointments made by the Town Council may be for two (2), four (4), or six (6) years in order to stagger the terms of the members of the board. Thereafter all appointments shall be for six (6) years.

Section 10.42. Qualifications.

Except as provided in Section 10.40, the Town Council shall appoint one (1) member of the board from each of the Town Council districts. In no case shall the Town Council make an appointment whereby there will be two (2) members from of the same district.

Section 10.43. Organization.

The Town Council shall provide for the organization and procedures of the Board of Assessment Review and for the manner of receiving, considering and disposing of appeals.

Section 10.44. Duties.

The Board of Assessment Review shall hear and consider the appeal of any property owner concerning the amount of his the owner's assessed valuation as determined by the Tax Assessor. The Tax Assessor shall attend all hearings of the board but shall have no vote. The board shall keep an accurate record of the proceedings which shall be available for public inspection.

Section 10.45. Correction of assessment.

If it shall appear that the valuation of any property has been incorrectly or inequitably assessed, the board shall have authority to order a correction. Such determination shall be certified by the board to the assessor whose duty it shall be to make corrections in the valuation as the board may determine. If the tax roll has been certified by the assessor, ~~he~~ **the assessor** shall transmit the findings of the board to the Town Council, which shall cancel, in whole or in part, the tax based on such valuation in order to effect a correction.

Section 10.46. Court review.

The taking of an appeal to the **B**oard of **A**ssessment **R**evision, 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 **T**ax **A**ssessor or subsequently by the **B**oard of **A**ssessment **R**evision.

Section 10.50. Tax collector.

There shall be, within the **D**epartment of **F**inance, a **T**ax **C**ollector, who shall be the Town Manager or someone appointed by ~~the manager~~ **him**. The Town Manager may appoint the Director of Finance or the Town Treasurer to serve as **T**ax **C**ollector.

Section 10.51. Powers and duties.

It shall be the duty of the **T**ax **C**ollector to collect and receive all taxes and special assessments for the collection of which the town is responsible. The **T**ax **C**ollector shall have all the powers, rights, and duties prescribed by the laws of the state for **T**ax **C**ollectors.

The **T**ax **C**ollector shall periodically, at such times as the Town Council shall direct, transfer to the Town Treasurer all town funds collected by the Tax Collector ~~him~~.

The **T**ax **C**ollector shall hold a tax sale at intervals and shall include all real estate, the taxes on which are in the third year of delinquency.

Section 10.52. Bond.

The **T**ax **C**ollector, within fifteen (15) days of the time of being sworn into office, shall give bond to the town in such sum and with such sureties as the Town Council shall prescribe, for the faithful performance of the duties of such office. The cost of such bond shall be paid by the town.

**ARTICLE XI
DEPARTMENT OF PUBLIC WORKS**

Section 11.01. Director.

There shall be a **D**epartment of **P**ublic **W**orks, the head of which shall be the Director of Public Works, who shall be the Town Manager or a person appointed by ~~the manager~~ **him**.

Section 11.02. Qualifications.

The Director of Public Works, if he the director be other than the Town Manager, shall have at least a minimum of five (5) years experience in municipal engineering.

Section 11.03. Organization.

Further organization of the department into divisions or offices shall be made by the Town Council upon the recommendation of the Town Manager. The office of Town Engineer shall be included in the Department of Public Works.

Section 11.04. Functions.

The Department of Public Works shall be responsible for the functions and services of the town relating to:

- (a) Streets, highways, sidewalks, bridges, water courses and storm sewers;
- (b) The construction, maintenance, repair, and operation of all public buildings and other properties, other than those of the School Department, belonging to or used by the town;
- (c) The regulation of weights and measures;
- (d) Solid and liquid waste disposal; and
- (e) Any other functions as the Town Council may prescribe. (Amend. of 11-7-1978)

Section 11.05. Cooperation with other departments.

The Department of Public Works, under the direction of the Town Manager, shall cooperate with other departments, offices, or agencies of the town by furnishing labor, materials, and equipment provided that the cost of such cooperative effort be charged to the appropriation of the agencies thus served.

Section 11.06. Appointments.

The Town Manager shall be, or the manager he shall appoint or designate the following:

- (a) The tree warden;
- (b) The town engineer;
- (c) The building inspector and assistants of the building inspector, including the plumbing and electrical inspector; and
- (d) The sealer of weights and measures.

The person holding any of said offices shall have all the powers and duties prescribed by ordinances of the Town Council and the laws of the state. The Director of Public Works shall have general supervision over the operation of said offices.

**ARTICLE XII
DEPARTMENT OF SAFETY AND WELFARE**

Section 12.01. Director.

There shall be a Department of Public Safety and Welfare, the head of which shall be the Town Manager or someone appointed by the manager ~~him~~.

Section 12.02. Functions.

The Department of Public Safety and Welfare shall be responsible for:

- (a) The preservation of the public peace, prevention of crime, apprehension of criminals, protection of persons and property, and enforcement of the laws of the state and the ordinances of the town;
- (b) The welfare of the poor, needy, dependent and defective persons of the town; ~~and~~
- (c) Control of the town activities relating to fire fighting, fire prevention and other public safety functions that the town may engage in and such other rescue and safety programs that the town may be engaged in.

Section 12.03. Jurisdiction.

The Police Department, ~~Welfare Office~~ *Department of Human Services, Department of Emergency Management* ~~office of civil defense~~, and any other department which the Town Council may hereafter create to be concerned with the safety and welfare of persons and property shall be under the jurisdiction of the ~~director of public safety and welfare~~ *Emergency Management Director*.

Section 12.10. Police.

There shall be a Police Department, which shall consist of the Chief of Police, and of such other officers and employees, of such rank and grades, as may be prescribed by the Town Council.

Section 12.11. Powers.

The ~~Police Department~~ *department of police*, and each of its officers and employees, in the performance of police duties, shall have and exercise all the powers heretofore or hereafter conferred on police officers by the laws of the state and the ordinances of the town.

Section 12.12. Appointments.

The Chief of Police and all other regular permanent officers and employees of the department shall be appointed and removed by the Town Manager, subject to the provisions of any general law, and any ordinance hereafter enacted by the Town Council.

Section 12.13. Organization.

The department shall be divided into such organizational units as the Town Council, upon the recommendation of the Town Manager, shall from time to time prescribe.

Section 12.14. Special policemen.

The Town Council may provide for the appointment by the Chief of Police, with the approval of the Town Manager, of special policemen, regular and special constables, police volunteers, and reserves.

Section 12.15. Chief.

Subject to the supervision and control of the Town Manager, the Chief of Police shall be in direct command of the ~~Police Department~~ Department of Police.

Section 12.16. Duties.

The Chief of Police shall assign the officers and employees to their respective posts, shifts, details and duties. He The chief shall be responsible for the efficiency, discipline and good conduct of the department, and for the care and custody of all property assigned to it. The chief shall make and amend, subject to the approval of the Town Manager, rules and regulations concerning the operation of the department and the training and conduct of its officers and employees, including reserves, volunteers and special policemen.

Section 12.17. Other.

The Town Council may impose other and further obligations upon the Town Manager, the Director of Public Safety and Welfare, and the Chief of Police, in connection with the operation of the Police Department.

Section 12.20. ~~Civil defense~~ Emergency Management.

In accordance with the provisions of G.L. 1956, § 30-15-8, and with the approval of the Governor, the Town Council is hereby authorized to establish an Office of Emergency Management council of defense. The Office of Emergency Management council of defense shall have such duties and perform such functions as may be prescribed by the laws of the state or by the resolutions or ordinances of the Council.

Section 12.30. Office of ~~public welfare~~ the Department of Human Services.

~~Within the department of safety and welfare, there shall be an office of public welfare, the head of which shall be the coordinator of public welfare.~~ There shall be a Department of Human Services, the head of which shall be the Director of Human Services, who shall be the Town Manager or a person appointed by him/her the manager.

Section 12.31. ~~Appointment~~ Qualifications.

~~The coordinator of public welfare shall be appointed by the Town Manager.~~ The Director of Human Services, if the director he/she be other than the Town Manager, shall have at least a master's degree in an area of human services, such as social services, counseling, family relations, psychology, etc., from an accredited college or university, and five (5) years of demonstrated experience in supervising professionals and para-professionals, managing social programs and services, and administering budgets and grants.

Section 12.32. Duties-Functions.

~~The coordinator of public welfare 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 his office.~~

~~The coordinator of public welfare shall carry out all duties assigned to him by the Town Council, including but not limited to certain duties in connection with the H. N. Waterman Fund, the Isaac Fiske Fund, and funds with a like purpose.~~

The Department of Human Services shall be responsible for the functions and services of the town relating to case management for all residents needing assistance in the following:

- (a) elder services,*
- (b) nutrition programs,*
- (c) family services,*
- (d) Food Bank,*
- (e) Project Friends (day activity program for developmentally disabled adults),*
- (f) crisis management/intervention,*
- (g) volunteer programs, and*
- (h) wellness programs.*

Section 12.33. Cooperation with other departments.

~~The Department of Human Services under the direction of the Town Manager, shall cooperate with other departments, offices, or agencies of the town by furnishing services to residents of the town provided that the cost of such cooperative effort be charged to the appropriation of the agencies thus served.~~

Section 12.34. Friends of Human Services.

~~There shall be a Friends of Human Services which shall act in an advisory capacity to the Director of Human Services, the Town Manager, and the Town Council in all matters concerning the Department of Human Services and the safety and welfare of the inhabitants of the town.~~

Section 12.35. Appointment and term.

~~The Friends of Human Services shall consist of nine (9) members who shall be appointed by the Town Council. The members of the Friends of Human Services, in office when this Charter shall take effect, shall continue in office until their terms shall expire. All new appointments shall be for the term of three (3) years. The Town Council may fill any vacancy in the commission for the unexpired term.~~

Section 12.36. Qualifications.

~~No member of the Friends of Human Services shall be an elected or appointed official or an employee of the town or of any department, office or agency of the town, except that the Director of Human Services shall be ex-officio member of the Friends of Human Services without the right to vote.~~

Section 12.3337. Other duties.

The Town Council may grant further powers and duties to the Director of Safety and Welfare, including, but not limited to, the coordination of health and related programs with agencies of the State of Rhode Island or of the United States.

**ARTICLE XIII
DEPARTMENT OF PLANNING AND DEVELOPMENT**

Section 13.01. Director.

There shall be a Department of Planning and Development, the head of which shall be either the Town Manager, or someone appointed by the manager him, and who shall be known as the Director of Planning and Development.

Section 13.02. Qualifications.

The Director of Planning and Development should possess knowledge of planning, zoning, subdivision regulations, and other allied programs and projects.

Section 13.03. Duties.

It shall be the duty of the Director of Planning and Development to advise the Town Council, through the Town Manager, concerning any matter affecting the physical development of the town; to formulate and recommend revisions or modifications of any comprehensive, industrial or recreational program and budget; and to provide necessary staff assistance for the Planning Commission, the Zoning Board of Review, the Parks and Recreation Commission, the Industrial Development Commission, Code Review Committee, and any other board, commission, or agency which the Town Council may establish and place under the jurisdiction of the Department of Planning and Development.

Section 13.10. Planning Commission.

There shall be a Planning Commission which shall act in an advisory capacity to the Director of Planning and Development, the Town Manager, and the Town Council in all matters concerning the physical growth and development of the town as such growth and development affects the general health, safety, and welfare of the inhabitants of the town.

Section 13.11. Appointment and term.

The Planning Commission shall consist of nine (9) members who shall be appointed by the Town Council. The members of the Planning Commission in office when this Charter shall take effect shall continue in office until their terms shall expire. All new appointments shall be for the term of five (5) years. The Town Council may fill any vacancy in the commission for the unexpired term.

Section 13.12. Qualifications.

No member of the Planning Commission shall be an elected or appointed official, or an employee of the town, or of any department, office or agency of the town, except that the Town

Manager, the Director of Planning and Development, and the Town Engineer shall be ex-officio members of the Planning Commission without the right to vote.

Section 13.13. Powers and duties.

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

- (a) The preparation of, or ~~extension~~ **modification** of, a comprehensive general plan for the improvement and physical development of the town, to be known as the ~~town's master plan~~ **Comprehensive Community Plan** and amendments and additions thereto;
- (b) The adoption, modification, and amendment of rules and regulations governing the platting and other subdivision of land;
- (c) The approval of all plats or other subdivisions of land before the same may be recorded in the land evidence records of the town or used as the basis for the sale of lots;
- (d) ~~Preparation and presentation to the manager, and to the council annually, of a capital improvement budget and a capital improvement program. The~~ **Consistency of the annual Capital Improvement Program with the town's Comprehensive Community Plan;** and
- (e) ~~The annual~~ filing with the appropriate state agency ~~annually,~~ of a report of its activities and accomplishments.

The Town Council may prescribe other duties and responsibilities of the Planning Commission in the areas of growth, development, preservation, and land use in the town.

Section 13.20. Zoning Board of Review.

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

Section 13.21. Appointment and tenure.

The Zoning Board of Review shall consist of five (5) members appointed by the Town Council. The original appointments shall be made for the terms of one (1), two (2), three (3), four (4) and five (5) years respectively, and, thereafter, the appointment shall be for five (5) years. The Town Council shall name a sixth or auxiliary member of said board, who shall sit as an active member when, and if, a member of said board is unable to serve at any hearing, upon request of the chairman of said board.

Section 13.22. Vacancy.

The Town Council shall, within forty-five (45) days, fill any vacancy which may occur in the membership of said board, for the unexpired term.

Section 13.23. Qualifications.

No member of the Zoning Board of Review shall be an elected or appointed official, or an employee of the town, or of any department, office, or agency of the town.

Section 13.24. Hearings.

The Zoning Board of Review shall hear all appeals from the orders, requirements, and decisions of any administrative officer of the town so far as the same relate to the enforcement of zoning regulations of the town, and/or building regulations of the town.

Section 13.25. Powers.

The Zoning Board of Review shall have the power to sustain, overrule or modify the order, requirements or decision appealed from, and to authorize variations from the terms of the zoning regulations of the town under such circumstances and to such extent as may be provided by the laws of the state or the ordinances of the town and/or building regulations of the town.

Section 13.26. Court review.

Nothing in the preceding section shall restrict in any way the right of any person who is aggrieved by an order, requirement, or decision of any administrative officer of the town which is sustained, in whole or in part, by the Zoning Board of Review, to apply to the courts for relief.

Section 13.27. Other.

The Town Council may grant further powers and duties to the Zoning Board of Review, including, but not limited to, the duties of a Platting Board of Review.

Section 13.30. Park and Recreation Commission.

The Town Council is hereby authorized to establish a Park and Recreation Commission and to prescribe the duties of said commission. The Town Manager shall appoint the members thereof to serve at his the manager's pleasure.

Section 13.40. Economic Development Commission.

The Town Council is hereby authorized to establish an Economic Development Commission to promote and encourage the location and development of new business in the town and to encourage the maintenance and expansion of trade and business in the town. The Town Council shall prescribe the duties of said commission. The Town Manager shall appoint the members to serve at his the manager's pleasure.

(Amend. of 11-2-1999)

Section 13.50. Code Review Committee.

There shall be within the Department of Planning and Development a Code Review Committee of nine (9) members appointed by the Town Council.

Section 13.51. Appointment and tenure.

Three (3) members shall be appointed for one (1) year, three (3) for two (2) years and three (3) for three (3) years, and thereafter all appointments shall be for three (3) years.

Section 13.52. Powers and duties.

The Code Review Committee shall continually review and study the building code, any law, rule or regulation of any agency of the State of Rhode Island, the United States, or the Town of Coventry; and it shall review any rule, regulation, or ordinance which concerns the construction and maintenance of buildings or other structures, or the installation and operation of equipment therein. (Amend. of 11-2-1976)

Section 13.53. Recommendations to Town Council.

The committee shall make recommendations to the Town Council, through the Town Manager, of any suggested revisions or amendments to existing codes or for the creation of new codes.

Section 13.60. Conservation commission.

The Town Council is hereby authorized to establish a Conservation Commission and to prescribe the duties of said commission. The Town Manager shall appoint the members thereof to serve at his the manager's pleasure.

**ARTICLE XIV
OTHER OFFICES AND COMMISSIONS**

Section 14.01. Town sergeant.

The Town Manager shall appoint an elector of the town as Town Sergeant. The Town Sergeant shall serve at the pleasure of the Town Manager. The Town Sergeant shall perform all of the duties and have all of the powers and authority of a Town Sergeant as provided by the laws of this state, and as may be provided by the Town Council by ordinance.

Section 14.10. Auctioneers.

The Town Council shall appoint one (1) or more auctioneers, who shall be qualified electors of the town and who shall give bond according to law in such amount and with such sureties as shall be determined by the Town Council. The town shall not be responsible for the cost of such bond. Auctioneers so appointed and qualified shall have such powers and duties as are prescribed by law and shall be entitled to collect and retain such fees as are prescribed by statute, or as shall be agreed upon. The Town Council may revoke the appointment of an auctioneer at any time.

Section 14.20. Citizens advisory committee.

The Town Manager shall appoint a Citizens Advisory Committee, which shall provide, in the community generally and in selected areas, the understanding and support necessary to accomplish community goals. The committee shall be composed of not less than nine (9) members who shall be qualified electors of the town; and the term of office shall be specified at time of appointment. The members of the committee shall receive no compensation but shall have the power to employ such clerical and technical assistance as may be required within the limits of its appropriations. (Amend. of 11-2-1999)

**ARTICLE XV
GENERAL PROVISIONS**

Section 15.01. Definitions.

(a) *Manager.* The term "Town Manager" as used in the Charter shall refer to the Town Manager of the Town of Coventry.

(b) *Town Council.* The term of "Town Council" when used in this Charter shall refer to the Town Council of the Town of Coventry.

(c) *Elector.* The term "elector" as used in this Charter shall refer to any person having the qualifications required by law to vote in elective meetings in the Town of Coventry.

(d) *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 is [are] elected candidates to fill the offices of senators and representatives in the R.I. General Assembly, the constitutional officers of the state, member of the U.S. Congress, and such other offices as may be provided by law.

(e) *Inhabitant.* The term "inhabitant" as used in this Charter, shall refer to any person who lives within the boundaries of the Town of Coventry.

(f) *No other public office.* Whenever in this Charter it shall be provided that the named elected or appointed official "shall hold no other public office or employment in the service of the Town of Coventry, or of the state or federal government," 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 fireman; volunteer policeman; civil defense worker; member of a committee or group formed by any religious, charitable or educational organization to work in connection with any agency of the town; member of any board, commission, or agency formed 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.

(g) *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 Coventry, the notice or matter to be brought to the attention of the inhabitants of the town.

(h) *Special election.* The term "special election" shall mean any election held by virtue of an act of the R.I. General Assembly, or by action of the Town Council of Coventry, in accordance with law.

Section 15.02. Residence of employees.

All municipal department heads, the Chief of Police and the Town Manager shall reside in the Town of Coventry; provided, however, the Town Council may, by resolution, specifically exempt a particular person from the provisions hereof if the Town Council shall declare that it is impossible to find a resident of the town to meet the requirements of the position to be filled. (Amend. of 11-2-1999)

Section 15.03. Term of office.

The term of office of all offices, members of boards, commissions or committees appointed with the approval of the Town Council, or appointed or elected by the Town Council, shall be concurrent with the term of the Town Council, unless otherwise provided in this Charter.

Prior to the effectiveness of any appointment or re-appointment (including appointments resulting from any vacancy), each designee to any board, commission or committee shall: (i) be sworn into office at a meeting of the Town Council and (ii) comply with any other pre-appointment, or pre- re-appointment, policies or procedures of general applicability imposed by the town council as a condition of appointment or reappointment, if any.

Every elected or appointed officer of the town who is elected or appointed for a specific term shall continue to hold such office until his the officer's successor is elected and qualified.

During each term of the Town Council, no person shall be appointed or reappointed by the Town Council to any board, commission or committee (whether established by ordinance, resolution or otherwise) between the following dates: (i) the date of a general election in the Town of Coventry and (ii) the date of the commencement of the term of the next subsequent Town Council in the Town of Coventry. The forgoing regulation shall also apply to appointments resulting from vacancies on any board, commission or committee. The Town Council may make a temporary appointment to a board or commission if it is needed to make a quorum. Any such appointment even if a temporary appointment shall end upon a new appointemnet being made by the new Town Council.

Section 15.04. Open meetings.

All meetings of the Town Council, the School Committee, the Board of Assessment Review, the Zoning Board of Review, the Planning Commission and every other board, committee and commission created by this Charter or which may be hereafter created by the Town Council, except when in executive or closed session, shall at all times be open and accessible to the public. No final action shall be taken on any matter by the Town Council, the School Committee or by any board, committee or commission meeting in executive session, but shall be voted upon in open meeting.

Section 15.05. Public records.

All records and accounts of the Town Council, the Town Manager 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 (a) the records of the Police Department and the Town Solicitor, the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish; (b) records of the Department of Public Welfare pertaining to the history of individual cases; (c) records in the office of the Town Clerk pertaining to adoptions and the parentage of adopted children; (d) records of the School Committee pertaining to grades and matters of discipline of individual pupils; and (e) 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 15.06. Membership.

The Town Council, upon recommendation of the chairman of a board or commission, may remove a member of said board or commission if such member (1) fails to meet the qualifications of the office as prescribed by law; or (2) pleads guilty, nolo contendere, or is convicted of a felony or a crime involving the theft of public funds or public property; or (3) fails to attend a majority of the regularly scheduled meetings of the board or commission within one (1) calendar year period without having been excused by the board or commission. (Amend. of 11-4-1980; Amend. of 11-2-1999)

Section 15.07. Fees.

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

Section 15.08. Compensation of Officers and Employees.

Subject to the limitations contained in Section 3.10 and Section 5.04, the Town Council shall have the power and duty to fix the compensation of all elected or appointed officials and employees of the town, ~~except personnel of the School Department.~~

The Town Council may provide that certain appointees shall serve without compensation but shall be reimbursed for necessary expenses actually made by ~~it~~ them.

The Town Manager, or any other officer or employee who performs the duties of an office other than his/her own, shall not be entitled to any additional compensation unless the Town Council shall so provide by resolution or ordinance.

~~No elected official, judge, member of boards or commissions, or contractor shall receive fringe benefits such as health and dental insurance, retirement, etc., beyond compensation that otherwise be granted in the body of this Charter.~~

Section 15.09. Disclosure of Financial Interest.

Any officer or employee of the town who has a substantial 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 ~~his a~~ 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 substantial financial interest or willfully violates the provisions of this section shall forfeit ~~his the~~ 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 Town Council.

Section 15.10. Prohibitions.

(a) 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 administrative office, because of race, color, sex, political or religious affiliations, or opinions.

(b) No officer or employee of the town shall collect any fees or perquisites for his^{her} own use, but such fees or perquisites, collectible under law, shall be paid into the treasury of the town, except fees of auctioneers, constables, and such other officers or employees as may be authorized by ordinance.

(c) 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 his public work.

(d) 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. (Amend. of 11-2-1976)

Section 15.11. Noninterference by Town Council.

Except for the purpose of inquiries and investigations under Section 3.14(n) 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 or its members shall give orders to any such officer or employee, either publicly or privately.

Section 15.12. 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 circumstances is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

Section 15.20. Amendment of Charter.

The Town Council shall within two (2) years after adoption of this Charter and every fifth year thereafter or more often if it is deemed necessary, appoint a committee of nine (9) members to review this Charter. Said committee shall, within six (6) months to its appointment, submit to the Town Council a report with its recommendations for amendments, additions, or deletions. Each recommendation of the committee upon approval of a majority vote of the Town Council, shall be placed upon the ballot.

This Charter may be amended at any time, or a new Charter adopted in the manner provided by the Constitution. Should two (2) or more amendments adopted at the same election have conflicting provisions, the amendment receiving the largest affirmative vote shall prevail. The sections of any amendments in addition to this Charter shall be numbered by the Town Clerk and inserted in their appropriate places or added to the Charter.

It shall not be necessary for the full text of a Charter, or of amendments to a Charter, to be printed upon the ballot; any digest or description thereof, or any question, or statement, which substantially expresses the purposes or identifies the subject matter to be voted upon, shall be sufficient. The Town Council shall approve the statement of the question as it shall appear upon the ballot. (Amend. of 11-2-1999)

Section 15.21. Integrity of town employees.

Any employee of the town who shall have been indicted or otherwise charged with a felony may, at the discretion of the Town Manager, be suspended from office with pay pending trial. Any employee of the town who shall have been convicted of a felony or entered a plea of guilty, nolo contendere, or a so-called Alford plea to a felony, shall be automatically suspended without pay pending the outcome of any appeal from said conviction, plea or sentence. Any such employee whose conviction, guilty plea, nolo contendere plea, or Alford plea shall be upheld following the exhaustion of all appeals shall be deemed to have vacated his or her office.

(Amend. of 11-7-1978; Amend. of 11-2-1999)

**ARTICLE XVI
SUCCESSION IN GOVERNMENT**

Section 16.01. Repeal of ordinances, etc.

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, or interfere with the effective operation of this Charter, or of ordinances, resolutions, orders, and regulations adopted pursuant thereto.

Section 16.02. Continuation of ordinances, etc.

All ordinances, resolutions, orders, and regulations of the town in effect at the time this Charter becomes effective, not inconsistent with the provisions of this Charter, shall continue in force until amended or repealed.

Section 16.03. Continuation of existing offices, etc.

All committees, commissions, boards, departments, and offices of the town in existence at the time this Charter becomes effective shall continue until abolished, reorganized, or superseded by this Charter, or by action taken under this Charter, in accordance with law.

Section 16.04. Continuation of certain officers.

Any person holding an office or position in the government of the town at the time this Charter becomes effective shall retain such office or position, and shall continue in office, and in the performance of **the person's** ~~his/her~~ duties, 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 provided by this Charter or by law.

Section 16.05. Continuation of licenses.

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.

Section 16.06. Unpaid taxes.

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 due thereon, by the town government established by this Charter.

Section 16.07. Existing contracts.

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 force and effect.

Section 16.08. Pending actions.

No action or proceeding, civil or criminal, in law or equity, pending on the effective date of this Charter, 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 continued.

Section 16.09. Transfer of records, equipment, etc.

All records, property and equipment whatsoever, of any office, department, or agency, or part thereof, the powers and duties of which are assigned, in whole or in part, 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 assigned.

**ARTICLE XVII
TRANSITION**

Section 17.01. Effective date.

For the purpose of nominating and electing the Town Council, members of the School Committee, and the appointment of a Town Manager, this Charter shall be in effect from and after its approval by the electors, and the validation of election procedures by the R.I. General Assembly. For all other purposes this Charter shall become effective on January 1, 1973.

Section 17.02. Duties of Town Council.

The Town Council shall proceed to enact or adopt, as promptly as possible, all ordinances, resolutions, rules, and regulations, which may be necessary to implement the provisions of this Charter.

Section 17.03. Transfer of appropriations.

The Town Council shall have authority to make any changes or transfers in appropriations in existence when this Charter takes effect which may be required for the operation of the town government under the provisions of this Charter.

**ARTICLE XVIII
MUNICIPAL COURT**

Section 18.01. Municipal Court established.

Pursuant to RIGL 1956, §45-2-24, there is established a Municipal Court in the town (Code 1972, §12 ½-1).

Section 18.02. Applicability of Charter provisions.

The provisions of the Charter shall apply to the Municipal Court to the extent that such provisions are not inconsistent with §45-2-24 RIGL. To the extent that such provisions are inconsistent with RIGL §45-2-24, the provisions of §45-2-24 shall control (Code 1974, §12 ½-1).

Section 18.03. Judge.

- a) The Municipal Court shall be composed of one (1) or more judge(s) appointed by the Town Council. The judge shall serve until ~~his~~ the judge's successor is duly appointed.*
- b) The term of appointment for the judge shall be four (4) years, commencing January 1st of the year of appointment.*
- c) The judge shall be a lawyer admitted to practice before the Supreme Court of Rhode Island the state, in good standing. The judge shall have not less than five (5) years' experience in the active practice of law.*

Section 18.04. Clerk.

- (a) ~~The judge of the~~ Municipal Court Judge shall appoint a Clerk of the Court, who shall be a qualified elector of the Town and other court personnel.*
- (b) The clerk and other personnel of the Municipal Court shall serve at the pleasure of the judge.*
- (c) The Clerk of the Court shall keep a regular docket of all cases disposed of; shall record the judgments, orders and sentences of the court; and shall furnish certified copies thereof when required, for which copies the clerk shall charge the same fees as are by law allowed to clerks of the Superior Court. The clerk's office shall be open to the public during such hours as the court shall determine.*

Section 18.05. Compensation of judge, clerk, and personnel.

- a) *The compensation of the ~~Judge of the~~ Municipal Court Judge shall not be less than ten thousand (\$10,000) dollars per year and shall be subject to all state and federal withholdings as required by law.*
- b) *The compensation of the Clerk of the Municipal Court shall not be less than six thousand (\$6,000) dollars per year and shall be subject to all state and federal withholdings as required by law.*
- c) *The compensation of the judge and clerk may be increased by resolution of the Town Council.*
- d) *The judge's compensation shall continue for up to three months during any absence due to illness, sickness, or disability.*
- e) *The Town Council shall determine the compensation of all other court personnel.*

Section 18.06. Acting Judge

In case of sickness, absence or other disability or ineligibility of the Municipal Court Judge, the Town Council may, by resolution, appoint an acting Municipal Court Judge for the term of such sickness, absence, disability, or ineligibility of the Municipal Court Judge, at such salary as the Town Council may determine. An acting Municipal Court Judge shall perform all duties of the Municipal Court Judge, and in the performance of such duties shall have the same effect as if the duties were performed by the Municipal Court Judge. The acting Municipal Court Judge's service shall automatically terminate upon the return of the sitting Municipal Court Judge.

Section 18.07. Seal.

The Municipal Court shall have a seal which shall contain such words and device as the Town Council shall adopt and approve.

Section 18.08. Time and place of sessions.

The Municipal Court shall be considered to be in session at all times, at such place in the Town as the court or the justice holding the sessions shall appoint. There shall be a police officer present at all sessions of the court for protection, bailiff duties, and keeping the peace under the authority of the Court during said session to be compensated by the court as a detail.

Section 18.09. Costs Taxed by the Court

- a) *Costs taxed by the Municipal Court shall be determined and set by State and Municipal*

Court Compact, Chapter 18 (8-18-1 et. seq.) of the RIGL or by the State of Rhode Island from time to time. If none be set, then the costs shall be the same as those for District Court.

(b) All payments shall be deposited in the general treasury of the town.

Section 18.10. Jurisdiction.

(a) The Municipal Court shall have original jurisdiction to hear and determine causes involving violations of the following:

- 1. Any ordinance of the town; and*
- 2. Minimum Housing ordinances, including any violation of RIGL 1956, §45-24-3.1 et seq. entitled "The Rhode Island Housing, Maintenance and Occupancy Code".*

(b) Any defendant found guilty of any offense within the jurisdiction of the court, excluding violations of the minimum housing ordinances or G.L. 1956, § 45-24.3-1 et. seq. may, within seven (7) days of such conviction, file an appeal from the conviction to the county superior court and be entitled in the latter court to a trial de novo. Any defendant found guilty of any violation of a minimum housing to a trial de nova in accordance with G.L. 1956, §§ 8-8-3(a)(4) and 8-8-3.2.

(c) With respect to violations of either municipal ordinances dealing with minimum housing or G.L. 1956, § 45-24.3-1 et seq. dealing with housing maintenance and occupancy, the Town Council hereby confers upon the Municipal Court, in furtherance of the jurisdiction conferred by this section, the power to proceed according to equity to:

- 1. Restrain, prevent, enjoin, abate or correct a violation; and*
- 2. Order the repair, vacation or demolition deny dwelling existing in violation; and*
- 3. Otherwise compel compliance with all provisions of such ordinances and statutes; or*

(d) Motor vehicle and other violations as established by the State and Municipal Court Compact or the State of Rhode Island.

Section 18.11. Power to administer oaths

The ~~Judge of the Municipal Court~~ Judge or Clerk shall have the power to administer oaths and affirmations.

Section 18.12. Complaints, warrants, writs generally

It shall be lawful for the ~~Judge of the Municipal Court~~ Judge to prescribe and vary the form of all complaints, warrants, writs, or other process so as to make such process consistent with the organization, style and jurisdiction of the Municipal Court. Such complaints, warrants, writs and other process shall have the same effect, validity and extent and shall be served, obeyed, enforced, and returned in the same manner and by the same officers as if issued from

the district courts, ~~and~~ They may be served by any constables of the town who are authorized to serve process in civil or criminal cases. Further, motor vehicle violations shall utilize summons, warrants, writs, and complaints as proscribed by the State and Municipal Court Compact.

Section 18.13. Powers regarding witnesses, writs of habeas corpus, recognizance and arrest warrants

The Municipal Court shall have the power to issue writs or summonses for witnesses and compel their attendance and to punish for contempt by fine or imprisonment. The court may issue writs of habeas corpus ad testificandum upon continuance of any complaint or proceeding before it, and it may take recognizance to the state with surety in such sum as the court shall think proper, with condition to appear before the court and make further answer to such complaint or proceeding. ~~and in the meantime~~ To keep the peace, and in want thereof, it may commit the party to the state Adult Corrections Institution until such recognizance is given or the parties lawfully discharged therefrom.

The Court shall have authority to issue warrants for arrest and such further powers and authority as established by the State of Rhode Island from time-to-time.

Section 18.14. Powers regarding sentencing, fines

The Municipal Court may impose a sentence not to exceed thirty (30) days in jail and impose a fine not in excess of three hundred dollars (\$300.00) or both. It ~~and~~ shall be empowered to punish persons for contempt. The Court shall have authority to issue warrants for arrest.

The Town Council shall have authority to enact ordinances raising fines and jail sentences not inconsistent with 45-2-24 of the RI General Laws.

Section 18.15. Judicial conduct

All judges of Municipal Court which exercise jurisdiction under the provisions of Chapter 18 of the R.I. General Laws shall be subject to and governed by the canons of judicial ethics or code of judicial conduct in effect at the time, as prescribed by the Rhode Island Supreme Court, and the provisions of Chapter 16 of the RI General Laws.

Section 18.16. Discipline of judge upon indictment or conviction for a crime

(a) The Town Council shall suspend, pending the prosecution of an appeal, any judge of Municipal Court Judge when it is shown by the certified record of a court of competent jurisdiction that ~~he or she~~ the judge either pleaded guilty or no contest, or was found guilty of a crime punishable as a felony under the laws of this state, any other state, or the United States, or of any other crime that involves moral turpitude. The suspension shall be without compensation.

Whenever, upon appeal, the conviction is reversed, the suspension shall terminate and the

judge involved shall be paid the compensation that would have been paid the judge during the period of suspension.

(b) Where, after an appeal, a conviction has become final, the judge involved shall be removed from office by the Town Council.

(c) Where no appeal is taken by a judge convicted of a felony under the laws of the state, any other state or the United States or is convicted of any other crime that involves moral turpitude, the Town Council shall terminate said judge upon receipt of a certified record of conviction from the court in which said crime was prosecuted.

(d) The Municipal Court Judge is disqualified and prohibited from performing his/her judicial duties while there is pending against him/her an indictment charging him/her with the commission of a crime punishable as a felony under the laws of this state, any other state, or the United States. The suspension shall be without loss of compensation.

**CHARTER COMPARATIVE TABLE
HOME RULE CHARTER**

This table shows the location of the sections of the Home Rule Charter and any amendments thereto.

Adoption Date	Section	Disposition
11- 7-1972	1.01-17.03	1.01-17.03
11- 2-1976	5.01	8.18 13.52 15.10
11- 7-1978	2.03	3.16 8.01 11.04 15.21
11- 4-1980	2.03	15.06
11- 4-1980	2.03	15.06
11-2-1999	4.07	8.16 10.23 13.40 14.20 15.02 15.06 15.20 15.21
6-13-2000	3.10	