

TOWN OF TIVERTON
The Financial Town Meeting (FTM) Changes Advisory Committee
Meeting Minutes for Monday, 11 April 2011
Tiverton Community Center
346 Judson Street

The meeting commenced at 7:30PM in at the Tiverton Community Center.

Members present included Jeff Caron (Co Chair), Brian Medeiros (Co Chair), Jeff Sroczynski, and Bob Gaw.

The minutes of 21 March 2010 were approved by unanimous consent.

Jeff Caron presented drafted updates to the working document from 21 March (attached as V2). Jeff C spoke to the document section by section. Jeff C stated that there were no substantive changes to the basic MEP document except those discussed by the FTMCAC on 21 March which were included in the V2 draft. New revisions for a V3 draft were discussed and noted.

Jeff Caron proposed that the charter amendment be called the "Financial Town Referendum". There was unanimous consent to make this change.

Brian presented draft language for consideration re the TC supermajority vote to exceed the tax cap as was discussed on 21 March (attached).

Brian also presented the document "MAJOR ISSUES TO BE RESOLVED" (attached). Every bullet was discussed. Regarding the plurality vote issue Jeff C referred to the Town Solicitor legal opinion dated 3 Dec 2010 (attached here for record completeness).

Jeff Caron took the action to update draft V2 to include revisions from this meeting.

Brian took several actions to research some of the concerns he presented. Part of this may include Brian and Jeff drafting an inquiry to the Town Solicitor.

The next meeting was scheduled for 25 April at 7:30PM location to be confirmed.

The meeting adjourned at about 9:00PM.

Respectfully Submitted,

Jeff Caron

FTMCAC / 4.11.11

Possible language to address FTM Voters' exclusive right to decide to exceed the state tax-cap (only in years when town qualifies to do so under RI-DMF guidelines, and only to the amount permitted by RI-DMF)

Tiverton electors voting in the Annual Budget Referendum (ADR) shall have the same legal right to decide to exceed the state tax-cap that they currently have under the Financial Town Meeting (FTM) process, in accordance with the RI Dept of Municipal Finance's "Standards and Procedures for Property Tax Levy Cap for RI Cities & Towns". A budget & tax levy proposal that exceeds the state tax-cap and receives the the most votes in the ADR shall be adopted and deemed legal if it receives RI-DMF approval, with no Town Council approval required.
Should a court decision or action by state government cause the RI-DMF "Standards & Procedures" for FTM's to change, the same procedure required for FTM's shall also apply to Tiverton's ADR."

MEP vs separate Voting Focused on Referendum

1) Review Committee - No votes to date

FTMCAC / 4.11.11

MAJOR ISSUES TO BE RESOLVED

- 1) • who will automatically place budget proposal on ballot
 - Town Council only
 - Budget Cmte only ←
 - TC, BC & School Cmte — V2
- 2) • how to have one-time process without risks of plurality
 - legalities of a plurality (confirm legality)
 - risk of a budget passing with 15% of vote
 - legalities with exceeding the cap > opinion
- retaining FTM voters' rights to exceed state tax-cap
 - add language that status quo, FTM voters' authority without 4/5 TC vote, continue under referendum unless a court or state gov't changes the OMF procedures to require 4/5 TC vote in FTM towns
- what if there is only one budget proposal on ballot — ~~Address~~ ^{BM to} Make Exclusions
- what to do with resolutions under FTM (TC's right?) — OK
- can't do additional spending items (50 signatures/"ladder truck") — OK
- what to do with other business allowed at FTM — solved
- what to do about voters / TC right to call "special FTM" during the year — to Jeff.
- unanticipated legal / Charter changes resulting from FTM-to-referendum change

V preparation
- like above

Add language
to define how
~~specific~~ to
special ref
works

K-3

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M E M O R A N D U M

TO: Jeff Caron and Brian Medeiros, Co-Chairs, FTMCAC
FROM: Andrew M. Teitz, Town Solicitor
DATE: December 3, 2010
SUBJECT: Initial Questions

You have asked the following questions and my answers are set forth below.

1) Can a "Vote for One" ballot question where the high vote getter wins be implemented?

Yes, legally there does not appear to be any provision in Rhode Island law that requires a majority of all votes cast. In multi-candidate races, such as the recent Governor's race, we have winners with only a plurality. Therefore, the same thing could apply to budget amounts on a ballot.

2) Does giving the electors in a Referendum the same powers as FTM electors (current Charter sect 304) make the budget referendum equivalent to a FTM? Related Questions are:

Yes and no. A budget referendum would be equivalent in effect, but not necessarily by procedure. Section 304 is not really relevant to the question of a budget referendum.

A) Would a budget referendum be governed by election law? (Notice requirements, state review of "ballot questions").

No. R.I.G.L. § 45-3-25 (a) provides for the board of elections to furnish a sufficient number of voting machines for use in connection with votes taken at any municipal budget referenda

at the request of a city or town council. But, Subsection (b) explicitly provides: "Nothing in this section makes the provisions of title 17 applicable to municipal budget referenda." Title 17 is the title dealing with elections.

B) If election then Board of Canvassers certify election and approved budget automatically enacted? Or, does TC have to pass a Budget Resolution.

In the absence of a language to the contrary, the budget would be automatically enacted. You could put language in the Charter to require further Town Council action.

C) If election can budget ref be used as a special election (double-duty for charter changes/fill vacant seats/bonds)?

Yes, legally, but all those other items would have to satisfy the RI Board of Elections and meet its various time deadlines.

3) Can language that limits such as 'Not to Exceed' be implemented on the referendum ballot for the levy amount/vote?

Yes, theoretically, as long as they were not confusing if there were more than one choice, as set forth in "A" above.

You have also inquired about me attending a FTMCAC meeting to discuss these matters. At present, I am available the following evenings in December for a 7 PM meeting: 14, 20, 21, and 22. As discussed, I am also available for 6 PM on the 13th, prior to the Town Council meeting.

AMT/del

cc: Hon. Tiverton Town Council, c/o Nancy Mello, Town Clerk
Hon. James Goncalo, Town Administrator

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Proposed Charter Amendment

REPLACE THE FINANCIAL TOWN MEETING WITH A BUDGET REFERENDUM PROCESS

Ballot Question

Shall the Tiverton Town Charter be amended to replace the current Financial Town Meeting with a budget referendum whereby voters will decide by secret ballot vote at polling places open all-day whether or not to approve the budget and tax levy recommendation presented by the Budget Committee, or other budget proposals placed on the referendum ballot by the Town Council, School Committee, or elector petition? This would modify Articles III, IV, V, VI, VII and other relevant sections of the Charter.

Reason for Change

This alternative to the Financial Town Meeting will provide a process by which the elected Budget Committee would recommend a total Town budget (including Municipal and School). This amendment would also allow the Town Council, School Committee, and electors via petition to place alternative budget proposals on the ballot. Voters will vote for one proposal by secret ballot vote at polling places open all-day.

Improvements Over Financial Town Meeting

- **Democracy:** The people remain the “appropriating body” of the town and retain exclusive authority to decide budgets and taxes. But unlike the FTM, all voters have an equal opportunity to participate, regardless of health issues, child-care issues, work issues, etc.
- **Simplicity:** People can vote for their preferred budget proposal without all the FTM procedural matters, amendments, etc.
- **Certainty:** Using the normal voting process administered by the Board of Canvassers will assure an accurate vote-count. The FTM process of hand-counts is less accurate, and doing paper-ballots at the FTM would add hours to the process.
- **Access to Ballot:** The Budget Committee Budget Proposal will appear on the ballot. Municipal and School budget requests may optionally appeal on the ballot. Electors will also have access to the ballot via Elector Petitions.
- **Informed Decision:** All budget/tax options on the ballot and the Budget Committee’s recommendations will have been discussed at a hearing two weeks prior. Voters will have ample opportunity to find out all implications of each plan, versus the FTM where new proposals can be introduced and voted upon without being vetted.
- **Confidentiality:** People can vote their conscience on budget and tax matters in privacy as they do in elections, versus a public vote at the FTM.
- **Finality:** The town’s budget and tax-levy will be definitively set at a referendum, unlike the FTM which can go multiple days without resolution.
- **Practicality:** In a town with 11,000 voters, the largest turnout that can be accommodated is 1600-2000 (at THS, in multiple rooms). If just 20% of registered voters show up to participate at the FTM, the meeting cannot be held. As with any election, all voters can vote at a referendum.

Comment [JC1]: Add a chart / list of all things in common with FTM.

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Exhibit 1: Summary Flow Chart of Budget Process *dates as if proposed change in effect this year*

NO LATER THAN

January 15	1) Joint Budget Workshop to establish general goals & objectives (with Town Council, Budget Committee, School Committee, Elected/Appointed Officials & General Public). 2) School Department submits preliminary school department budget to Budget Committee 3) Town Administrator submits preliminary municipal budget (including Clerk and Treasurer) to Budget Committee.
70 Days Prior to ABR 29-Mar-11	1) School Committee approves and submits final School Department budget to Budget Committee 2) Town Council approves and submits final Municipal budget to Budget Committee 3) Town Council approves and submits final revenue estimates to Budget Committee
51 Days Prior to ABR 17-Apr-11	Budget Committee submits final budget and non budget proposal(s) to Town Clerk
44 Days Prior to ABR 24-Apr-11	1) School Committee submits optional budget and non budget proposal(s) to Town Clerk 2) Town Council submits optional budget and non budget proposal(s) to Town Clerk
42 Days Prior to ABR 26-Apr-11	Elector Petitions for Budget Proposals made available by Town Clerk.
28 Days Prior to ABR 10-May-11	Elector Petitions for Budget and Non Budget Proposals due to Town Clerk
21 Days Prior to ABR 17-May-11	Certification of all Elector Petitions complete
14 Days Prior to ABR 24-May-11	Annual Budget Hearing
10 Days Prior to ABR 28-May-11	Referendum Notice Published
1st Tuesday in June 7-Jun-11	ANNUAL BUDGET REFERENDUM

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Exhibit 2: Sample Ballot for Referendum

Explanation to Voter: Town of Tiverton Fiscal Year 2011-2012 Budget and Tax Levy	
Vote For One	
← —	1. The Town shall: Appropriate a sum of \$nn,nnn,nnn for School Department General Operating & Capital Expenses; and, Appropriate a sum of \$nn,nnn,nnn for Municipal Operations & Capital Expenses; and, Levy a Property Tax not to exceed \$nn,nnn,nnn which is an increase to the prior year's certified Net Tax Levy of n.n% and includes a Motor Vehicle Tax Levy not to exceed \$n,nnn,nnn and a Real & Tangible Property Tax Levy not to exceed \$nn,nnn,nnn; as recommended by the Budget Committee .
← —	2. The Town Shall: Appropriate a sum of \$nn,nnn,nnn for School Department General Operating & Capital Expenses; and, Appropriate a sum of \$nn,nnn,nnn for Municipal Operations & Capital Expenses; and, Levy a Property Tax not to exceed \$nn,nnn,nnn which is an increase to the prior year's certified Net Tax Levy of n.n% and includes a Motor Vehicle Tax Levy not to exceed \$n,nnn,nnn and a Real & Tangible Property Tax Levy not to exceed \$nn,nnn,nnn; and, Approve an excess levy not to exceed \$nn,nnn; as proposed by Elector Petition.

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Proposed Changes to Charter

ARTICLE II ELECTIONS

Section 204 Transfer of Town Land

The transfer of any property rights in and/or ownership of any parcel/lot or tract of land owned by the Town of Tiverton as of November 5, 2008, except for parcels in the Industrial Park and transfers pursuant to RI General Law 44-9-18.3, must be approved by a vote of the electors of the Town of Tiverton either at a ~~Financial Town Meeting, the Annual Budget Referendum, Special Meeting~~ or a Special Referendum. Any such approval shall expire within five (5) years. Leasing of Town property for a period of ten (10) years or less shall not constitute a transfer of property, provided that at the end of the leasing period the Town retains sole right to renew, continue, or terminate the lease. This section shall not prohibit the Town Council from transferring property rights for the purpose of restricting use of any parcel/lot of land, for conservation or preservation purposes, or in connection with the provision of public utilities or similar services.

ARTICLE III ~~FINANCIAL TOWN MEETING~~ BUDGET AND TAXATION

Section 301 Budget and Tax Levy Adoption Process (Summarized in Appendix A)

(a) Schedule

- 1.) Initial Budget Workshop: The Budget Committee, Town Council, and School Committee shall participate in an initial budget workshop no later than January 15.
- 2.) Town Administrator: Prepare and submit preliminary Municipal budget (including the Treasurers and Clerk's budgets) to the Budget Committee no later than January 15.
- 3.) School Department: Prepare and submit preliminary School budget to the Budget Committee no later than January 15.
- 4.) Town Council: Approve and submit the final Municipal budget to the Budget Committee no later than 70 days prior to the Annual Budget Referendum.
- 5.) Town Council: Approve and submit the final revenue estimates to the Budget Committee no later than 70 days prior to the Annual Budget Referendum.
- 6.) School Department: Approve and submit the final School budget to the Budget Committee no later than 70 days prior to the Annual Budget Referendum.

Comment [JC2]: Suggest calling the new process "Financial Town Referendum" or "FTR". This will emphasize to voters that meeting is being replaced by referendum.

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- 7.) Budget Committee: Approve and submit the Budget Committee Budget Proposal and Non Budget Proposals to the Town Clerk no later than 51 days prior to the Annual Budget Referendum.
- 8.) School Department: Submit Optional Budget Proposal and Non Budget Proposals to Town Clerk no later than 44 days prior to the Annual Budget Referendum.
- 9.) Town Council: Submit Optional Budget Proposal and Non Budget Proposals to Town Clerk no later than 44 days prior to the Annual Budget Referendum.
- 10.) Town Clerk: Budget Proposal elector petitions made available no later than 42 days prior to the Annual Budget Referendum.
- 11.) Electors: Budget and Non Budget elector petitions due to the Town Clerk no later than 28 days prior to the Annual Budget Referendum.
- 12.) Board of Canvassers: Certification of all elector petitions complete no later than 21 days prior to the Annual Budget Referendum.
- 13.) Town Clerk: The Annual Budget Hearing shall occur no later than 14 days prior to the Annual Budget Referendum.
- 14.) Annual Budget Referendum: The Annual Budget Referendum shall occur on the first Tuesday in June.

(b) Ballot

The Annual Budget Referendum ballot shall be approved by the Board of Canvassers.

1.) Budget Proposals: Pursuant to Section 301 (c), Budget Proposals shall appear on said ballot and shall include:

- 1.) the total dollar amount to appropriate for the School Department budget,
- 2.) the total dollar amount to appropriate for the Municipal budget,
- 3.) the total dollar amount to raise by taxation including maximum dollar amounts for the Motor Vehicle, Real & Tangible Property and resulting Total Property tax levies,
- 4.) the percentage increase or decrease to the prior year's certified Net Tax Levy, and
- 5.) if necessary, the dollar amount of the Total Property Tax Levy that is in excess of the maximum levy as calculated in accordance with R.I.G.L. 44-5-2 (b).

Electors shall be instructed to "Vote For One" budget proposal.

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2.) Non Budget Proposals: Pursuant to Section 301 (c), a resolution or ballot question may be included on said ballot, provided that if adopted it shall not alter the ballot entries of Section 301 (c) Ballot 1.) through 5.). Electors shall be instructed to “Approve or Reject” non budget proposal(s).

(c) Access to Ballot

- 1.) The Budget Committee Budget Proposal shall appear first on the ballot in accordance with Section 301(b) 1.). Non Budgetary Proposals submitted by the Budget Committee shall appear on the ballot.
- 2.) At the discretion of the Town Council, an Optional Budget Proposal including the Municipal budget request may appear on the ballot in accordance with Section 301(b) 1.) provided that said budget proposal reflects the School Department budget as recommended by the Budget Committee. Non Budgetary Proposals submitted by the Town Council shall appear on the ballot.
- 3.) At the discretion of the School Committee, an Optional Budget Proposal including the School Department budget request may appear on the ballot in accordance with Section 301(b) 1.) provided that said budget proposal reflects the Municipal budget as recommended by the Budget Committee. Non Budgetary Proposals submitted by the School Committee shall appear on the ballot.
- 4.) Qualified Elector Budget Proposals in accordance with Section 301(b) 1.) submitted by elector petition in accordance with Section 301 (d) shall appear on the ballot in an order determined by to Board of Canvassers lottery. Qualified Non Budget Proposals submitted by elector petition in accordance with Section 301 (d) shall appear on the ballot.

(d) Petitions

1.) Elector Budget Proposals: Electors of the town may petition that an alternate budget proposal be included in the Annual Budget Referendum. No later than 42 days before the ABR the Town Clerk shall make petition forms available which include fields for the name of the elector who is the petition originator and the ballot entry amounts of Section 301 (b) Ballot 1.) through 5.). Originator specified ballot entry amounts must and shall be verified by the Town Clerk within one (1) business day. No petition shall be accepted that proposes an appropriation or tax levy amount that is in violation of the RI General Laws. Petitions must be returned to the Town Clerk no later than 28 days prior to the ABR. Any language added to a petition, or any alteration of the language thereof subsequent to its verification by the Town Clerk, shall be of no force or effect. There shall be no limit to the number of separate petitions which an elector may

Comment [JC3]: BM to verify with LE

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sign. Nothing in this charter shall prevent an elected official or any appointed member of a Board, Committee or Commission from being a petition originator or signatory. Nothing in this Charter shall prevent an elector, a majority of an elected body or Board, Committee or Commission from petitioning. An elector may originate no more than one Alternate Budget Proposal petition.

2.) Elector **Non Budget Proposals**: No later than 28 days before the Annual Budget Referendum electors may petition that a Non Budget Proposal pursuant to Section 301 (b) 2.) be included in the Annual Budget Referendum.

Comment [JC4]: BM: Are there things we need to exclude/include

Comment [JC5]: Currently 35 in charter although 28 makes sense in this framework.

3.) **Qualification of Petitions**: The Town Clerk shall cause petition signatures to be verified by the Board of Canvassers, such verification to be completed no later than 21 days before the ABR. All petitions for proposals shall be included on the ballot for the Annual Budget Referendum and presented at the Annual Budget Hearing provided that Elector Budget Proposals are accompanied by 301 qualified elector signatures and Elector Non Budget Proposals are accompanied by 50 qualified elector signatures.

(f) Annual Budget Hearing

1.) **Notice**: The agenda notice for the Annual Budget Hearing shall comprise the Budget Committee recommendation and other qualified budget proposals as they will appear on the ballot for the Annual Budget Referendum.

2.) **Time**: The Town Clerk shall schedule the Annual Budget Hearing to be no later than fourteen (14) days prior to the Annual Budget Referendum.

3.) **Purpose**: The ballot pursuant to Section 301 (b) as it will be presented at the Annual Budget Referendum shall be provided for electors to review and debate.

4.) **Standing**: The Budget Committee, Town Council, School Committee, and any petition originator shall have the same standing at the Annual Budget Hearing.

(g) Annual Budget Referendum

1.) **Notice**: No less than ten (10) days prior to the Annual Budget Referendum, the Town Council President shall cause the referendum to be noticed pursuant to RI General Laws.

2.) **Time**: The Annual Budget Referendum shall be on the first Tuesday in June and electors shall have the opportunity to vote for a minimum of eleven hours.

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3.) Jurisdiction: The Board of Canvassers shall have jurisdiction over the Annual Budget Referendum.

4.) Ballot: Electors shall vote on the ballot presented at the Annual Budget Hearing.

5.) Adoption of Budgets & Taxation: The budget proposal and tax levy receiving the most votes shall be adopted.

6.) Non Budgetary Questions: Non Budgetary questions shall be adopted if the number of approvals is greater than the number of rejections.

Section 302 Special Meetings Referenda

Special ~~Meetings~~ Referenda shall be called by the Town Clerk upon a resolution of no less than two thirds of the Town Council or whenever five (5%) percent of the electors of the Town shall make a request in writing for the calling of a ~~Town Meeting~~ Special Referendum and direct the same to the Town Clerk; provided, that said five (5%) percent shall be computed on the total number of electors appearing on the last canvassed voting lists of the Town as having a right to vote in the transaction of any business that may be duly presented at such ~~meeting~~ referendum. The date of such Special ~~Meeting~~ Referendum shall not exceed forty five (45) days following certification of the petition.

(a) Restriction of Special Meetings Referenda

No Special ~~Meeting~~ Referendum shall be called without the consent of the Town Council if the subject proposed to be considered has been acted upon by a ~~Financial Town Meeting~~ the Annual Budget Referendum within six (6) months previous to the time of such proposed call.

(b) Subjects Requiring Special Notice

No vote shall be taken at a Special Referendum to levy a tax or to dispose of real property of the Town unless special notice thereof has been given in the warrant issued for the warning of such referendum.

Section 310 303 Unreserved General Fund

No moneys shall be taken, withdrawn or obligated from the Unreserved General Fund if such withdrawal would cause said fund to fall below three percent (3%) of the current operating budget. This restriction may be suspended on a case basis by an affirmative vote of four-fifths of the Town Council in order to address a declared state of emergency as enacted by the Town Council.

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ARTICLE IV TOWN COUNCIL

Section 407 Powers and Duties

3) Develop and publish such policies, plans and objectives consistent with the long-range plan to provide a basis for planning the ~~m~~Municipal (non-school) budget by the Town Administrator and its review by the Budget Committee and to provide whatever interpretive consultation is appropriate for generating a budget within these general guidelines. ~~Review and approve the preliminary Municipal budget submitted by the Town Administrator within 10 days. Approve and submit the final Municipal budget to the Budget Committee no later than 70 days prior to the Annual Budget Referendum in accordance with Section 301 of this Charter.~~

14.) Order such budget reductions or transfers of funds within the Municipal budget as may become necessary to meet unanticipated requirements or shortfalls during the fiscal year, as recommended by the Administrator ~~and within any constraints imposed by the Financial Town Meeting.~~

ARTICLE V TOWN ADMINISTRATOR

Section 503 Duties and Powers of the Town Administrator

The Town Administrator shall:

1.) ~~Submit to the Town Council, not later than 150 days prior to the Financial Town Meeting, a proposed m~~Municipal (non school) budget of receipts and expenditures and an explanatory budget message in accordance with Section 301(a) of this Charter. Submit to the Budget Committee, not later than 120 days prior to the Financial Town Meeting, the proposed budget as reviewed and approved by the Town Council. For such purpose the head of each office, department and agency shall submit to the Town Administrator estimates of their anticipated revenues and expenditures with such supporting data as he/she may request. In preparing the proposed budget, the Town Administrator shall review the estimates, and with the exception of the School Department budget, may revise them as he/she deem appropriate. The Municipal budget, as proposed by the Town Administrator shall include all anticipated revenues and expenditures, except those for the school purposes, and the total of such expenditures shall not be greater than the total of the anticipated revenue. He/She shall incorporate the total of these expenditures and revenues with the total he/she has arrived at for general town purposes.

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ARTICLE VI FINANCIAL SERVICES

Section 602 Town Treasurer

(a) Duties and Responsibilities

- 2.) Monitoring the spending by all departments, boards and commissions of the Town to insure that the budget approved at the ~~Financial Town Meeting~~ Annual Budget Referendum is not exceeded.
- 9.) Preparing an annual department budget to be submitted to the ~~Budget Committee~~ Town Administrator in accordance with Section 301(a) of this Charter.
- 12.) Releasing to the parties legally entitled to redeem the same, real estate conveyed to the Town by the Collector of Taxes, upon payment to the Town of taxes, penalties and expenses thereto, and selling other parcels on which the period of redemption has expired.
- 13.) Borrowing, if necessary, in the name and on the credit of the Town, such sums of money as may be required for transacting the obligations incurred by duly approved appropriations, such sums of money not to exceed, in the aggregate, the sum of \$500,000.00, provided that Town Council approval is granted prior to said borrowing.

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ARTICLE VII BUDGET COMMITTEE

Section 701 Composition

The Budget Committee shall consist of eleven (11) members elected for a term of four (4) years, so staggered, that no more than six (6) terms expire at any one time. The Budget Committee shall elect annually, from among its membership, a Chairperson, Vice Chairperson, Secretary, Treasurer and other such officers as they deem appropriate. Budget Committee members shall hold no other town position.

Section 702 Elections and Vacancies

Biennial elections to fill vacancies on the non-partisan Budget Committee shall be held at general elections.

(a) Transitional Election

The first Budget Committee membership terms to expire after the adoption of this amendment shall be extended to the next general election, at which time a like number of candidates shall be elected.

Section 703 Duties and Responsibilities

The Budget Committee has the following responsibilities:

1.) To participate in the Initial Budget Workshop.

~~2.)~~ To review the budgets submitted by the Town ~~Administrator~~ Council and the School Department, in which review the Committee shall consider both the supporting evidence for each requested budget expenditure and the ability of the Town to support the level of service recommended.

~~2-3.)~~ To provide the electorate with budget recommendations which balance the value of the proposed goods and services with their cost in taxes.

~~3-4.)~~ To ~~develop~~ submit a docket budget proposal and optionally non budget proposal(s) to the Town Clerk no later than 51 days prior to the Annual Budget Referendum, including both (a) resolutions of its own, those of the Town Council, the Town Administrator and those submitted by others and (b) the preceding year's approved budget, the budget requests of the Town Administrator and the School Department for the coming year, and the Budget Committee's recommendations.

~~4-5.)~~ To prepare and submit ~~the docket~~ a budget report for publication to the Town ~~Administrator~~ Clerk no later than 51 days prior to the Annual Budget Referendum, at least thirty (30) days before the Financial Town Meeting.

~~5-6.)~~ To present ~~the docket~~ Budget Committee proposal(s) to the electorate at a ~~public hearing~~ and at the Financial Town Meeting the Annual Budget Hearing.

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ARTICLE VIII TOWN OFFICIALS AND OFFICES

Section 801 Town Clerk

There shall be a non-partisan Town Clerk who shall be elected at the general election for a two (2) year term pursuant to the provisions of State Law and this Charter. The Town Clerk shall be the ~~Clerk of the Financial Town Meeting~~, Clerk of the Town Council, Clerk of the Probate Court, Clerk of the Board of Canvassers, Clerk of the Municipal Court and the Recorder of Deeds.

(a) Duties and Responsibilities

It shall be the responsibility of the Town Clerk to make permanent record of all proceedings and certify by signature all actions of the aforesaid bodies, be custodian of the Town Seal and of official documents, contracts, and records of the town. In addition, the Town Clerk shall direct and supervise the recordings of deeds, mortgages, surveys, vital statistics, licenses, permits and other such records as shall by ordinance and law be required to be kept. The Town Clerk shall issue birth certificates, marriage licenses and such other licenses and permits as required by ordinance or law. The Town Clerk shall be responsible for receiving ~~resolutions~~ proposals for the ~~Financial Town Meeting~~ Annual Budget Referendum. Additionally, the Town Clerk shall print, advertise and distribute the docket at least twenty (20) days prior to the Financial Town Meeting. The Town Clerk shall submit his or her budget ~~directly to the Budget Committee to the~~ Town Administrator in accordance with Section 301(a) of this Charter. The Town Clerk shall perform all other such duties as may be prescribed by this Charter or by law.

Section 802 Town Sergeant

There shall be a non-partisan Town Sergeant elected at the general election for a two (2) year term pursuant to the provisions of State Law and this Charter. The duties of the Town Sergeant shall be to attend all Town Council meetings, post Town Council agendas to designated bulletin boards in compliance with the Open Meeting Law, transport and post voter list to each district, transport ballots to the State Board of Elections, and assist the Board of Canvassers at all ~~Financial and Special Town Meetings~~ Referenda.

ARTICLE IX DEPARTMENTS AND AGENCIES

Section 902 Police Department

(a) Organization

There shall be a Police Department, the head of which shall be the Chief of Police, who shall have served at least five (5) years in the rank of Lieutenant or higher in any organized police department and shall during those years have gained command experience in several areas of responsibility. He/she shall possess a bachelor's degree in either criminal justice or sociology. The Chief of Police shall be employed for an initial contract period, not to exceed three (3) years,

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by the Town Administrator with the approval of the Town Council. Renewal contracts shall not exceed three (3) years. There shall be such other subordinate officers, patrolmen, special police officers and employees as shall be determined from time to time by the Town Administrator, upon the recommendation of the Chief of Police and the approval of the Town Council, ~~subject to appropriation by the Financial Town Meeting.~~ The organization of the department into divisions, offices or grades shall be made by the Town Council on recommendation of the Town Administrator, in consultation with the Chief of Police.

Comment [JC6]: Should we leave this in – FTM > ABH?

Section 903 Fire and Rescue Department

(a) Organization

There shall be a Fire and Rescue Department, the head of which shall be the Fire Chief, who shall have at least ten (10) years experience with progressively greater responsibility in fire department management, firefighting, fire prevention, and Emergency Medical Services. He/she shall possess at minimum an Associates degree in fire science, public administration, or a related field, and five (5) years experience in a command position, as well as two (2) years of administrative experience. In addition the Fire Chief shall be a qualified Emergency Medical Technician (EMT). The Fire Chief shall be appointed for an initial contract period not to exceed three (3) years, by the Town Administrator with the advice and consent of the Town Council. Renewal contracts shall not exceed three (3) years. There shall be such other subordinate officers, firefighters, EMTs and employees as shall be determined from time to time by the Town Administrator, upon the recommendation of the Fire Chief and the approval of the Town Council, ~~subject to appropriation by the Financial Town Meeting.~~ The organization of the department into divisions, offices or grades shall be made by the Town Council on recommendation of the Town Administrator, in consultation with the Fire Chief.

Comment [JC7]: Should we leave this in – FTM > ABH?

ARTICLE XI SCHOOL DEPARTMENT

Section 1101 School Committee

(a) Powers and Duties

The School Committee shall be responsible for the general care and management of the Tiverton Public School System, including the selection of the Superintendent of Schools. The School Committee shall prepare and submit its budget requests to the Budget Committee and Town Administrator ~~as required~~ in accordance with Section 301(a) of this Charter. Additionally, the School Committee shall have all other duties, responsibilities and powers as provided for in State Law. For all labor or collective bargaining agreements requiring approval of the School Committee, the details of any tentative agreement shall be made public at least three days prior to the meeting at which the final approval vote is to be taken.

Comment [JC8]: verify

Note: If this proposal deleted an entire section of the charter then that section has been removed from this document for ease of reading.

~~(b) Compensation~~

~~The School Committee annually, shall provide to the Budget Committee, in addition to its budget request, recommendations for compensation of its members. Actual compensation will be as determined at the Financial Town Meeting.~~

Comment [JC9]: Should we keep this?

ARTICLE XII MISCELLANEOUS

Section 1217 Health Benefits for Elected Officials

Health benefits for elected officials, including the School Committee, shall be limited to the position of Town Clerk or such other position(s) approved by ~~a Financial Town Meeting~~ the Annual Budget Referendum or Special Referendum. This section does not preclude town officials from obtaining health benefits at their own expense.

Section 1218 – Use of Town Resources to Influence a Voting Contest

No officer or employee of the Town, including the school Department, shall use, or cause to be used, Town property, goods, money, grants, or labor to influence the outcome of an election, ballot question, ~~Financial Town Meeting~~, or referendum; the foregoing shall not prohibit the distribution or publication of election, ballot question, ~~Financial Town Meeting~~, or referendum information by the Town Clerk, the Board of Canvassers, or a Charter Review Commission.

~~**Section 1309 Compensation**~~

~~Compensation for the Electrical, Plumbing and Mechanical Inspectors as well as the Harbormaster shall be set by the Financial Town Meeting in accordance with Section 311 of this Charter.~~

Comment [JC10]: Should we keep this?

Note: If this proposal deleted an entire section of the charter then that section has been removed from this document for ease of reading.

APPENDIX A: Summary flow chart of Article III, Section 301

NO LATER THAN

January 15	1) Joint Budget Workshop to establish general goals & objectives (with Town Council, Budget Committee, School Committee, Elected/Appointed Officials & General Public). 2) School Department submits preliminary school department budget to Budget Committee 3) Town Administrator submits preliminary municipal budget (including Clerk and Treasurer) to Budget Committee.
70 Days Prior to ABR 29-Mar-11	1) School Committee approves and submits final School Department budget to Budget Committee 2) Town Council approves and submits final Municipal budget to Budget Committee 3) Town Council approves and submits final revenue estimates to Budget Committee
51 Days Prior to ABR 17-Apr-11	Budget Committee submits final budget and non budget proposal(s) to Town Clerk
44 Days Prior to ABR 24-Apr-11	1) School Committee submits optional budget and non budget proposal(s) to Town Clerk 2) Town Council submits optional budget and non budget proposal(s) to Town Clerk
42 Days Prior to ABR 26-Apr-11	Elector Petitions for Budget Proposals made available by Town Clerk.
28 Days Prior to ABR 10-May-11	Elector Petitions for Budget and Non Budget Proposals due to Town Clerk
21 Days Prior to ABR 17-May-11	Certification of all Elector Petitions complete
14 Days Prior to ABR 24-May-11	Annual Budget Hearing
10 Days Prior to ABR 28-May-11	Referendum Notice Published
1st Tuesday in June 7-Jun-11	ANNUAL BUDGET REFERENDUM