

TOWN OF TIVERTON
The Financial Town Meeting (FTM) Changes Advisory Committee
Meeting Minutes for Tuesday, 21 June 2011
Tiverton Town Hall 343 Highland Road

The meeting commenced at 7:13PM in at the Tiverton Town Hall.

Members present included Jeff Caron (Co Chair), Nancy Driggs (Co Chair), Jeff Sroczynski, Bob Gaw, and Ruth Hollenbach. No members of the public were present.

The minutes of 16 June 2011 were approved by unanimous consent.

Jeff Caron presented the document:

1) Public Hearing Advertisement Draft

Jeff Caron and Nancy Driggs gave an update re the meeting with the School Committee the night before (20 June 2011).

At 9:09 PM, Bob moved and Ruth seconded

“That the tracking sheet dated 21 June be ratified subject to subsequent clean up by Nancy and Jeff C”.

The vote was unanimous.

Bob moved and Ruth seconded

“That the ‘Vote for One’ version of the Charter Amendment proposal be ratified subject to clean up by Nancy and Jeff C”.

The vote was unanimous.

In light of concerns raised by members of the TC, SC, and public, an Approve/Reject version of the proposal was discussed and drafted in accordance with RIGL 45-2-3.2 (attached).

Ruth moved and Jeff S seconded

“That the ‘Approve/Reject’ version of the Charter Amendment proposal be ratified subject to clean up by Nancy and Jeff C, and that the purpose of this version was to share with the Town Council what this language would look like as well as keep options open for the public hearing process.”

The vote was unanimous.

Bob moved and Nancy seconded

“That Nancy and Jeff C are authorized to compile a cover letter indicating that the ‘Vote For One’ version is submitted and recommended to the Town Council, and that the ‘Approve/Reject’ version is submitted based upon feedback from the Town Council and School Committee. The Approve/Reject version is provided for public hearing publication to that ‘options are left open’ through the public hearing process. Jeff C and Nancy are to sign as Co-Chairs and submit the same with sample ballot questions and schedule flowcharts to the Town Clerk by COB 22 June.”

The vote was unanimous.

A copy of the final work product submitted to the Town council on 22 June 2011 is attached for completeness.

Jeff Caron and Nancy Driggs are to represent the FTMCAC at the Town Council meeting on 27 June 2011 and to inform the FTMCAC of any plan for the 11 July Public Hearing.

The meeting adjourned at 10:26PM

Respectfully Submitted, Jeff Caron Co-Chair

**TOWN OF TIVERTON, RHODE ISLAND
OFFICE OF THE TOWN CLERK
343 HIGHLAND ROAD**

**“TIVERTON, RI
NOTICE OF PUBLIC HEARING
PROPOSED TIVERTON TOWN CHARTER AMENDMENTS
REPLACING FINANCIAL TOWN MEETING WITH A REFERENDUM**

**Monday, July 11, 2011 at 7:00 p.m.
Tiverton High School Auditorium, 100 No. Brayton Road, Tiverton, RI.**

1. Ballot Question: *Shall the Tiverton Town Charter (Articles II, III, IV, V, VI, VII, VIII, IX, XI, XII, and XIII) be amended to implement a Financial Town Referendum in which voters, by private ballot at polling places open all day, vote on budget appropriations, the tax levy, and resolutions?*

The Financial Town Referendum (FTR) would establish a process by which the elected Budget Committee would recommend a budget appropriation (including Municipal and School) and resolutions for placement on the FTR ballot. This amendment would also allow the Town Council, School Committee, and Electors via petition to place alternative budget proposals and resolutions on the ballot. Voting would be by private ballot at polling places open all-day, and a majority would be required for adoption.

The proposed amendments, may be altered or further amended prior to the close of the public hearing without further advertising, as a result of further study or because of views expressed at the public hearing. Any alteration or amendment must be presented for comment at the public hearing.

A copy of the proposed Town Charter Amendments are available for public inspection in the office of the Town Clerk between the hours of 8:30 and 4:00 p.m. Mondays through Fridays. Copies will also be available at the Essex Public Library, 238 Highland Road.

Anyone wishing to be heard on the proposed amendments should be present at the aforementioned date and time.

Nancy L. Mello
Town Clerk”

REQUEST TO BE PLACED ON THE AGENDA

1. NAME OF PERSON OR ORGANIZATION

**Jeff Caron and Nancy Driggs
Co-Chairs
Financial Town Meeting Changes Advisory Committee**

2. ADDRESS:

343 Highland Road

3. SUBJECT OF AGENDA REQUEST

1. Submission of FTMCAC documents:

- a. Cover letter**
- b. Version I : Charter Amendment Proposal
Sample Ballot
Schedule Flow Chart**
- c. Version 2: Charter Amendment Proposal
Sample Ballot
Schedule Flow Chart**
- d. FTR Issue Tracking Sheet dated 21 June 2011**

2. Town Council discussion of the above listed items.

3. Town Council Approval to forward documents to public hearing.

4. EXPLAIN NATURE OF REQUEST OR COMPLAINT:

(Be precise so that the Council will be fully aware of the request and/or complaint.)

At the last Town Council meeting there was agreement that #1 through #3 would occur at the 27 June 2011 Town Council meeting.

DATE: SIGNATURE:

Jeff Caron 22 June 2011

Nancy Driggs 22 June 2011

A copy of the foregoing will be given to each Council member prior to the Meeting and, if applicable, to the appropriate Department head. Agenda items must be submitted to the Town Clerk's office before 3:00 p.m. on Tuesday prior to the meeting date.

Financial Town Meeting Changes Advisory Committee

June 22, 2011

Mr. Jay Lambert, President, Tiverton Town Council

RE: FTMCAC Proposed Amendment(s)

Dear Mr. Lambert:

Pursuant to the FTMCAC charge in your Town Council Resolution, adopted in August, 2010, by unanimous vote the FTMCAC is enclosing herewith its proposed amendments to the Town Charter regarding the Financial Town Meeting. The FTMCAC has considered and reviewed the recently proposed amendments to the Town Charter regarding the Financial Town Meeting, and has reviewed the proposed amendments to the Financial Town Meeting that have been passed and rejected by the voters over the past decade.

Since the Tiverton Town Charter was adopted in 1994, there have been five ballot questions regarding changing the structure of the Financial Town Meeting.

The first occurred in 1999 when the voters were asked whether they wanted to amend Article III Financial Town Meeting adoption of the budget by replacing it with Town Council adoption of the budget, such adoption to include Budget Committee recommendations and public hearings and if so, the new budget process to be codified in Town Ordinance following appropriate public hearings. This question (# 26 on the ballot) was rejected by 76.41% of the voters (1,218), and approved by 23.59% of the voters (376).

The second occurred in 2006 when the voters were asked whether the Town should develop a proposal to replace the Financial Town Meeting and to present such a proposal to the voters. This question (#10 on the ballot) was approved by 50.56% of the voters (493) and rejected by 49.44% of the voters (482).

The third occurred in 2008 when the voters were asked whether Article III and all related sections of the Tiverton Town Charter should be amended to replace the Financial Town Meeting with provisions that empower the Town Council to adopt the Town budget, subject to approval by Referendum if called for by Citizen petition. This question (#3 on the ballot) was rejected by 58.88% of the voters (4,182) and approved by 41.12% of the voters (2,921).

The fourth also occurred in 2008 when the voters were asked, if the Financial Town Meeting were retained (see above question #3 on the ballot), whether the date and time of the Financial Town Meeting should be changed from the third Wednesday in May to the second Saturday in May and the time from 7:00 o'clock P.M. to 9:00 o'clock A.M., and should said meeting need to be reconvened, it shall be scheduled to the next following Saturday at the aforementioned time. This question (#4 on the ballot) was approved by 72.66% of the voters (5,098), and rejected by 27.34% of the voters (1,918).

Finally, in 2010, the voters were asked whether Section 307(a) of the Tiverton Home Rule charter should be amended to change the vote required for a ballot vote at a Financial Town Meeting from 50% to 20% of the electors present. This question (#5 on the ballot) was rejected by 61.82% of the voters (3,288), and approved by 38.18% of the voters (2,031).

Financial Town Meeting Changes Advisory Committee

The FTMCAC made particular note of the fact that, to date, the voters of Tiverton have not been presented with the option of replacing the Financial Town Meeting with an all-day referendum.

As the FTMCAC work progressed, it has continuously sought input about the then-current version of its proposal from the Town Council, the Budget Committee, the School Committee, the Town Administrator, Town Clerk, Town Treasurer, Town Sergeant, and members of the public. The FTMCAC has diligently tracked any questions or concerns on the Financial Town Referendum Issue Tracking Sheet, along with the FTMCAC's response to same. To date, this tracking sheet, enclosed herewith, has 102 entries addressing a range of issues from both town officials and townspeople.

On today's date the FTMCAC is presenting the Town Council with two proposed amendments to the Financial Town Meeting, both involving the change of the Financial Town Meeting to an all-day Financial Town Referendum. The FTMCAC supports the concept of a Financial Town Referendum (again, a proposal for replacing the Financial Town Meeting with which the Tiverton voters have never been presented) because it will provide a process by which voters can cast private votes at polling places open all day, either for the elected Budget Committee's recommendation of a total Town budget (including Municipal and School), or an alternative budget proposal on the ballot placed there by the Town Council, School Committee, or Elector(s) via petition.

The FTMCAC considers the Financial Town Referendum to be an improvement over the existing Financial Town Meeting for the following reasons: voters will have an equal opportunity to participate, regardless of health issues, child-care issues, work issues, etc; elimination of all the Financial Town Meeting procedural matters, amendments, etc; accuracy of vote count; voters will have access to absentee ballots; electors will still have access to the ballot with 50 signatures; voters will have a chance to discover all implications of budget/tax options on the ballot, the Budget Committee's recommendations, and other alternative budget recommendations, at the Financial Town Hearing two weeks prior, insuring a more informed voter decision; Voters can vote in private; the town's budget and tax-levy will be final at the Financial Town Referendum; and, as with any election, all voters can show up to vote at a Financial Town Referendum, with much less commitment of time.

The FTMCAC recommends Version 1, a Financial Town Referendum (preceded two weeks earlier by a Financial Town Hearing where proposed budgets are vetted), in which the voter will "Vote for One of the Following Budget Proposals". However, the FTMCAC has also included a Version 2 which includes an Approved/Reject option as a response to expressions at Town Council and School Committee meetings for an ability for a "No" vote.

The Sample Ballots for Version 1 and Version 2 are included, not as part of the Charter amendment proposal, but rather to document the legislative intent. The Flow Charts for Version 1 and Version 2 are included as a tool to facilitate understanding of the process schedule.

The FTMCAC stands ready to assist further through the public hearing process, including maintaining the document, etc.

Jeff Caron
Co-Chair, FTMCAC

Nancy L. Driggs
Co-Chair, FTMCAC

Proposed Charter Amendment

Ballot Question

Shall the Tiverton Town Charter (Articles II, III, IV, V, VI, VII, VIII, IX, XI, XII, and XIII) be amended to implement a Financial Town Referendum in which voters, by private ballot at polling places open all day, vote on budget appropriations, the tax levy, and resolutions?

Reason for Change

The Financial Town Referendum (FTR) establishes a process by which the elected Budget Committee would recommend a budget appropriation (including Municipal and School) and resolutions for placement on the FTR ballot. This amendment also allows the Town Council, School Committee, and Electors via petition to place alternative budget proposals and resolutions on the ballot. Voting is on Tuesday by private ballot at polling places open all day, and a majority is required for adoption.

Features of the Financial Town Referendum (FTR)

- **Democracy:** The people remain the “appropriating body” of the town and retain exclusive authority to decide budgets and taxes. All voters have an equal opportunity to participate, regardless of health issues, child-care issues, work issues, etc.
- **Efficiency:** People can vote by briefly stopping at a polling place at any time during Tuesday.
- **Absentee Ballots:** The FTR provides for the Board of Canvassers to implement absentee ballots so that those out of town, in the hospital, nursing home, etc have the opportunity to vote.
- **Simplicity:** People can advocate and vote for their preferred budget proposal at the Financial Town Hearing (FTH) and FTR without procedural matters and confusion that accompany Robert’s Rules of Order.
- **Certainty:** The Board of Canvassers has jurisdiction over the FTR and using the normal voting process assures an accurate vote count.
- **Access to Ballot:** The Budget Committee recommendation will appear on the ballot. Municipal and School budget requests may optionally appear on the ballot. Electors will also have access to the ballot via Elector Petitions requiring just 50 signatures.
- **Informed Decision:** All budget/tax options on the ballot and the Budget Committee’s recommendations will have been discussed/vetted at a hearing two weeks prior. Voters will have ample opportunity to find out all implications of each plan, and two weeks is long enough for the local news cycle to inform.
- **Confidentiality:** People can vote their conscience on budget and tax matters in privacy as they do in elections.
- **Finality:** The town’s budget and tax-levy will be definitively set by the FTR, unlike the FTM which can go on indefinitely without resolution.
- **Practicality:** As with any election, all of Tiverton’s 11,000 plus voters can vote in the FTR with minimal consideration for facility capacity or comfort.

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 ~~Referendum~~, ~~Special Meeting~~ or a 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 REFERENDUM

Section 301 Time and Purpose

~~The electors of the Town shall assemble each year in Financial Town Meeting on the second Saturday in May at 9:00 o'clock a.m. to 1:00 o'clock p.m. for the purpose of hearing official reports, ordering any tax which lawfully may be ordered, making appropriations, and transacting any other business pertaining to the affairs of the Town which may legally come before such meeting. Should said meeting need to be reconvened, it shall be scheduled to the next following Saturday at the aforementioned time. Said Financial Town Meeting shall be called and warned and the list of electors qualified to vote therein shall be made out and canvassed in the same manner as provided by law in respect to elections.~~

(b) Notice

~~Prior to the Financial Town Meeting, the Council President shall cause to be published in a newspaper of general circulation in the Town a budget summary which shall set out proposed expenditures by department or function and receipts by source for the proposed budget year together with comparisons of these with estimated expenditures and receipts for the current budget year, in the form provided in Section 44-35-7 of the General Laws; and shall also cause to be published the "proposed property tax rate" and the "adjusted current property tax rate" for the Town as defined in Section 44-35-3 of the General Laws. A public hearing or hearings shall be scheduled to take place no less than ten (10) days following the date of such publication on the proposed budget expenditures and property tax rate. Such hearings shall be completed no less than ten (10) days prior to the date of the Financial Town Meeting.~~

(b) Subjects Requiring Special Notice

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

Section 301 Budget, Tax Levy, and Resolution Adoption Process

(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 request (excluding the Town Treasurer's and Town Clerk's budgets) to the Budget Committee and Town Council no later than January 15.
- 3.) Town Clerk: Prepare and submit preliminary Town Clerk budget request to the Budget Committee no later than January 15.
- 4.) Town Treasurer: Prepare and submit preliminary Town Treasurer budget request to the Budget Committee no later than January 15.
- 5.) School Committee: Prepare and submit preliminary School Department budget request to the Budget Committee no later than January 15.
- 6.) Town Council: Approve and submit the final Municipal budget request (excluding the Town Treasurer's and Town Clerk's budgets) to the Town Administrator no later than 73 days prior to the Financial Town Referendum.
- 7.) Town Council: Approve and submit the final revenue estimates to the Town Administrator no later than 73 days prior to the Financial Town Referendum.
- 8.) Town Administrator: Submit the final Municipal budget request (excluding the Town Treasurer's and Town Clerk's budgets) and final revenue estimates to the Budget Committee no later than 63 days prior to the Financial Town Referendum.
- 9.) Town Clerk: Submit the final Town Clerk budget request to the Budget Committee no later than 63 days prior to the Financial Town Referendum.
- 10.) Town Treasurer: Submit the final Town Treasurer budget request to the Budget Committee no later than 63 days prior to the Financial Town Referendum.
- 11.) School Committee: Approve and submit the final School Department budget request to the Budget Committee no later than 63 days prior to the Financial Town Referendum.
- 12.) Budget Committee: Approve and submit the Budget Committee Docket, which includes Budget Proposal and Resolutions, to the Town Clerk no later than 44 days prior to the Financial Town Referendum.
- 13.) School Committee: Submit Optional Budget Proposal and Resolutions to Town Clerk no later than 37 days prior to the Financial Town Referendum.

- 14.) Town Council: Submit Optional Budget Proposal and Resolutions to Town Clerk no later than 37 days prior to the Financial Town Referendum.
- 15.) Town Clerk: Budget Proposal elector petitions made available no later than 35 days prior to the Financial Town Referendum.
- 16.) Electors: Budget and Resolution elector petitions due to the Town Clerk no later than 28 days prior to the Financial Town Referendum.
- 17.) Board of Canvassers: Certification of all elector petitions complete no later than 21 days prior to the Financial Town Referendum.
- 18.) Town Clerk: The Financial Town Hearing shall occur no later than 14 days prior to the Financial Town Referendum.
- 19.) Financial Town Referendum: The Financial Town Referendum shall occur on the third Tuesday in May.
- 20.) [If Necessary] Financial Town Referendum Runoff: The Financial Town Referendum Runoff shall occur fourteen days after the Financial Town Referendum.

(b) Ballot

The Financial Town 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:

- A. the dollar amount to appropriate for the School Department budget,
- B. the dollar amount to appropriate for the Municipal budget (including the Town Clerk and Town Treasurer),
- C. the dollar amount to raise by taxation including maximum dollar amounts for the Motor Vehicle, Real & Tangible Property, and resulting Total Property tax levies,
- D. the percentage increase or decrease to the prior year's certified Net Tax Levy, and
- E. 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 Only One of the following Budget Proposals".

2.) Resolutions: 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 (b) 1.) A. through E. Electors shall be instructed to "Approve or Reject" resolution(s).

(c) Access to Ballot

1.) The Budget Committee Budget Proposal shall appear first on the ballot in accordance with Section 301(b) 1.). Resolutions submitted by the Budget Committee shall appear on the ballot.

2.) At the request of either the Town Council or School Committee or both, an Optional Budget Proposal shall appear on the ballot in accordance with Section 301(b) 1.). At the discretion of the Town Council, said Optional Budget Proposal shall include the Budget Committee recommended municipal budget or the municipal budget request. At the discretion of the School Committee, said Optional Budget Proposal shall include the Budget Committee recommended school budget or the school budget request. The dollar amount used for non property tax revenue (excluding education aid) in the determination of the Total Property tax levy of Section 301 (b) 1.) C. shall be at the discretion of the Town Council. The dollar amount used for education aid in the determination of the Total Property tax levy of Section 301 (b) 1.) C. shall be at the discretion of the School Committee. The dollar amount used for the Motor Vehicle Property tax levy in the determination of the Total Property tax levy of Section 301 (b) 1.) C. shall be at the discretion of the Town Council. Resolutions submitted by the Town Council and or the School Committee shall appear on the ballot.

3.) 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 a Board of Canvassers lottery. Qualified Resolutions submitted by elector petition in accordance with Section 301 (d) shall appear on the ballot.

(d) Petitions

1.) Elector Budget Proposals: Elector Budget Proposals: Electors of the town may petition that an alternate budget proposal be included in the Financial Town Referendum. No later than 35 days before the Financial Town Referendum 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)1.A through E. The Town Clerk shall record the dollar amounts sought by the petition originator on the petition form, shall prepare a typed version of this petition form to be verified by the petition originator, and record a petition originator's statement, if any, as to the purpose of the petition. Any person obtaining signatures must be a legal resident of voting age. Petitions must be returned to the Town Clerk no later than 28 days prior to the Financial Town Referendum. Any language added to a petition, or any alteration of the language thereof subsequent to the verification by the petition originator of the Town Clerk's typed version, shall be of no force or effect. There shall be no limit to the number of separate petitions which an elector may 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 circulating a petition. An elector may originate no more than one Budget Proposal petition.

2.) Elector Resolutions: No later than 28 days before the Financial Town Referendum electors may petition that a Resolution pursuant to Section 301 (b) 2.) be included on the ballot for the Financial Town Referendum.

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 Financial Town Referendum. All Elector Budget Proposals and Elector Resolutions shall be included on the ballot for the Financial Town Referendum and presented at the Financial Town Hearing provided that they are accompanied by 50 qualified elector signatures.

(e) Financial Town Hearing

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

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

3.) Agenda: The Town Clerk shall preside over the Financial Town Hearing.

4.) Purpose: The ballot pursuant to Section 301 (b) as it will be presented at the Financial Town Referendum shall be provided for electors to equitably review and debate all budget proposals and resolutions.

(f) Financial Town Referendum

1.) Purpose: The Financial Town Referendum may order any tax which lawfully may be ordered, make appropriations, and transact any other business pertaining to the affairs of the Town which may legally come before such referendum via Budget Proposals and Resolutions.

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

3.) Time: The Financial Town Referendum shall be held on the third Tuesday in May and poll hours shall be the same as those used for a general election. Absentee ballots shall be permitted.

4.) Jurisdiction: The Board of Canvassers shall have jurisdiction over the Financial Town Referendum including a process for absentee ballots.

5.) Ballot: Electors shall vote on the ballot in accordance with Section 301 (b) presented at the Financial Town Hearing.

6.) Budget Proposals: The Budget Proposal receiving a majority of votes cast shall be adopted.

7.) Resolutions: Resolutions shall be adopted if the number of approvals is greater than the number of rejections. In the case of contradicting resolutions, the resolution receiving the most approvals shall be adopted.

(g) Financial Town Referendum Runoff

1.) Purpose: The Financial Town Referendum Runoff will ensure that a Budget Proposal is adopted by a majority of voters.

2.) Applicability: The Financial Town Referendum Runoff shall occur only if no Budget Proposal at the Financial Town Referendum receives a majority of votes.

3.) Notice: The Financial Town Referendum Runoff shall be noticed with the Financial Town Referendum pursuant to RI General Laws.

4.) Time: The Financial Town Referendum Runoff shall be held fourteen days after the Financial Town Referendum and poll hours shall be the same as those used for a general election. Absentee ballots shall be permitted.

5.) Jurisdiction: The Board of Canvassers shall have jurisdiction over the Financial Town Referendum Runoff including a process for absentee ballots.

6.) Ballot: The ballot shall comprise the two Budget Proposals receiving the highest number of votes in the Financial Town Referendum. Electors shall be instructed to “Vote For Only One of the following Budget Proposals”.

7.) Budget Proposals: The Budget Proposal receiving the most votes shall be adopted.

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. Any request for Special Referenda shall include a Budget Proposal and or Resolution(s) in accordance with Section 301 (b) Ballot. Requested Budget Proposal(s) shall appear on said ballot with the currently adopted Budget Proposal. Voters shall be instructed to “Vote for Only

One of the following Budget Proposals”. Voters shall be instructed to “Approve or Reject” Resolutions. The Board of Canvassers shall have jurisdiction over Special Referenda including absentee ballots. Special Referenda shall be noticed in accordance with state and local law. 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~~ 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 303 Additional Financial Proposals

~~Any proposal for the expenditure of money, other than for items contained in the budget presented by the Budget Committee, may be acted upon at the Financial Town Meeting in the same manner as those presented by the Budget Committee, only if such proposals shall have been presented by the Town Council or by a petition signed by at least fifty (50) electors qualified to vote in Financial Town Meeting and filed with the Town Clerk not less than thirty-five (35) days prior to the date of such meeting. The warrant issued for the notice of such meeting shall include such proposals and the recommendations of the Budget Committee, if any.~~

Section 304 Powers of the Electors

~~The electors in Special Meeting or Financial Town Meeting shall have and exercise all powers granted Financial Town Meetings by the laws of the state not inconsistent with this Charter.~~

Section 305 Moderator

~~There shall be a Moderator elected biennially by paper ballot, concurrent with the Financial Town Meeting to serve at such Special Meetings and Financial Town Meetings as occur during his/her term of office. The Moderator shall serve for a term of two (2) years commencing with the start of the fiscal year and until a successor is elected and qualified. The Moderator shall be an elector of the Town qualified to vote in Financial Town Meetings. If the Moderator is absent, the Town Council shall appoint a Moderator to serve for the duration of such absence, provided the absence does not exceed six (6) months, in which case the position will be deemed to be vacant.~~

(a) Duties and Powers of Moderator

~~1.) The Moderator shall preside at all Special Meetings and Financial Town Meetings and shall have power to regulate and manage the business of each meeting, conforming to law, and to~~

maintain peace and good order therein. The Moderator shall have all powers as provided by the laws of the State not inconsistent with this Charter. The Moderator shall submit the Rules of the meeting, if any, to the Town Clerk for printing, at least fifteen (15) days prior to the meeting date. Any matter not covered by these Rules shall be governed by Robert's Rules of Order. The Rules of the Meeting shall be adopted by a vote of the electors at the meeting. The Moderator, in accordance with Robert's Rules of Order, may stop debate on any business at a meeting and move to a vote on said business.

2.) The Moderator shall, prior to each Special Meeting or Financial Town Meeting, provide a written agenda for all interested electors of those items of business to be considered at such meeting, and the order in which they will be considered. The docket, as provided by the Budget Committee, shall be included as one line item on the agenda for the Financial Town Meeting. The Moderator shall not alter the order of the items within the Budget Committee's docket.

3.) The following items shall be included in the agenda of a Financial Town Meeting as prepared by the Moderator; notwithstanding that additional items may also be present:

- Vote to adopt the Rules of the Meeting, if any special rules were provided by the Moderator.
- Budget Committee's docket.
- If this is the end of the Moderator's current term of office, election of a Moderator for the next term of office.

Section 306 Quorum

At least three hundred one (301) electors shall be necessary to constitute a quorum at any Special Meeting or Financial Town Meeting. All questions shall be decided by a majority vote of the qualified electors present and voting.

Section 307 Voting

The Moderator on a motion duly made and seconded relative to any business regularly before the meeting and having heard all qualified electors desirous of being heard, shall cause the votes of the qualified electors present to be taken thereon.

(a) Vote by Ballot

The vote shall be taken by ballot upon the request of a majority of the qualified electors present, on any pending question involving the expenditure of money, the incurring of liability or disposition of Town property.

Section 308 Record of Proceedings

A copy of the record of the proceedings of any Special Meeting or Financial Town Meeting, duly certified by the Town Clerk, shall be evidence of any act or vote of the electors of the Town in Special Meeting or Financial Town Meeting.

Section 309 Recessed Meetings

The Moderator may recess for a period not to exceed one (1) hour, any duly called Special Meeting or Financial Town Meeting. Every Special Meeting or Financial Town Meeting shall be recessed by the Moderator no later than 11:00 o'clock P.M, if not otherwise set forth herein. Any

~~unfinished business from the Financial Town Meeting shall be referred to a recessed meeting to be held on the next following Saturday at 9:00 o'clock AM, and may be recessed from time to time thereafter upon vote of the meeting.~~

Section 311 Compensation

~~Compensation for all municipal employees, full or part time, elected or appointed, other than contracted and unionized employees shall be approved at the Financial Town Meeting.~~

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 Municipal budget and revenue estimates submitted by the Town Administrator within 30 days in accordance with Section 301(a) 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.~~

16.) Upon receipt by the Town Clerk of a Budget Proposal which requires a tax levy in excess of the maximum permitted by state law, apply for excess levy approval from the state. Nothing in this section shall prevent the Town Council from applying for excess levy approval at an earlier date.

ARTICLE V TOWN ADMINISTRATOR

Section 503 Duties and Powers of the Town Administrator

The Town Administrator shall be responsible to the Town Council for the administration and management of the Town government.

The Town Administrator shall devote his/her entire time and attention to his/her duties as Administrator and shall not, during 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 Administrator of the Town of Tiverton without prior Town Council approval.

The Town Administrator shall:

1.) Submit to the Budget Committee and Town Council, ~~not later than 150 days prior to the Financial Town Meeting~~, a proposed Mmunicipal (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 and revenue estimates as reviewed and approved by the Town Council in accordance with Section 301(a) of this Charter. 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, Town Clerk's, and Treasurer's budgets, 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.

ARTICLE VI FINANCIAL SERVICES

Section 602 Town Treasurer

The non-partisan Town Treasurer shall be elected for a four (4) year term at general elections.

(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~~ Referendum is not exceeded.
- 9.) Preparing an annual department budget to be submitted ~~to the Budget Committee~~ 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.

ARTICLE VII BUDGET COMMITTEE

Section 703 Duties and Responsibilities

The Budget Committee has the following responsibilities:

- 1.) To participate in the Initial Budget Workshop.
- ~~1-2.)~~ 2.) To review the budgets submitted by the Town Administrator 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.)~~ 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.)~~ 4.) To develop a docket 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,~~ and a Budget Proposal.
- ~~4-5.)~~ 5.) To prepare and submit the docket for publication to the Town ~~Administrator~~ Clerk in accordance with Section 301(a) of this Charter. ~~at least thirty (30) days before the Financial Town Meeting.~~
- ~~5-6.)~~ 6.) To present the docket to the electorate at a ~~the public Financial Town h~~ Hearing. ~~and at the Financial Town Meeting.~~

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 and making available to the public upon receipt resolutions and Budget Proposals for the Financial Town Meeting Referendum. Additionally, the Town Clerk shall print, advertise and distribute the docket and any qualified budget proposals or resolutions at least twenty (20) days prior to the Financial Town Meeting Referendum. The Town Clerk shall submit his or her budget ~~directly to the Budget Committee~~ 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, 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.

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.

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.

~~(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.~~

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~~ Referendum or 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.

ARTICLE XIII TRANSITIONAL PROVISIONS

~~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.~~

**Town of Tiverton
Fiscal Year 2011-2012 Budget and Tax Levy**

Vote For One = Version 1

Vote For Only One of the following Budget Proposals

← — 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 the Town Council and School Committee.

← — 3. 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,
as proposed by Elector Petition.

VOTE FOR ONE = Version 1

NO LATER THAN

January 15	<ol style="list-style-type: none"> 1) Joint Budget Workshop to establish general goals and objectives. 2) School Committee submits preliminary school department budget to Budget Committee. 3) Town Administrator submits preliminary municipal budget (excluding Clerk and Treasurer) to Budget Committee. 4) Town Clerk submits preliminary budget to Budget Committee. 5) Town Treasurer submits preliminary budget to Budget Committee.
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73 Days Prior to FTR 5-Mar-11	<ol style="list-style-type: none"> 1) Town Council approves and submits the final Municipal budget (excluding Clerk and Treasurer) to the Town Administrator. 2) Town Council approves and submits the final revenue estimates to the Town Administrator.
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63 Days Prior to FTR 15-Mar-11	<ol style="list-style-type: none"> 1) School Committee approves and submits final School Department budget to Budget Committee. 2) Town Administrator submits approved Municipal budget (excluding Clerk and Treasurer) to Budget Committee. 3) Town Administrator submits approved revenue estimates to Budget Committee. 4) Town Clerk submits final budget to Budget Committee. 5) Town Treasurer submits final budget to Budget Committee.
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44 Days Prior to FTR 3-Apr-11	Budget Committee submits Budget Committee Docket, Budget Proposal, and Resolutions to Town Clerk.
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37 Days Prior to FTR 10-Apr-11	<ol style="list-style-type: none"> 1) School Committee submits Optional Budget Proposal and Resolutions to Town Clerk. 2) Town Council submits Optional Budget Proposal and Resolutions to Town Clerk.
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35 Days Prior to FTR 12-Apr-11	Elector Petitions for Budget Proposals made available by Town Clerk.
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28 Days Prior to FTR 19-Apr-11	Elector Petitions for Budget and Resolutions due to Town Clerk
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21 Days Prior to FTR 26-Apr-11	Board of Canvassers completes certification of all Elector Petitions
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14 Days Prior to FTR 3-May-11	Financial Town Hearing
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10 Days Prior to FTR 7-May-11	Financial Town Referendum Notice Published
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Third Tuesday In May 17-May-11	FINANCIAL TOWN REFERENDUM
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14 Days After the FTR 31-May-11	Financial Town Referendum Runoff [Only if necessary]
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Proposed Charter Amendment

Ballot Question

Shall the Tiverton Town Charter (Articles II, III, IV, V, VI, VII, VIII, IX, XI, XII, and XIII) be amended to implement a Financial Town Referendum in which voters, by private ballot at polling places open all day, vote on budget appropriations, the tax levy, and resolutions?

Reason for Change

The Financial Town Referendum (FTR) establishes a process by which the elected Budget Committee would recommend a budget appropriation (including Municipal and School) and resolutions for placement on the FTR ballot. This amendment also allows the Town Council, School Committee, and Electors via petition to place alternative budget proposals and resolutions on the ballot. Voting is on Tuesday by private ballot at polling places open all day, and a majority is required for adoption.

Features of the Financial Town Referendum (FTR)

- **Democracy:** The people remain the “appropriating body” of the town and retain exclusive authority to decide budgets and taxes. All voters have an equal opportunity to participate, regardless of health issues, child-care issues, work issues, etc.
- **Efficiency:** People can vote by briefly stopping at a polling place at any time during Tuesday.
- **Absentee Ballots:** The FTR provides for the Board of Canvassers to implement absentee ballots so that those out of town, in the hospital, nursing home, etc have the opportunity to vote.
- **Simplicity:** People can advocate and vote for their preferred budget proposal at the Financial Town Hearing (FTH) and FTR without procedural matters and confusion that accompany Robert’s Rules of Order.
- **Certainty:** The Board of Canvassers has jurisdiction over the FTR and using the normal voting process assures an accurate vote count.
- **Access to Ballot:** The Budget Committee recommendation will appear on the ballot. Municipal and School budget requests may optionally appear on the ballot. Electors will also have access to the ballot via Elector Petitions requiring just 50 signatures.
- **Informed Decision:** All budget/tax options on the ballot and the Budget Committee’s recommendations will have been discussed/vetted at a hearing two weeks prior. Voters will have ample opportunity to find out all implications of each plan, and two weeks is long enough for the local news cycle to inform.
- **Confidentiality:** People can vote their conscience on budget and tax matters in privacy as they do in elections.
- **Finality:** The town’s budget and tax-levy will be definitively set by the FTR, unlike the FTM which can go on indefinitely without resolution.
- **Practicality:** As with any election, all of Tiverton’s 11,000 plus voters can vote in the FTR with minimal consideration for facility capacity or comfort.

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 ~~Referendum~~, ~~Special Meeting~~ or a 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 REFERENDUM

Section 301 Time and Purpose

~~The electors of the Town shall assemble each year in Financial Town Meeting on the second Saturday in May at 9:00 o'clock a.m. to 1:00 o'clock p.m. for the purpose of hearing official reports, ordering any tax which lawfully may be ordered, making appropriations, and transacting any other business pertaining to the affairs of the Town which may legally come before such meeting. Should said meeting need to be reconvened, it shall be scheduled to the next following Saturday at the aforementioned time. Said Financial Town Meeting shall be called and warned and the list of electors qualified to vote therein shall be made out and canvassed in the same manner as provided by law in respect to elections.~~

(b) Notice

~~Prior to the Financial Town Meeting, the Council President shall cause to be published in a newspaper of general circulation in the Town a budget summary which shall set out proposed expenditures by department or function and receipts by source for the proposed budget year together with comparisons of these with estimated expenditures and receipts for the current budget year, in the form provided in Section 44-35-7 of the General Laws; and shall also cause to be published the "proposed property tax rate" and the "adjusted current property tax rate" for the Town as defined in Section 44-35-3 of the General Laws. A public hearing or hearings shall be scheduled to take place no less than ten (10) days following the date of such publication on the proposed budget expenditures and property tax rate. Such hearings shall be completed no less than ten (10) days prior to the date of the Financial Town Meeting.~~

(b) Subjects Requiring Special Notice

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

Section 301 Budget, Tax Levy, and Resolution Adoption Process

(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 request (excluding the Town Treasurer's and Town Clerk's budgets) to the Budget Committee and Town Council no later than January 15.
- 3.) Town Clerk: Prepare and submit preliminary Town Clerk budget request to the Budget Committee no later than January 15.
- 4.) Town Treasurer: Prepare and submit preliminary Town Treasurer budget request to the Budget Committee no later than January 15.
- 5.) School Committee: Prepare and submit preliminary School Department budget request to the Budget Committee no later than January 15.
- 6.) Town Council: Approve and submit the final Municipal budget request (excluding the Town Treasurer's and Town Clerk's budgets) to the Town Administrator no later than 73 days prior to the Financial Town Referendum.
- 7.) Town Council: Approve and submit the final revenue estimates to the Town Administrator no later than 73 days prior to the Financial Town Referendum.
- 8.) Town Administrator: Submit the final Municipal budget request (excluding the Town Treasurer's and Town Clerk's budgets) and final revenue estimates to the Budget Committee no later than 63 days prior to the Financial Town Referendum.
- 9.) Town Clerk: Submit the final Town Clerk budget request to the Budget Committee no later than 63 days prior to the Financial Town Referendum.
- 10.) Town Treasurer: Submit the final Town Treasurer budget request to the Budget Committee no later than 63 days prior to the Financial Town Referendum.
- 11.) School Committee: Approve and submit the final School Department budget request to the Budget Committee no later than 63 days prior to the Financial Town Referendum.
- 12.) Budget Committee: Approve and submit the Budget Committee Docket, which includes Budget Proposal and Resolutions, to the Town Clerk no later than 44 days prior to the Financial Town Referendum.
- 13.) School Committee: Submit Optional Budget Proposal and Resolutions to Town Clerk no later than 37 days prior to the Financial Town Referendum.

- 14.) Town Council: Submit Optional Budget Proposal and Resolutions to Town Clerk no later than 37 days prior to the Financial Town Referendum.
- 15.) Town Clerk: Budget Proposal elector petitions made available no later than 35 days prior to the Financial Town Referendum.
- 16.) Electors: Budget and Resolution elector petitions due to the Town Clerk no later than 28 days prior to the Financial Town Referendum.
- 17.) Board of Canvassers: Certification of all elector petitions complete no later than 21 days prior to the Financial Town Referendum.
- 18.) Town Clerk: The Financial Town Hearing shall occur no later than 14 days prior to the Financial Town Referendum.
- 19.) Financial Town Referendum: The Financial Town Referendum shall occur on the third Tuesday in May.

(b) Ballot

The Financial Town 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:

- A. the dollar amount to appropriate for the School Department budget,
- B. the dollar amount to appropriate for the Municipal budget (including the Town Clerk and Town Treasurer),
- C. the dollar amount to raise by taxation including maximum dollar amounts for the Motor Vehicle, Real & Tangible Property, and resulting Total Property tax levies,
- D. the percentage increase or decrease to the prior year's certified Net Tax Levy, and
- E. 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 "Approve or Reject the following Budget Proposals".

2.) Resolutions: 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 (b) 1.) A. through E. Electors shall be instructed to "Approve or Reject" resolution(s).

(c) Access to Ballot

1.) The Budget Committee Budget Proposal shall appear first on the ballot in accordance with Section 301(b) 1.). Resolutions submitted by the Budget Committee shall appear on the ballot.

2.) At the request of either the Town Council or School Committee or both, an Optional Budget Proposal shall appear on the ballot in accordance with Section 301(b) 1.). At the discretion of the Town Council, said Optional Budget Proposal shall include the Budget Committee recommended municipal budget or the municipal budget request. At the discretion of the School Committee, said Optional Budget Proposal shall include the Budget Committee recommended school budget or the school budget request. The dollar amount used for non property tax revenue (excluding education aid) in the determination of the Total Property tax levy of Section 301 (b) 1.) C. shall be at the discretion of the Town Council. The dollar amount used for education aid in the determination of the Total Property tax levy of Section 301 (b) 1.) C. shall be at the discretion of the School Committee. The dollar amount used for the Motor Vehicle Property tax levy in the determination of the Total Property tax levy of Section 301 (b) 1.) C. shall be at the discretion of the Town Council. Resolutions submitted by the Town Council and or the School Committee shall appear on the ballot.

3.) 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 a Board of Canvassers lottery. Qualified Resolutions submitted by elector petition in accordance with Section 301 (d) shall appear on the ballot.

(d) Petitions

1.) Elector Budget Proposals: Elector Budget Proposals: Electors of the town may petition that an alternate budget proposal be included in the Financial Town Referendum. No later than 35 days before the Financial Town Referendum 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)1.A through E. The Town Clerk shall record the dollar amounts sought by the petition originator on the petition form, shall prepare a typed version of this petition form to be verified by the petition originator, and record a petition originator's statement, if any, as to the purpose of the petition. Any person obtaining signatures must be a legal resident of voting age. Petitions must be returned to the Town Clerk no later than 28 days prior to the Financial Town Referendum. Any language added to a petition, or any alteration of the language thereof subsequent to the verification by the petition originator of the Town Clerk's typed version, shall be of no force or effect. There shall be no limit to the number of separate petitions which an elector may 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 circulating a petition. An elector may originate no more than one Budget Proposal petition.

2.) Elector Resolutions: No later than 28 days before the Financial Town Referendum electors may petition that a Resolution pursuant to Section 301 (b) 2.) be included on the ballot for the Financial Town Referendum.

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 Financial Town Referendum. All Elector Budget Proposals and Elector Resolutions shall be included on the ballot for the Financial Town Referendum and presented at the Financial Town Hearing provided that they are accompanied by 50 qualified elector signatures.

(e) Financial Town Hearing

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

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

3.) Agenda: The Town Clerk shall preside over the Financial Town Hearing.

4.) Purpose: The ballot pursuant to Section 301 (b) as it will be presented at the Financial Town Referendum shall be provided for electors to equitably review and debate all budget proposals and resolutions.

(f) Financial Town Referendum

1.) Purpose: The Financial Town Referendum may order any tax which lawfully may be ordered, make appropriations, and transact any other business pertaining to the affairs of the Town which may legally come before such referendum via Budget Proposals and Resolutions.

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

3.) Time: The Financial Town Referendum shall be held on the third Tuesday in May and poll hours shall be the same as those used for a general election. Absentee ballots shall be permitted.

4.) Jurisdiction: The Board of Canvassers shall have jurisdiction over the Financial Town Referendum including a process for absentee ballots.

5.) Ballot: Electors shall vote on the ballot in accordance with Section 301 (b) presented at the Financial Town Hearing.

6.) Budget Proposals: The Budget Proposal which is Approved and which received the most votes shall be adopted. If no Budget Proposal is Approved, then prior year budgets shall remain in effect in accordance with RI General Law 45-2-3.2 and the corresponding tax levies shall be implemented.

7.) Resolutions: Resolutions shall be adopted if the number of approvals is greater than the number of rejections. In the case of contradicting resolutions, the resolution receiving the most approvals shall be adopted.

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. Any request for Special Referenda shall include a Budget Proposal and or Resolution(s) in accordance with Section 301 (b) Ballot. The requested Budget Proposal(s) shall appear on said ballot. Voters shall be instructed to "Approve or Reject" the Budget Proposal and or any Resolutions. The Board of Canvassers shall have jurisdiction over Special Referenda including absentee ballots. Special Referenda shall be noticed in accordance with state and local law. 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~~ 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 303 Additional Financial Proposals

Any proposal for the expenditure of money, other than for items contained in the budget presented by the Budget Committee, may be acted upon at the Financial Town Meeting in the same manner as those presented by the Budget Committee, only if such proposals shall have

been presented by the Town Council or by a petition signed by at least fifty (50) electors qualified to vote in Financial Town Meeting and filed with the Town Clerk not less than thirty-five (35) days prior to the date of such meeting. The warrant issued for the notice of such meeting shall include such proposals and the recommendations of the Budget Committee, if any.

Section 304 Powers of the Electors

The electors in Special Meeting or Financial Town Meeting shall have and exercise all powers granted Financial Town Meetings by the laws of the state not inconsistent with this Charter.

Section 305 Moderator

There shall be a Moderator elected biennially by paper ballot, concurrent with the Financial Town Meeting to serve at such Special Meetings and Financial Town Meetings as occur during his/her term of office. The Moderator shall serve for a term of two (2) years commencing with the start of the fiscal year and until a successor is elected and qualified. The Moderator shall be an elector of the Town qualified to vote in Financial Town Meetings. If the Moderator is absent, the Town Council shall appoint a Moderator to serve for the duration of such absence, provided the absence does not exceed six (6) months, in which case the position will be deemed to be vacant.

(a) Duties and Powers of Moderator

——— 1.) The Moderator shall preside at all Special Meetings and Financial Town Meetings and shall have power to regulate and manage the business of each meeting, conforming to law, and to maintain peace and good order therein. The Moderator shall have all powers as provided by the laws of the State not inconsistent with this Charter. The Moderator shall submit the Rules of the meeting, if any, to the Town Clerk for printing, at least fifteen (15) days prior to the meeting date. Any matter not covered by these Rules shall be governed by Robert's Rules of Order. The Rules of the Meeting shall be adopted by a vote of the electors at the meeting. The Moderator, in accordance with Robert's Rules of Order, may stop debate on any business at a meeting and move to a vote on said business.

——— 2.) The Moderator shall, prior to each Special Meeting or Financial Town Meeting, provide a written agenda for all interested electors of those items of business to be considered at such meeting, and the order in which they will be considered. The docket, as provided by the Budget Committee, shall be included as one line item on the agenda for the Financial Town Meeting. The Moderator shall not alter the order of the items within the Budget Committee's docket.

——— 3.) The following items shall be included in the agenda of a Financial Town Meeting as prepared by the Moderator; notwithstanding that additional items may also be present:

- Vote to adopt the Rules of the Meeting, if any special rules were provided by the Moderator.
- Budget Committee's docket.
- If this is the end of the Moderator's current term of office, election of a Moderator for the next term of office.

Section 306 Quorum

~~At least three hundred one (301) electors shall be necessary to constitute a quorum at any Special Meeting or Financial Town Meeting. All questions shall be decided by a majority vote of the qualified electors present and voting.~~

Section 307 Voting

~~The Moderator on a motion duly made and seconded relative to any business regularly before the meeting and having heard all qualified electors desirous of being heard, shall cause the votes of the qualified electors present to be taken thereon.~~

(a) Vote by Ballot

~~The vote shall be taken by ballot upon the request of a majority of the qualified electors present, on any pending question involving the expenditure of money, the incurring of liability or disposition of Town property.~~

Section 308 Record of Proceedings

~~A copy of the record of the proceedings of any Special Meeting or Financial Town Meeting, duly certified by the Town Clerk, shall be evidence of any act or vote of the electors of the Town in Special Meeting or Financial Town Meeting.~~

Section 309 Recessed Meetings

~~The Moderator may recess for a period not to exceed one (1) hour, any duly called Special Meeting or Financial Town Meeting. Every Special Meeting or Financial Town Meeting shall be recessed by the Moderator no later than 11:00 o'clock P.M, if not otherwise set forth herein. Any unfinished business from the Financial Town Meeting shall be referred to a recessed meeting to be held on the next following Saturday at 9:00 o'clock AM, and may be recessed from time to time thereafter upon vote of the meeting.~~

Section 311 Compensation

~~Compensation for all municipal employees, full or part time, elected or appointed, other than contracted and unionized employees shall be approved at the Financial Town Meeting.~~

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 Municipal budget and revenue estimates submitted by the Town Administrator within 30 days in accordance with Section 301(a) 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.~~

16.) Upon receipt by the Town Clerk of a Budget Proposal which requires a tax levy in excess of the maximum permitted by state law, apply for excess levy approval from the state. Nothing in this section shall prevent the Town Council from applying for excess levy approval at an earlier date.

ARTICLE V TOWN ADMINISTRATOR

Section 503 Duties and Powers of the Town Administrator

The Town Administrator shall be responsible to the Town Council for the administration and management of the Town government.

The Town Administrator shall devote his/her entire time and attention to his/her duties as Administrator and shall not, during 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 Administrator of the Town of Tiverton without prior Town Council approval.

The Town Administrator shall:

1.) Submit to the Budget Committee and Town Council, ~~not later than 150 days prior to the Financial Town Meeting~~, a proposed Mmunicipal (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 and revenue estimates as reviewed and approved by the Town Council in accordance with Section 301(a) of this Charter. 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, Town Clerk's, and Treasurer's budgets, 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.

ARTICLE VI FINANCIAL SERVICES

Section 602 Town Treasurer

The non-partisan Town Treasurer shall be elected for a four (4) year term at general elections.

(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~~ Referendum is not exceeded.
- 9.) Preparing an annual department budget to be submitted ~~to the Budget Committee~~ 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.

ARTICLE VII BUDGET COMMITTEE

Section 703 Duties and Responsibilities

The Budget Committee has the following responsibilities:

- 1.) To participate in the Initial Budget Workshop.
- ~~2.)~~ 2.) To review the budgets submitted by the Town Administrator 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.)~~ 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.)~~ 4.) To develop a docket 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,~~ and a Budget Proposal.
- ~~4-5.)~~ 5.) To prepare and submit the docket for publication to the Town ~~Administrator~~ Clerk in accordance with Section 301(a) of this Charter. ~~at least thirty (30) days before the Financial Town Meeting.~~
- ~~5-6.)~~ 6.) To present the docket to the electorate at a ~~the public Financial Town h~~ Hearing. ~~and at the Financial Town Meeting.~~

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 and making available to the public upon receipt resolutions and Budget Proposals for the Financial Town Meeting Referendum. Additionally, the Town Clerk shall print, advertise and distribute the docket and any qualified budget proposals or resolutions at least twenty (20) days prior to the Financial Town Meeting Referendum. The Town Clerk shall submit his or her budget ~~directly to the Budget Committee~~ 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, 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.

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.

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.

~~(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.~~

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~~ Referendum or 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.

ARTICLE XIII TRANSITIONAL PROVISIONS

~~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.~~

**Town of Tiverton
Fiscal Year 2011-2012 Budget and Tax Levy**

Approve / Reject = Version 2

Approve or Reject the following Budget Proposals

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 .

APPROVE ← —

REJECT ← —

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 the Town Council and School Committee.

APPROVE ← —

REJECT ← —

3. 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,**

as proposed by Elector Petition.

APPROVE ← —

REJECT ← —

APPROVE/REJECT = Version 2

NO LATER THAN

January 15	<ol style="list-style-type: none">1) Joint Budget Workshop to establish general goals and objectives.2) School Committee submits preliminary school department budget to Budget Committee.3) Town Administrator submits preliminary municipal budget (excluding Clerk and Treasurer) to Budget Committee.4) Town Clerk submits preliminary budget to Budget Committee.5) Town Treasurer submits preliminary budget to Budget Committee.
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73 Days Prior to FTR 5-Mar-11	<ol style="list-style-type: none">1) Town Council approves and submits the final Municipal budget (excluding Clerk and Treasurer) to the Town Administrator.2) Town Council approves and submits the final revenue estimates to the Town Administrator.
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63 Days Prior to FTR 15-Mar-11	<ol style="list-style-type: none">1) School Committee approves and submits final School Department budget to Budget Committee.2) Town Administrator submits approved Municipal budget (excluding Clerk and Treasurer) to Budget Committee.3) Town Administrator submits approved revenue estimates to Budget Committee.4) Town Clerk submits final budget to Budget Committee.5) Town Treasurer submits final budget to Budget Committee.
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44 Days Prior to FTR 3-Apr-11	Budget Committee submits Budget Committee Docket, Budget Proposal, and Resolutions to Town Clerk.
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37 Days Prior to FTR 10-Apr-11	<ol style="list-style-type: none">1) School Committee submits Optional Budget Proposal and Resolutions to Town Clerk.2) Town Council submits Optional Budget Proposal and Resolutions to Town Clerk.
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35 Days Prior to FTR 12-Apr-11	Elector Petitions for Budget Proposals made available by Town Clerk.
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28 Days Prior to FTR 19-Apr-11	Elector Petitions for Budget and Resolutions due to Town Clerk
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21 Days Prior to FTR 26-Apr-11	Board of Canvassers completes certification of all Elector Petitions
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14 Days Prior to FTR 3-May-11	Financial Town Hearing
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10 Days Prior to FTR 7-May-11	Financial Town Referendum Notice Published
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Third Tuesday In May 17-May-11	FINANCIAL TOWN REFERENDUM
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Jeff Caron = JC
 Nancy Driggs = ND
 Bob Gaw = BG
 Jeff Sroczynski = JS
 Ruth Hollenbach = RH
 John Martin = JM

Financial Town Referendum Issue Tracking Sheet

21 June 2011

ID #	Origination Date	Close Date	Raised By	Section	Issue	Status	Notes	Possible Solicitor Review
MAX ID = 102								
91	20-Jun-11		TSC/Robinson		1. Sec. 301(b), Budget Proposals: Under this section, a budget proposal need only include "... the dollar amount to appropriate for the School Department budget." At a recent meeting which I attended, it was pointed out that it was not clear that whether the "dollar amount" referenced was intended to be the full appropriation (state and local funding), or simply the local appropriation. Mr. Caron's response was that the reference was intended to be ambiguous in light of the case currently pending before the Commissioner of Education.	Open	ND & JC: FTMCAC should discuss. Case will likely be appealed. Perhaps let TC decide this. FTMCAC: Leave this open and reference in cover letter to TC.	
91	continued1				Under no circumstances can we recommend leaving this language ambiguous. To do so would be an indication to further litigation over this issue. I especially cannot recommend adoption of this language in light of our reading of the law and the Commissioner's earlier advisory. Under the Commissioner's previous advisory, the Town must make a total appropriation that includes both the local and state funds, and that the Town is also responsible for that total appropriation. It should therefore be made clear that any budget proposal for the School Department must state a total appropriation that includes both the local appropriation and any state aid. Anything short of clarity on that point should be rejected by the School Committee. Intentionally drafting his article to be ambiguous is a disservice to both to the School Department, the children, and the taxpayers of Tiverton and will in our opinion will absolutely lead to further and contentious litigation.	Open		
91	continued2				Furthermore, under this section, it appears that any budget proposal that is presented, including that which is presented by the School Department, must include the dollar amounts for the municipal as well as the school department budget. This is troublesome because the School Department is not legally responsible for preparing a municipal side budget under RIGL 16-2-21. Furthermore, the School Department would not even have the information to develop that municipal budget properly.	Open		
1	11-Apr-11	21-Jun-11	JC	Cover Page	"Improvements over FTM" - add a chart / list of all things in common with FTM.	Closed	Ongoing FTMCAC: This action is for a future FTMCAC Meeting.	
2	11-Apr-11		JC	Throughout	"Financial Town Referendum"	Closed	Implemented by JC Agreed to by unanimous consent on 11 April	
3	11-Apr-11		Brian Medeiros	Section 301 d 2	Elector Non Budget Proposals - Are there things we need to include/exclude?	Closed	Brian to bring forward a list for discussion. FTMCAC: Covered by 301 b 2. Recommend Closing	X
4	11-Apr-11		Brian Medeiros	Section 301 g 3	BOC Jurisdiction over FTR	Closed	JC talked to Clerk: BOC would certify vote by next day JC spoke to BOC Chair: RIGL is silent on BOC jurisdiction over FTMs. BOC agreeable to have charter delegate jurisdiction to BOC. BOC meeting Monday AM to discuss. JC spoke to Miguel Nunez at BOE: The FTR would not fall under Title 17, and as a result the BOC Rules and Regulations regarding Absentee Ballots applies. Mr. Nunez had no problem with the phrase "including a process for absentee ballots" to authorize the BOC to implement a policy with respect to absentee ballots. Close.	X
5	11-Apr-11		JC	Section 902 a	"subject to appropriation by the FTM" Should we not delete this?	Closed	JC talked to Laura Epke. Reason for deletion is that there is no mechanism to vote on this in the Referendum under the MEP ballot question format. Recommend deletion.	
6	11-Apr-11		JC	Section 903 a	"subject to appropriation by the FTM" Should we not delete this?	Closed	JC talked to Laura Epke. Reason for deletion is that there is no mechanism to vote on this in the Referendum under the MEP ballot question format. Recommend deletion.	
7	11-Apr-11		JC	Section 1101	(b) Compensation Should we not delete this section?	Closed	JC talked to Laura Epke. Reason for deletion is that there is no mechanism to vote on this in the Referendum under the MEP ballot question format. Recommend deletion.	
8	11-Apr-11		JC	Section 1309	(b) Compensation Should we not delete this section?	Closed	JC talked to Laura Epke. Reason for deletion is that there is no mechanism to vote on this in the Referendum under the MEP ballot question format. Recommend deletion.	

Financial Town Referendum Issue Tracking Sheet

21 June 2011

ID #	Origination Date	Close Date	Raised By	Section	Issue	Status	Notes	Possible Solicitor Review
MAX ID = 102			Jeff Caron = JC Nancy Driggs = ND Bob Gaw = BG Jeff Sroczynski = JS Ruth Hollenbach = RH John Martin = JM					
9	11-Apr-11		Brian Medeiros	Section 301 (c)	Who will automatically place budget proposal on ballot?	Closed	Consensus on 21 March gave BC (lead), TC, and SC access to ballot. Issue raised again by Brian Medeiros on 11 April. JC took initiative to go before the SC on 4/26. Brian Medeiros: Proposed an idea where BC only leads, and charter has language where TC/SC could endorse either BC Recommendation or a petition - and said endorsement would appear on ballot. JC: Initial feedback from the SC is that they want access. Language drafted for review by SC. Suggest leaving open until after meeting with SC on 10 May. JC: Most agree it is the role of the BC to recommend (take the lead) re first, automatic, required Budget Proposal. As such if the FTMCAC agrees recommend closing.	
10	11-Apr-11		Brian Medeiros	Section 301 (g) 6.)	how to have one-time process without risks of plurality	Closed	Inquired with Solicitor re plurality "Vote for One" ballot structure. Solicitor provided written opinion dated 3 December 2010 that there is no legal provision to prevent a plurality "Vote for One" ballot. Policy tradeoff for FTMCAC: "minority adoption" versus "non-finality" Brian Medeiros will not support a plurality vote. JS proposed a vote for one with majority requirement, and a post runoff of the two highest vote getters if needed. JC to draft language in V4. JC: Language drafted for FTMCAC review and approval. ND: Need to clarify "majority" - majority of what? FTMCAC: "a majority of votes cast shall be adopted"	
11	11-Apr-11		Brian Medeiros		retaining FTM voters' rights to exceed state tax-cap	Closed	Brian Medeiros has proposed language for consideration. Brian Medeiros to send JC language - upon agreement of draft forward to solicitor for request. JC: Brian Medeiros resigned from the FTMCAC. To Date he has not brought this language forward as a member of the public. Recommend FTMCAC discuss in conjunction with Item 28. FTMCAC: State Law controls	X
12	11-Apr-11		Brian Medeiros		what if there is only one budget proposal on ballot	Closed	FTMCAC to decide policywise that if there are no challenges to BC budget then just adopt it. Unanimous consent that FTR must occur.	
13	11-Apr-11		Brian Medeiros		what to do with resolutions under FTM (TC's right?)	Closed	Addressed by Non Budget Proposals and those that have been hard worded into the charter proposal	
14	11-Apr-11		Brian Medeiros		can't do additional spending items (50 signatures/"ladder truck")	Closed	Addressed by Non Budget Proposals because they cannot affect Budget Proposal Entities	
15	11-Apr-11	31-May-11	Brian Medeiros	301 g 1.)	what to do with other business allowed at FTM	Closed	Handled via Non Budget Proposals. JC added section 301 g 1.) which make it clear that FTR can also address other questions. Brian Medeiros: Is there something that may need to change when FTM>FTR? Ask Nancy. JC: Check with Nancy Mello. Nancy Mello: Non Budget Proposals handles FTM "Resolutions". All seems to be covered. FTMCAC: Recommend closing.	X
16	11-Apr-11		Brian Medeiros		what to do about voters / TC right to call "special FTM" during the year	Closed	JC drafted language to address this concern in V3. The right of TC/electors to call special referenda remains unchanged.	
17	11-Apr-11	31-May-11	Brian Medeiros		unanticipated legal / Charter changes resulting from FTM-to-referendum change	Closed	Brian Medeiros stated this is like 11 above FTMCAC to review and compile list to best of ability so that it is prepared for questions. FTMCAC: Refer to Solicitor. JC: V7 sent to Solicitor for review - recommend closing.	X
18	20-Apr-11		Tax Assessor		change "secret vote" to "private vote" (Assessors personal preference)	Closed	FTMCAC agreed "Secret Ballot" is a term of the art. Wording unchanged. FTMCAC: Changed to Private in the ballot question/etc based upon feedback received.	
19	20-Apr-11		Tax Assessor		change "appeal" to "appear" in "Access to Ballot"	Closed	JC fixed this - close	
20	20-Apr-11		Tax Assessor		change "ABR" to "FTR" in flowchart	Closed	JC fixed this - close	
21	20-Apr-11		Tax Assessor		Clarify Municipal include/not include treasurer & clerk budgets	Closed	JC fixed this - close	X
22	20-Apr-11		Tax Assessor		Move FTR date to last Tues in May. Confirm OK with Treasurer, TA re prepay issue. Brian Medeiros preferred 2 June - unanimous consent to put back to 2 June and see how feedback comes in.	Closed	Updated in V3 to last Tues in May Updated in V4 to first Tuesday in June FTMCAC: Upon consideration of MUCH feedback, "Third Tuesday in May".	
23	22-Apr-11		Laura Epke	Section 301 d. 1	Delete: "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." Town Clerk arbitrating this could create a battle. Better to remain silent and let the petition live/die on the merits.	Closed	FTMCAC to decide JC asked that this be left open JC: Owng to the comment by Carol Hermann, JC deleted this requirement - for FTMCAC review and approval. Close.	
24	25-Apr-11 38 of 49	7-Jun-11	JC	???	Allow for absentee ballots	Closed	Town Clerk investigating with BOC/BOE. JC: Leave open for JC to work with BOC/BOE. JC: Address in conjunction with #47.	

Financial Town Referendum Issue Tracking Sheet 21 June 2011

ID #	Origination Date	Close Date	Raised By	Section	Issue	Status	Notes	Possible Solicitor Review
MAX ID = 102			Jeff Caron = JC Nancy Driggs = ND Bob Gaw = BG Jeff Sroczynski = JS Ruth Hollenbach = RH John Martin = JM					
25	25-Apr-11		JC	301 (b) 1.)	Allow for General Fund Offset/there must be a way to accomplish this on the ballot in one step, not two.	Closed	JC drafted language to permit this. Approach is the same as used for the excess levy - namely to bury the approval right in the budget proposal statement. JC: FTMCAC review and approval See #81	X
26	25-Apr-11		Carol Hermann		Is there a limit on the total # of proposals? For example, with 8 proposals 15% of the voters voting could decide budget.	Closed	JC: Plurality issue address by Section 301 (h) runoff. Suggest FTMCAC review and approval.	
27	25-Apr-11		Carol Hermann		Petition & process to exceed the CAP.	Closed	JC: Language added to Town Council powers and duties which requires them to seek state approvals for excess levy should a Budget Proposal with an excess levy be received by the Town Clerk. Recommend FTMCAC review and approval/close.	
28	25-Apr-11		Carol Hermann		4/5ths must be clarified	Closed	Discuss this with #11, #101	
29	25-Apr-11		Bill Rearick		Special Meeting: State law allows for an additional budget. The SC can ask the appropriating body for more funds. We need to comply with the RIGL requirement. See RIGL 16-2-9 #9 and 16-2-21.4 (Carulo Act)	Closed	JC: See latest cover letter to SC. Propose that current language meets the RIGL requirements. Suggest leaving open until after meeting with SC on 10 May. JC: V5 has revised language. To date Robinson has no issues re Ballot Access in a Carulo action. Recommend closing - reopen if Robinsons legal opinion changes.	
30	4-May-11	31-May-11	JC		Should FTR Runoff be 7 or 14 days after FTR?	Closed	Suggest getting input from Town Clerk & Town Administrator. 7 Days after FTR is by defn the day after Memorial Day. Can BOE print Ballots that fast? Do we want to let a news cycle occur? JC: Needs further investigation - leave open. JC: Spoke to SOS and BOE. 7 days after FTR is the day after memorial day. In addition, the critical path steps needed for the runoff would be difficult to achieve in Wed - Friday (Monday = holiday). Therefore recommend making runoff 14 days after FTR. This also has the advantage of introducing a news cycle. Recommend 14 days and closing. Councilor Coulter: 21 days should be considered to allow for absentee ballots. Nancy Mello: Per RIGL tax roll must be certified by 15 June. FTR process must not by design make this date and impossibility. FTMCAC: In consideration of all factors, including the absentee ballot matter, the FTMCAC decided to set the runoff for 14 days after the FTR.	
30	continued					Closed	JC: Mr. Nunez at BOE said that "worst case" the ES&S vendor would take 5 days to format the ballot for the Eagle optical scanner. When presented with the 21 day and 14 day windows, Mr. Nunez saw no problem schedule wise assuming that the printer (Allied) got it printed in two days as they claimed they could at that time of year. In addition, Mr. Nunez said that if there was a real crunch, thar his boss Mr. Raposa could shorten the ES&S time duration. Recommend closing.	
31	4-May-11		Frank Marshall		Concern regarding minority adoption in a plurality vote.	Closed	JC: Explained to Frank that there would be a Runoff which would ensure majority adoption. FTMCAC: Recommend closing.	
32	16-May-11		Treasurer	Section 602 (a) 12.)	Before commenting, I would like to explore this addition as noted -	Closed	FTMCAC: #12 is exactly BC resolution which under FTR needs to be hardcoded into charter. In Treasurer section b/c it is a treasurer function/power & duty. Recommend closing.	
33	16-May-11		Treasurer	Section 602 (a) 13.)	Borrowing....appears to be a partial restatement of current charter #10 - may wish to review the two items and segregate as necessary.	Closed	FTMCAC: #13 is exactly BC resolution which under FTR needs to be hardcoded into charter. In Treasurer section b/c it is a treasurer function/power & duty. Note that #32 & 33 address different empowerments. Recommend closing.	
34	16-May-11		Treasurer	Section 602 (a)	Manage the daily operations of the Treasurer's Office, which includes but is not limited to the following: Review and approve journal entries Review asset and liability reconciliations on a regular basis, to ensure all accounts are properly stated on the trial balance. Review, recommend and write a department policy and procedures manual. To ensure proper flow of information within Town government, work with other departments to implement proper documentation of accounting related input to the general ledger.	Closed	FTMCAC: These are great suggestions but outside the scope of the FTMCAC which is limited to the FTM process. The FTMCAC suggests that the Treasurer bring these items to the next full CRC. Recommend closing.	

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MAX ID = 102			Jeff Caron = JC Nancy Driggs = ND Bob Gaw = BG Jeff Sroczynski = JS Ruth Hollenbach = RH John Martin = JM					
35	8-May-11		J Amarantes	Article V	1. The first is ARTICLE V on page 7 where line 10 should be changed to read "...exception of the School Department, Town Clerk and Town Treasurer Budget, may revise them as he/she deems appropriate...". It is necessary to add the Town Clerk and Treasurer to this exception, (1) to insure an appointed official does not change an elected official's proposed budget, and, (2) to make this provision consistent with the language in ARTICLE III Section 301 (a) 2.), 6.), 8.) which clearly excludes the Administrator and Council from involvement in the Treasurer's and Clerk's budget.	Closed	FTMCAC: Suggestion implemented in V6 by adding: "Town Clerk, and Town Treasurer"	
36	8-May-11		J Amarantes	Section 703.4 AND Section 703.5	2. Second. I can't overstate the importance of minimizing radical changes in order to increase the chances of voter approval of this charter change. Accordingly I urge you to keep the requirement for the development of a docket by the Budget Committee. The electors are used to the docket and rely on its content and format. The docket is like an old friend which must be retained in order for the electors to follow the proposed budget in a format they are used to, and so that they can bring the docket to the Financial Town Hearing and to polling place (and into the booth if they are so inclined to do so). Thus I ask that on page 9, Section 703 4. read "...to develop a docket..." and Section 703 5. read "To prepare and submit the docket..."	Closed	FTMCAC: Suggestion implemented in V6. Implemented in such way as to make minimal changes to text. Close.	
37	10-May-11		TSC/Robinson	Section 301 (c)	Robinson reviewed older draft which offered V1, V2, V3 SC ballot access options . Robinson: RE SC BP law BC recommendation for municipal. This would be a problem b/c it could limit the SC.	Closed	V5 as drafted removes this restriction. Recommend closing.	
38	10-May-11		TSC/Robinson	Section 301 (d) 1.)	Robinson reviewed older draft: RE Elector Budget Proposals / The concern is who makes the determination of legality.	Closed	JC: V5 as drafted removes eliminates this determination all together. Recommend closing.	
39	10-May-11		TSC/Robinson	Section 301 (b) 1.)	"total" - this was very important to the SC - that the final language permit a "Total" appropriation.	Closed	JC: Facts are in litigation. It is important that the draft charter proposal be general enough so that the charter complies with either verdict. This was expressed at the SC meeting on 10 May, and is consistent with the desire of the SC to be able to put forth a total amount inclusive of aid. I also stated that this is how the FTM is now - it depends on the BC/maker of motion. Recommend FTMCAC carefully generate language that makes this comply with the possible set of court verdicts. FTMCAC: This was considered at length and it was determined that the word "total" was extraneous and actually added confusion. The FTMCAC felt it to be very important that the charter proposal be general enough to be compliant with the two most likely court verdicts. The FTMCAC felt that removing the word total in subsection 1, 2, and 4 was the best way to handle this, and this was implemented in V6. Recommend closing. See # 91 - left open for TC to deliberate.	
40	10-May-11		TSC/Robinson		Policy: Robinson feels that the FTM allows for "collective discussion" and as a result the Town has avoided Carulo actions where the SC sues the Town for more money.	Closed	JC: No action needed, just a policy statement. Recommend closing.	
41	10-May-11		TSC/Robinson	Section 302	No ballot access problem for Carulo action was identified.	Closed	JC: Special Referenda section permits a path to access under FTR in case increased funding is needed. No foreseen issue identified by Robinson. Recommend closing.	
42	10-May-11		Bergandy		Supports the private vote	Closed	JC: No action needed, just a policy statement. Recommend closing.	
43	10-May-11		Bergandy		Has some concern about the FTH and FTR voter turnout. Will the same people attend both? Will both have good elector turnout?	Closed	JC: A valid concern. FTH is elevated in stature from the current FTM BC public hearing. We likely will never know the answer to this until we give it a few years. There may or may not be a problem. Many will watch the debate on CH 18 and youtube. Recommend closing.	
44	10-May-11		D. Coulter/Bergandy	Section 301 (c)	Ventured an opinion that the SC would want access to the ballot, and Jan said it should be unrestricted without V2 limitation.	Closed	JC: No action needed, just their preference. Since no other SC members opined, recommend leaving this section as in V5. Recommend closing.	

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45	26-May-11	7-Jun-11	J Amarantes	Page 8 of V6	I have proposed a change to page 8 of 21 on your version #6 (I was unable to obtain V#7 so all my page references are to V6's numbering). As you can see, I show all four categories, i.e., Budget Committee Recommendation, Town Council request, School Committee request and Elector petition. Also, I've prominently added the word "OR" so all can see that there are many budget options - from which one is to be selected and voted upon by the elector.	Closed	JC: See file provided by J Amarantes. Asked ND to run this to ground with J Amarantes. ND: Main concern is to clarify that the "Vote For One" does not indicate that voter should vote for BC BP (the 1st on the ballot). FTMCAC: Use Text: "Vote for one of the following Budget Proposals". FTMCAC: Decided that "OR" was not needed with the above clarification. JC: Made changes in V8. FTMCAC: Recommend verifying that change was made in all locations needed, then closing. ND: Suggested "Vote for Only One of the following Budget Proposals". Changes to: Section 301 b1, sample ballot, 301 h6, and section 302. FTMCAC: Agree, make changes and close. JC to implement in V8 and close. JC: Changes implemented and #45 closed	
46	27-May-11	7-Jun-11	Nancy Mello		Nancy Mello raised the same concern as #45: That the FTR ballot should preserve the right for an elector (via petition) to specify his line item amounts that the petition changes.	Closed	JC: Agree we should make every effort to incorporate this feature as an OPTIONAL specification/statement the elector petition can make upon initial distribution og the petitions from the Town Clerk to the Elector. JC: Thought: The BC, TC, and SC will all have the podium enough to make thier case. This will give the elector, at thier option, to state thier case. Treat with # 57.	
47	29-May-11	7-Jun-11	J Amarantes		Based on a conversation I had with Nancy Mello late last week, I have a final proposed change to version #6 of the draft ballot question. Specifically, if I understood Nancy correctly, there is a plan to have absentee ballots for the FTR. Further, there is a reference to absentee ballots on page 14, (h)4., which deals with the FTR runoff. If I have it right, this an important and exciting feature of your ballot question - that is, for the first time in the 300+ year history of Tiverton, shut-ins and invalids who are Tiverton electors will be able to vote for the proposed annual budget. However, I don't see any mention of absentee ballot procedures for the actual FTR, so attached please find proposed amendments to V6 which do provide for absentee ballot pickup and return to the Town Clerk's Office. Kindly note that I am copying Nancy Mello as she is the Board of Canvasser's clerk and they may have some additional input. As I know you are trying to finalize the proposed ballot question in time for the July 11th public hearing, this will be my last suggested change on this fine and innovative document which now opens the budget approval process to our infirmed and elderly shut-ins.	Closed	JC: See proposed language provided by J Amarantes. Address in conjunction with 24. On 31 May 2011 a lengthy discussion ensued which included the full FTMCAC, Town Clerk, and Councilor Coulter. In this conversation it was acknowledged by all that the SOS under Title 17 has nothing to do absentee ballots for a budgetary referendum, and that according to Mr. Raposa at BOE the town charter can designate the applicability of absentee ballots. Through this conversation the FTMCAC learned that the Clerk and the BOC actually visit nursing homes/ hospitals/etc to gather votes from those not well. The Clerk indicated that she and the BOC would do everything possible to reach these electors even in the compressed time FTR schedule. Councilor Coulter stated that an affidavit by the absentee voter might be a useful document. JC: Stated that a solution might be to put the BOC in charge of the absentee ballots. Nancy Mello stated that it would be wise to leave the BOC some flexibility to develop and refine this process over the years. The FTMCAC was agreeable. JC & ND: Draft language that enables BOC to implement absentee ballots.	
47	continued	7-Jun-11				Closed	During the discussion the Clerk stated that Mr. Raposa at BOE suggested that a second Eagle (optical scanning machine) be set up in Town Hall for a period of time so that the absentee ballots could be scanned/counted as they come in. There was general agreement that this was a great idea. FTMCAC: The committee decided by unanimous consensus that JC and ND should draft language "authorizing" the BOC to implement absentee ballots iaw thier own process. FTMCAC: Add "including a process for absentee ballots" to sections 301 g4, 301 h5. JC to implement and close. JC: Changes implemented and #24, 47, 47 cont closed See also #56,63, 4	
48	31-May-11		JC		Update and include more ballot question samples to capture different scenarios.	Closed	FTMCAC: JC & ND to draft and submit under cover letter.	
49	31-May-11		JC		Map working document over to actual charter including all strikes and deletions.	Closed	JC: This will need to happen for final submission. Do not wait till last minute -too much chance for error.	
50	31-May-11	21-Jun-11	JC		Should flowchart be included with proposal? If so how?	Closed	JC & ND: Do not include in charter itself, but rather possibly reference under cover letter to TC. Use as a voter explanation tool. Recommend closing. FTMCAC: OK, JC & ND to do.	
51	31-May-11	21-Jun-11	JC		Should sample ballot questions be included with proposal? If so how?	Closed	JC & ND: Do not include in charter itself, but rather reference under cover letter to TC. Be sure to capture legislative intent. Recommend closing. FTMCAC: OK, JC & ND to do.	

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52	31-May-11	31-May-11	JC		Discussion of use of EAGLE ballot	Closed	JC: Eagle ballot is specifically designed and used for FTM YES/NO voting. It is not applicable to the FTR. Nancy Mello: Eagle is the name of the optical machine. A ballot is a ballot. There is no tie between Eagle and a Yes/No ballot. JC: Complete misunderstanding re what an "Eagle" was. FTMCAC: Recommend Closing.	
53	31-May-11	7-Jun-11	Nancy Mello		Tax Levy Vote: Authorize TC to take vote by adding to the TC powers and duties.	Closed	JC & ND: Draft language FTMCAC: This point is moot as the FTR ballot question itself authorizes the tax levy. Recommend closing.	
54	31-May-11	21-Jun-11	Nancy Mello		Is a "Warning" needed? The Town Clerk causes the warning.	Closed	JC: This is a legal question for Solicitor. JC: Initial Solicitor review complete. Solicitor had no issues. Recommend closing.	X
55	31-May-11	21-Jun-11	Nancy Mello		Notice: Comparing last year vs new year BC/TC/SC/Petitions	Closed	JC: This is a legal question for Solicitor. JC: Initial Solicitor review complete. Solicitor had no issues. Recommend closing.	X
56	31-May-11	21-Jun-11	Nancy Mello		Recertification of Voter List between FTR and Runoff	Closed	Nancy Mello will check with Bob Raposa at BOE if this would be needed. Treat with #63. JC: Spoke with Miguel Nunez at BOE. The FTR is not Title 17, so requirements such as recertification of the voter list resort to the charter requirement, if any. If when implemented the BOC has a question about this, then they should simply write for the opinion of the BOE on the matter. Recommend closing.	
57	31-May-11	7-Jun-11	Nancy Mello James Amarantes		Both noted that there is no way for an elector petition to state how their BP deviates from the BC recommendation.	Closed	JC: Discussed 4 options: 1) No ability 2) Optionally record BP deviation statement with Town Clerk. 3) Place BP deviation statement on Elector Petition 4) Place BP deviation statement on ballot FTMCAC: There was consensus that there should be a mechanism to record the wishes of the petition originator. There was also strong consensus that the petition and ballot should remain "unaltered". ND: Via a line of questioning noted that petitioner desires are not binding. FTMCAC: There was a consensus that option #2 would be worth drafting. JC & ND: Draft language. FTMCAC: Section 301 d Petitions - JC directed to change language to the following and close: "The Town Clerk shall record the dollar amounts sought by the petition originator, enter the same on the petition forms, and record a petition originators statement, if any, as to the purpose of the petition." JC: Change implemented and closed.	
58	31-May-11	21-Jun-11	JC		Draft actual ballot question	Closed	FTMCAC: Edits were made real time to the draft ballot question, and JC is to incorporate into V8. JC: Changes incorporated. Recommend leaving open and revisiting this entry each meeting. FTMCAC: A significant effort was made on 16 June which resulted in a much simplified draft ballot question, documented in V8. The input from Laura Epke initially guided this discussion. Recommend leaving open and revisiting this entry each meeting. FTMCAC: Approves ballot question and reason for change and Features list. Close	
59	5-Jun-11	7-Jun-11	JC		Should the name "Non Budget Proposals" be replaced by "Resolutions"	Closed	JC: Explained to the committee and audience the origin and rationale for the term "Non Budget Proposal". FTMCAC, Rob Coulter, Nancy Mello, Sally Black: Saw no reason why the term "Non Budget Proposal" couldn't be replaced by the term "Resolutions". JC directed to make change in V8 and close. JC: Change implemented and closed.	
60	6-Jun-11	7-Jun-11	Tiverton Dad / Nancy Mello / and others		Should the 301 signature requirement be reduced to 50 or 100? See blog posts.	Closed	Nancy Mello said that to "add a fire truck" currently takes 50 votes under the charter, yet under the FTR it would take 301 signatures. She also said this may be perceived as a "right" being taken away. Others have also stated similar concerns. JC: Recommend FTMCAC consider reducing signature requirement to 50. FTMCAC: A long discussion occurred, somewhat centered on the Patch blog comments posted by Tiverton Dad. In the end there was unanimous consent that the 301 be changed to 50. Part of the rationale was that it currently takes 50 signatures to bring an additional financial proposal (current Section 303) before the FTM. This would leave the signature requirement unchanged, and not increase the hurdle for electors who desire to bring a financial proposal before the FTM. JC directed to make change and close.	

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61	6-Jun-11	16-Jun-11	ND	Section 204	Use of "special referendum"	Closed	Councilor Coulter offered to run this to ground. FTMCAC: Info received with thanks from Councilor Coulter. Upon deliberation the FTMCAC concluded that a Special Referendum is a subset of a Referendum, and therefore the language as drafted in V8 is accurate. Close issue.	
62	7-Jun-11	16-Jun-11	JC		Since the signature requirement has been lowered from 301 to 50, suggest reducing the 14 day signature period to 7 days. This would enable a week adjustment which would permit ease of absentee ballot implementation for the Runoff. Address with #75.	Closed	FTMCAC: Upon deliberation the Committee decided to reduce the signature period to seven days, and move the FTR and Run Off one week earlier. JC to implement changes in V8 and close.	
63	6-Jun-11	21-Jun-11	Nancy Mello		Nancy Mello to present BOE/Bob Raposa with a written "summary" of planned language related to the BOC/absentee ballots/etc.	Closed	JC: Awaiting draft email from Nancy Mello before it goes to BOE. Treat with #56 and #4. JC: Contacted BOE (Miguel Nunez) and verified that BOC jurisdiction in general, BOC jurisdiction over rules & regs for absentee ballots, as well as authorizing the BOC to the same were all OK. Recommend closing.	
64	13-Jun-11	16-Jun-11	Jay Lambert	Section 301 d. 1.	Allow a "Legal resident of voting age" to originate/carry a petition. This is due to the Solicitor's concern.	Closed	FTMCAC: JC to add one sentence to V8: "Any person obtaining signatures must be a legal resident of voting age". Close.	
65	13-Jun-11	16-Jun-11	Sally Black	Section 1218	Mrs Black agreed that town resources should not be used to influence a voting contest. However she indicated that under the FTR additional marketing of the SC budget would be necessary and that 'speaking' on town property was stifled by Section 1218.	Closed	JC: During the TC meeting discussion JC stated that 1218 does not prevent public officials from preventing their opinion because expressing an opinion does not necessarily use Town resources. JC: Then requested that the Solicitor opine. Solicitor: Stated that 1218 does not limit first amendment rights, but rather the use of tangible resources, including employee paid labor. With this clarification by the solicitor, Ms. Black was content. JC: Recommend closing. FTMCAC: Discussed, close.	
66	13-Jun-11	16-Jun-11	ND		At the 13 Jun TC meeting ND asked the Solicitor if the Referendum was legal to which the Solicitor responded it was.	Closed	JC: Recommend closing FTMCAC: Discussed, close.	
67	13-Jun-11	16-Jun-11	Jay Lambert		Whatever the FTMCAC decides, make it simple.	Closed	JC: General comment. Recommend heeding to his advice and closing. FTMCAC: Discussed, simplified ballot question, close.	
68	13-Jun-11	16-Jun-11	Joe Sousa	Section 301 d 3	Joe thought the signature requirement should be higher.	Closed	FTMCAC: See #60. Also, the FTMCAC desires to meet the Town Administrator request of moving the FTR one week earlier, and this can be accomplished by reducing the 14 day signature period to 7 days owing to the requirement being 50 signatures.	
69	13-Jun-11	16-Jun-11	Joe Sousa		Joe thought the amount of elector petitions should be limited.	Closed	FTMCAC: It is desirable to make elector petitions and participation easily accessible. A high signature requirement and a limited number of petitions increases the burden on voters/electors. See Tiverton Dad comments #60. If limited to three petitions, then how are the three selected? If it is those with the most number of signatures then petition carriers will feel compelled to get many, many times 50 signatures to ensure ballot access. Similarly, if access is granted to "the first 3 petitions filed" then the signature process becomes a race which is also burdensome. FTMCAC: Discussed it's confidence in voters that the petition process would be handled responsibly by voters. Leave unchanged and close.	
70	13-Jun-11	16-Jun-11	Joe Sousa		Joe thought with the resolves the ballot could be very long.	Closed	FTMCAC: The FTM moderator resolutions have been eliminated entirely. Additionally, the traditional BC resolutions that are passed each year are "hardcoded" into the charter in the appropriate places. Hence, the only remaining Resolutions to appear on the FTR ballot are those of a "special" purpose, for example selling buildings, etc. In this way the resolutions should be few and should not result in a long ballot.	

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71	13-Jun-11	16-Jun-11	Brett Pelletier		Councilor Pelletier was concerned that there could be say 20 options on the ballot and that there could be voter confusion owing to lack of explanation to voters.	Closed	<p>FTMCAC:</p> <p>The Financial Town Hearing is 2 weeks before the FTR.</p> <p>There is advance notice of all Budget Proposals and Resolutions at least 2 weeks before the FTR, with additional RIGL notice requirements.</p> <p>There is 1-2 news cycles (weekly) between the FTH and the FTR.</p> <p>If there was a crowded FTR ballot, then it would be likely that the Run Off would be invoked, which eventually brings focus to the most popular Budget Proposals.</p> <p>The Run Off also has 1 - 2 news cycles (weekly) before it and after the FTR.</p> <p>To the contrary, the FTM is very confusing to many owing to parliamentary procedure and 'surprise' motions/amendments.</p> <p>In summary, the FTR is more measured and clear to the voter. Close.</p>	
72	13-Jun-11	16-Jun-11	Solicitor Teitz		The Solicitor asked a general question re "Non Budget Proposals". Specifically he asked if they would essentially be FTM "Resolutions".	Closed	<p>JC: At the TC meeting explained that the FTMCAC has decided to replace the term "Non Budget Proposals" with the term "Resolutions". The reason given was that they were essentially the same thing and that the townspeople were accustomed to the term "Resolutions". Recommend closing.</p> <p>FTMCAC: Discussed and closed.</p>	
73	13-Jun-11	16-Jun-11	Ed Roderick		Councilor Roderick stated that there was no way to vote "No" for all the budget proposals.	Closed	<p>JC: At the TC meeting explained that "No" votes at the FTM eventually leads to a new main motion. It was clarified that a No vote does not mean the FTM can go home and no budgets are adopted. It was pointed out that the FTM cannot end until it's business is complete, which means that a budget / tax levy is adopted. It was stated by JC that to offer the "No" vote option then either 1) a charter prescribed default was needed to direct what is to happen, or 2) a new ballot with new options needs to be put before the voters. JC also stated that the FTR charter proposal also allows elector access to the ballot via petition, and that the timing of the petition would permit the elector to evaluate the need for the petition AFTER all the government numbers are on the ballot. JC stated that Councilor Roderick may be looking at the glass half empty, rather than half full, in that if the precise amount of a Budget Proposal is that important to the elector, then the elector should file his own Budget Proposal via petition, and that if he didn't, then the elector has waived his right.</p> <p>JC: Further to the above, the 2008 Charter Review Commission had a "default" (=CPI) and this was met by was met by strong resistance from both pro-tax and anti-tax town factions.</p> <p>FTMCAC: Discussed and closed.</p>	
74	continued	16-Jun-11				Closed	<p>JC: Further to the above, creating a new ballot with new Budget Proposals under the "No" condition is not practical for the Town Schedule (tax bills must be sent), cost to the town, and inconvenience of townspeople. The "No" condition of Councilor Roderick leads to a complete regeneration of the FTR ballot and revote, which under the current FTR draft would take at least 50 days. This is especially true in light of the fact that ANY elector can originate a petition BP if they are not happy with the BC/TC/SC budget proposals.</p> <p>JC: Recommend discussion.</p> <p>FTMCAC: Discussed in depth in conjunction with the "Decision Matrix" attached to the 16 JUNE minutes. There was consensus that the drafted language is favorable to either an uncertain end date or non majority adoption. Because of this reality and confirmation, close.</p>	

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 Nancy Driggs = ND
 Bob Gaw = BG
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75	13-Jun-11	16-Jun-11	James Goncalo Town Administrator		The Town Administrator submitted his schedule concern in writing re the amount of time needed to send tax bills (See FTMCAC 16 Jun 2011 Minutes). Address with #62.	Closed	JC: At the TC meeting a lengthy discussion ensued, to which the Town Administrator agreed that if we could make the schedule earlier by one week then this would be a great help. It was acknowledged that one week earlier would make the schedule approximately the same as the current FTM schedule. JC: Recommend that the FTMCAC address this issue and do everything possible to move the FTR date to be one week earlier. FTMCAC: Schedule moved 1 FTR and Run Off one week earlier. The 1 week is the result of reducing the 301 signature period of 14 days to 50 signatures and 7 days. Since the Town Administrator has been accommodated, close.	
76	13-Jun-11	16-Jun-11	Cecil Leonard		Councilor Leonard expressed that there is no "NO" option on the ballot, and by this option he means a "Default" condition that occurs if No budget is passed. This gets to the heart of Yes/No questions versus a Vote for One/Runoff process, and what happens if in the Yes / No Question scenario, no budget is passed. Essentially Councilor Leonard was making the point that the Charter could "prescribe" a default condition that occurs if no budget is passed.	Closed	JC: As mentioned above, the 2008 Charter Review Commission had a "default" (=CPI) and this was met by was met by strong resistance from both pro-tax and anti-tax town factions. JC: The real question is is it better to have a runoff of the two highest FTR vote getters, or impose a non negotiable, charter prescribed amount. JC: Personal opinion that the Runoff does a better job representing the will of the people. JC: Recommend FTMCAC discuss. FTMCAC: in 2008 the "Default" concept was met with strong resistance. The Run Off does a much better job of representing/expressing the will of the voters. AS drafted the tax levy is approved by a majority of voters versus a 'default' which was not affirmatively approved. Majority Approval is viewed as more important than a default outcome. Close.	
77	13-Jun-11	16-Jun-11	Jay Lambert	Section 301 d	Councilor Lambert expressed that the solicitors concern that the petition carriers be electors could easily be resolved with the lasnguage: "legal resident of voting age". There was consensus that a petition originator should be an elector. Address with #64.	Closed	JC: Recommend implementation and closing. FTMCAC: Same as #64. Already addressed and close.	
78	16-Jun-11	16-Jun-11	Laura Epke		A. "Financial Town Referendum" – As was discussed at last Monday night's Council meeting, this is an election not a referendum. A referendum is a yes/no vote on a question. This process elects an appropriation & tax levy. May seem wonky, but words matter. What about the old title – "Financial Town Election"?	Closed	REFERENDUM <u>Websters Dictionary</u> a : the principle or practice of submitting to popular vote a measure passed on or proposed by a legislative body or by popular initiative b : a vote on a measure so submitted <u>Oxford Dictionary</u> a general vote by the electorate on a single political question that has been referred to them for a direct decision. <u>Cambridge Dictionary</u> a vote in which all the people in a country or an area are asked to give their opinion about or decide an important political or social question <i>Is it more democratic to hold a referendum, rather than let the government alone decide?</i>	
78	Continued	16-Jun-11	Laura Epke			Closed	FTMCAC: The definition of Referendum per above are self consistent with the FTR. There is no requirement in the definitions which states that there has to be an approve/reject condition. While Budget Proposals have a Vote For One format, the process ultimately ends with a majority vote succeeding. Conversely, Resolutions have the Approve/Reject format. If one takes the position that the Approve/Reject format is necessary to have a Referendum, then the Resolutions meet that criteria. Referendum often include or are initiated by a popular initiative. In this case the petition is a popular initiative. Many of the definitions for Referendum also reference a "popular vote". In the case of the FTR, the most popular Budget Proposal wins, or the two most popular go to the Run Off, which again is a popular vote. This is consistent with the definitions of Referendum above. FTMCAC feels that the word Referendum does the best job explaining the totality of the ballot generation and voter action required. Close.	

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79	16-Jun-11	16-Jun-11	Laura Epke		<p>B. Ballot Question (pg. 2 of 24) – Remember, the ballot question is important. As written, the question:</p> <ol style="list-style-type: none"> implies that voters will be able to reject/vote no ("whether or not to approve the budget ...") – should be clarified? doesn't include any reference to referendum vote (up/down) on resolutions/non-budget proposals – need to add? isn't clear that the Council, School Comm. and petitions propose appropriations and tax levies – insert "tax levy" on 4th line (i.e., "... recommendations presented by the Budget Committee, or other budget and tax levy proposals placed on the referendum ballot ...")? speaks to replacing the FTM with voting on budget proposals but, this process doesn't include voting on "budgets" – just appropriations and tax levies. 	Closed	<p>FTMCAC: Agrees Ballot Question is important.</p> <ol style="list-style-type: none"> The ballot question has been reworded in V8. The ballot question has been reworded in V8. The ballot question has been reworded in V8. "appropriations" has been added in V8. <p>Close</p>	
80	16-Jun-11	16-Jun-11	Laura Epke		<p>C. Is there a need/desire to explicitly approve budgets? In the past, the terms "appropriate" and "budget" were often used interchangeably. There really is a difference – which Mr. Teitz correctly pointed out this year. My understanding of the FTM process is that we appropriate monies to spend, approve how the monies are to be spent (school bottom line expense budget, municipal line item expense budget), and then levy a tax on ourselves to raise the money needed for the approved appropriations. Under this proposal to replace the FTM with a referendum, electors will not be able to approve a line item Municipal budget – just a total sum to expend (total appropriation).</p> <p>Does there have to be two more items on the ballot for voters to approve a total expense budget for School & Municipal?</p> <p>And, what is the process for determining the Municipal line item budget (think of the Treasurer's Budget Report)?</p> <p>If, for example, voters approve a petition proposal that cuts the Municipal bottom line by \$150K, who decides what gets cut and how is that decision made?</p>	Closed	<p>FTMCAC: The charter reads "The electors of the Town shall assemble each year in Financial Town Meeting on the second Saturday in May at 9:00 o'clock a.m. to 1:00 o'clock p.m. for the purpose of hearing official reports, ordering any tax which lawfully may be ordered, making appropriations, and transacting any other business pertaining to the affairs of the Town which may legally come before such meeting." Only appropriations is mentioned in charter.</p> <p>In V8 the Town Clerk is required to record "a petition originators statement, if any, as to the purpose of the petition." The FTMCAC discussed this at length and for the most part acknowledged that the TC/SC can move monies as they see fit absent a resolution preventing the same. In other words, the FTM generally cannot bind the government to the voted spending plan. This is true in the FTM, and is presumed to be true under the FTR. So, the recording of a "statement" seems to be the most reasonable way to capture the petition originators intent. Should the TC/SC not abide by the statement, then they face the political reality of the same. See # 57.</p> <p>Close</p>	
81	16-Jun-11	21-Jun-11	Laura Epke		<p>D. Ballot option to expend monies from the Unreserved General Fund – Introducing this option opens the door for line items. If the process allows for specifying \$\$ to pull from the General Fund, it also has to allow for other revenue changes (e.g., a different estimate for State Education Aid). That's the whole point of having a bottom line only. If a proposal wants to use \$300K from the Gen'l Fund to offset taxes, then all that would change is the tax levy (lower by \$300K).</p>	Closed	<p>FTMCAC: JC to discuss this with Laura.</p> <p>JC: Agree with Laura's point that an explicit statement is functionally not needed because the budgets and tax levy essentially define the General Fund draw down. However, if there is a requirement in state law or the charter that explicitly requires a vote to draw down the General Fund, then somehow this would need to be accommodated. Jeff expressed to Laura that if the charter and state law are silent on the matter, then he would recommend to the FTMCAC that the explicit statement C. be removed.</p> <p>JC: Based upon conversation with Laura, JC to review charter and RIGL for specific requirements to draw on General Fund.</p> <p>JC: Upon review of the charter, there are no references to an explicit vote of the people being needed to authorize using some of the General Fund, as long as the 3% reserve condition is met.</p> <p>JC: Upon review of state law, no requirement was found. Suggest marking "x" for solicitor review and closing. Also 301 (b) 1.) C. deleted from V8.</p>	X
82	16-Jun-11	16-Jun-11	Laura Epke	301(a) 6-11 (pgs 5-6)	<p>E. 301(a) 6-11 (pgs 5-6) – "final"? I don't think final is the correct term here – maybe "proposed"? Unless the intent is to say no more changes allowed after this date. Really? If so, this year the Council would have had to vote on a "final" budget, including "final" revenue estimates, by March 5th – that's not realistic. Besides, nothing is "final" until after the people vote.</p>	Closed	<p>FTMCAC: Agrees that a word needs to be added. Section 703 refers to 'each requested budget expenditure'. The budgets submitted to the BC are requested budgets. Alternatively the BC budget is a "Recommendation". In V8 the word "request" was added to Section 301 (a) as appropriate. This makes it clear that the submission is a request, that the ultimately BC is to act on.</p> <p>Regarding the word "Final", the sequential nature of the ballot preparation process is critical for open and honest government. Additionally, it is patently unfair for the BC to have to make a recommendation when it does not even know the final requests. Last, as Laura points out, Final is a relative term. As drafted, after the BC makes it's recommendation the SC and TC have an optional right to enter a Budget Proposal. This time period extends to about April 10 in 2011. This serves as a much later date catch all if needed.</p> <p>Close</p>	
83	16-Jun-11	16-Jun-11	Laura Epke	301(b) 1.) 2.) (pg. 7)	<p>F. 301(b) 1.) 2.) (pg. 7) Municipal appropriation – Does this include the Treasurer & Town Clerk? Logic would say yes, but, 301(a) 2 & 8 explicitly exclude the Treas. & Clerk while 503 1) (pg. 12) includes both (but doesn't allow for changes). It's not clear.</p>	Closed	<p>FTMCAC: Agree not clear. Added to V8 301 (b) 1.) 2.): "(including the Town Clerk and Town Treasurer)"</p> <p>Close</p>	Minutes Page 48 of 52

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MAX ID = 102			Jeff Caron = JC Nancy Driggs = ND Bob Gaw = BG Jeff Sroczynski = JS Ruth Hollenbach = RH John Martin = JM					
84	16-Jun-11	16-Jun-11	Laura Epke		G. Treasurer & Clerk ballot options – If the Budget Comm. decides to cut the Treasurer and/or Town Clerk budget, what is their recourse? A petition? If you give "ballot access" to the Council & School Comm., why not the Treasurer & Clerk as well? And, if a petition proposes say a cut of \$40K to the Treasurer's salary how would that be carried out if the Treasurer's budget isn't broken out on the ballot?	Closed	FTMCAC: The point is well taken, however under the FTM the recourse is to go to the floor of the FTM. To maintain the Balance of Power as much as possible, the FTMCAC prefers to leave unchanged and as drafted in V7. The recorded statement (see #46, #57) should handle the petition issue. Close	
85	16-Jun-11	21-Jun-11	Laura Epke	301(d) 1 (pg. 8)	G. 301(d) 1 (pg. 8) Elector Budget Proposals – 5 th line down, "The Town Clerk shall record the dollar amounts sought by the petition originator" – why would the Clerk fill out the form? Doesn't it then make the petition the Clerk's petition? And, 8 th line down, "... any alteration of the language [on the petition] subsequent to its verification by the Town Clerk, shall be of no force or effect." What verification? If the Clerk fills out the petition form, no verification of the form is needed. If the petitioner fills out the form, then the Clerk needs to verify that the numbers add up/are what they need to be.	Closed	FTMCAC: JC noted that the intent of having the Town Clerk fill out the form was just to ensure that it was typeset and there was no ambiguity due to handwriting. The amounts are of course those of the Petition Originator. ND found the section unclear and took the action to clarify the language. JC entered ND draft language into V8 for review by FTMCAC. If approved recommend closing.	
86	16-Jun-11	21-Jun-11	Laura Epke	page 3, Exhibit 1	I. (1) pg. 3, Exhibit 1, Summary Flow Chart, last box for Runoff – delete one "n" (Runoff).	Closed	JC: Change made in V8. Recommend closing.	
87	16-Jun-11	21-Jun-11	Laura Epke	page 5, Section 301	I. (2) pg. 5, Section 301 "Budget and Tax Levy Adoption Process (Summarized in Appendix A) – If the intent is to have Exhibit 1 flow chart included in the Charter Amendment to appear at the end of the Charter as "Appendix A" then include "(Summarized in Appendix A)" in the title for Section 301. If you're not going to include Exhibit 1 as Appendix A in the actual charter change, then delete the reference.	Closed	JC & ND: The language in 301 (a) is clear, and redundant statements can often lead to ambiguity. Suggest that the flowchart not be included in the charter proposal, but rather used as an FTMCAC voter explanation tool. JC: Reference to Appendix A deleted in V8, as is the flowchart. Suggest forwarding the flowchart under cover letter to the TC as a helpful tool, however. Recommend closing.	
88	16-Jun-11	21-Jun-11	Laura Epke	Page 7, 301 (b)	1. pg. 7, 301(b) 1) Budget Proposals – the numbering for the ballot items should be changed to letters - i.e., 301(b) 1.) 1.) should be 301(b) 1.) A.) ... or something other than another 1). Look right below at 301(b) 2. – 3 rd line down. If the ballot item subsections aren't changed to letters, then "Section 301(b) Ballot 1.) though [sic, needs an "r"] 6.) would need to be changed to "Section 301(b) Ballot 1.) 1.) through 6.) – way too confusing. Change ripples through to other sections.	Closed	JC: Change made in V8. Recommend review by FTMCAC and recommend closing.	
89	16-Jun-11	21-Jun-11	Laura Epke	Page 8, 301 (d) 2.)	pg. 8, 301(d) 2.) Elector Non Budget Proposals – 3 rd line down – suggest change as follows: "included in <u>on</u> the ballot for the Financial Town Referendum."	Closed	JC: Change made in V8. Recommend closing.	
90	19-Jun-11	21-Jun-11	JC	Exhibit 2	Seems inappropriate to have this be part of the actual charter, yet is seems critically important that the "legislative intent" conveyed by the sample FTR ballot be recorded.	Closed	JC & ND: Transmit this under cover letter to the TC. Recommend FTMCAC authorize JC & ND to draft and submit. FTMCAC: JC & ND to drafted additional examples as needed.	
92	20-Jun-11	21-Jun-11	TSC/Robinson		1. Sec. 301(f), Financial Town Hearing: Under this section, all of the budget proposals are to be presented so that the electors may review and debate them prior to the actual referendum vote. This section does not set out any specific procedures for this hearing. For example, in what order are the proposals to be presented? By whom? What will be the rules of order for any debate? Who may speak during the debate? How long will the hearing last? Will it be held at a time which will accommodate the electors? These are all crucial questions that are left unanswered under this section.	Closed	ND: Pursuant to the FTR proposal, the Town Clerk presides over the FTH. In meeting with the Town Clerk, she indicates her role will be to organize hearing logistics, set the agenda, and maintain an orderly flow of events. At the actual hearing the Budget Committee, and any other budget proposal originators, will have the same standing (a seat on the stage, for example). The hearing is to be handled "equitably", and every entity or person will be heard. The Town Clerk is in agreement with the above, and requested freedom to iron out details. Recommend closing.	
93	20-Jun-11	21-Jun-11	TSC/Robinson		1. Sec. 301(g), Absentee Ballots: This section does not specify the circumstances under which one will be eligible for an absentee ballot.	Closed	JC: See #56, #63, #4. The absentee ballot matter was discussed in detail with the Board of Elections, Secretary of State, Board of Canvassers, Town Clerk, and the ballot printing company Allied Printers. The FTR does not fall under Title 17 Elections, and therefore the BOC by default has jurisdiction. Locally the BOC would prefer flexibility in this process so that their rules and regulations can be improved over time. The clerk of the BOC indicated that she would develop an eligibility criteria and form to be filled out by the absentee voter. Recommend closing.	

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94	20-Jun-11	21-Jun-11	TSC/Robinson		<p>1. Sec. 407(16), Tax Caps: This section mandates that if the Town Clerk receives a budget proposal that would require a tax levy in excess of the Paiva-Weed caps, the Town Council must apply for an excess levy approval from the State. This section creates problems because there are only a limited set of circumstances under which a municipality may be eligible to obtain an excess levy approval. If it is clear that the Town would not qualify for an approval under any circumstance, will the Town be required to go through the exercise of making a futile request? This seems to be an unwise requirement for the Town, as the making of patently frivolous excess levy requests might cause the Town to lose credibility with the state officials. That loss of credibility might cause problems in getting approvals when we are in fact eligible for them.</p>	Closed	<p>See #27. Earlier draft language had the Town Clerk acting as a gatekeeper of "legal" petitions. In # 27, School Committee member Hermann expressed concern about this and the language was modified to accommodate her concerns.</p> <p>If there is a gatekeeper function then voters will likely say that "their rights are being taken away", those rights being to break the cap.</p> <p>We also expanded the timeframe in which the TC can seek authorization to exceed the cap, so this gives more "buffer".</p> <p>This is a significant improvement over the FTM, where excess levies tend to be "post FTM certified". Under the FTR, at least voters will have some sense of the legality upon the FTR vote.</p> <p>Recommend closing.</p>	
95	20-Jun-11	21-Jun-11	TSC/Robinson		<p>Another problem with the proposal is that the timing element is not clear. The Town Council would not necessarily be able to get an approval prior to the Referendum. If the Referendum results in a budget that causes the Town to exceed the levy cap, and the state later denies approval to exceed the levy cap, what procedure will follow? Will we be required to go through the Referendum again?</p>	Closed	<p>ND: See #94. This problem currently exists under the FTM and is exacerbated by the "post FTM certification" practice. The FTR process will minimize much of this occurrence. As with the FTM today, there will be no revote, and the town will have to make things work.</p> <p>Recommend closing.</p>	
96	20-Jun-11	21-Jun-11	Bergandy/Hermann		<p>Both expressed that 50 signatures for a BP is too low. Jan was concerned that an 'uninformed' group of 50 would put a BP on, and that a higher signature requirement would limit this. Hermann was concerned that if there were say 15 BPs on the ballot, then the two high vote getters might define what goes into the Runoff with only say 38% of the popular support.</p>	Closed	<p>See #60 & #62</p> <p>JC: . Bergandy raised a legitimate concern, one which the committee has wrestled with, and still would like to seek a balance between ballot accessibility and a crowded ballot.</p> <p>The only reason there would be 15 BP's is because people were exercising their right to the process. In the end there will be a Runoff in which a majority will win.</p> <p>Recommend FTMCAC discuss this further.</p> <p>FTMCAC: It is acknowledged that organized groups such as the tax and parents groups will easily get a large quantity of signatures. However, raising the bar too high will disenfranchise electors acting alone.</p> <p>FTMCAC: Has reconsidered and FTMCAC is open to increasing to 100 at the most since the duration to obtain signatures is seven days.</p> <p>Recommend closing.</p>	
97	20-Jun-11	21-Jun-11	Pallasch		This is an "Election", not a "Referendum"	Closed	<p>See #78.</p> <p>Recommend closing.</p>	
98	20-Jun-11	21-Jun-11	Pallasch/Hermann		It is not possible to vote "No"	Closed	<p>See # 73 & #74.</p> <p>This is a tradeoff between finality of vote and majority adoption.</p> <p>JC: Recommend FTMCAC considers promoting a second version to the TC in which voters have the ability to say "NO".</p> <p>RH: See Decision Matrix.</p> <p>FTMCAC: A 'No' vote or a series of 'No' votes at the FTM eventually leads to a new main motion. In the FTR, a no vote is not necessary because every voter, without limitation, has the right to submit their Budget Proposal directly to the FTR ballot.</p> <p>FTMCAC: Drafted an alternate version of the FTR using Approve/Reject language in MS Word track changes. FTMCAC desires to send this version along with the Vote for One version to the TC for PH publication. THIS action was directed by Unanimous Consent of the FTMCAC (John Martin absent).</p> <p>FTMCAC: Close</p>	

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99	20-Jun-11	21-Jun-11	Pallasch		Budget due by 15 March	Closed	JC: The BC role is to 'review the requested budget expenditure of the school department' and ultimately make a recommendation. To achieve this the BC needs a final request. In 2011 the SC submitted it 's final request "one day" before the BC deadline. It is the FTMCAC's understanding that the BC was caused to defer its final votes until treceipt of the final SC amounts. In addition, in past years the TC and SC caused delay to the BC in similar fashion. While the FTMCAC is sympathetic to this SC timing concern, offering time for the BC to complete it's work is also an important consideration. Recommend closing.	
100	20-Jun-11	21-Jun-11	Hermann/Black/ Pallasch		Requiring the SC to enter an amount for the Municipal budget is unreasonable and not under the purview of the SC.	Closed	ND & JC: Understood concern of SC. Revised language inserted into V8 for FTMCAC approval. New language accomplishes the independence of school and municipal at their choice. Regarding the excess levy that could result, School Committee member Hermann expressed the concern that electors should be able to submit a petition that exceeds the cap. See #27 and #94. Logically if a petitioner can put an excess levy on the ballot, then certainly the SC & TC should be allowed to. In addition, the budget proposal format has a field for the excess levy amount. Recommend closing.	
101	20-Jun-11	21-Jun-11	Pallasch		Desires an explicit statement of 4/5th vote applicability	Closed	ND: See #11 & #28. State law controls and litigation pending. Charter should stay silent pending litigation results. Recommend closing.	
102	20-Jun-11	21-Jun-11	Mike Burk		Section 1218 would not allow the SC to persuade voters	Closed	JC: In response to Sally Black's concern re expressing opinions on public grounds as an agent of the SC, Solicitor Teitz clarified that 1218 only limited the use of resources, labor, etc, and it did not limit speech on public grounds. However, per an 80% voters mandate in 2008, 1218 reads: "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." ND & JC: It is unclear why Mike Burk would bring 1218 into this discussion. The FTR seeks to mimic the FTM, the primary difference being a private 10 minute vote versus a public multi hour vote. Use of Town resources should not occur in either the FTM or FTR, hence why bringing 1218 into the discussion is unclear. Recommend closing.	

TITLE 45

Towns and cities

CHAPTER 45-2

General Powers

SECTION 45-2-3.2

§ 45-2-3.2 Availability of funds upon failure of city or town to approve annual appropriation. – Unless otherwise provided by a city or town charter, in an emergency caused by a failure of a city or town to approve an annual appropriation measure, the same amounts appropriated in the previous fiscal year shall be available for each department and division thereof, subject to monthly or quarterly allotments, in accordance with seasonal requirements, as determined by the city or town's chief financial officer: provided, that expenditures for payment of bonded indebtedness of the city or town and interest thereon shall be in such amounts as may be required, regardless of whether or not an annual appropriation ordinance is enacted by the city or town council.