

**TOWN OF TIVERTON**  
**The Financial Town Meeting (FTM) Changes Advisory Committee**  
**Meeting Minutes for Tuesday, 31 May 2011**  
**Tiverton Town Hall 343 Highland Road**

The meeting commenced at 7:05PM in at the Tiverton Town Hall.

Members present included Jeff Caron (Co Chair), Nancy Driggs (Co Chair), Bob Gaw, John Martin, Jeff Sroczyński, and Ruth Hollenbach.

The minutes of 23 May 2011 were approved by unanimous consent.

Jeff Caron and Nancy Driggs presented the documents:

- 1) Charter Proposal V7
- 2) FTMCAC Issue Tracking Sheet dated 31 May 2011
- 3) J Amarantes Email dated 26 May 2011
- 4) J Amarantes Email dated 29 May 2011

The Committee worked through the FTMCAC Issue Tracking Sheet closing, adding, and modifying issues. Justifications and actions were noted in the “Notes” column.

The next meeting was scheduled for Monday 6 June at 7PM, tentative location Town Council Chambers.

The meeting adjourned at about 10:00PM

Respectfully Submitted,

Jeff Caron  
Co-Chair

## Proposed Charter Amendment

### REPLACE THE FINANCIAL TOWN MEETING WITH A BUDGET REFERENDUM PROCESS

#### Ballot Question

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

#### Reason for Change

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

#### Improvements Over Financial Town Meeting

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

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

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

**NO LATER THAN**

January 15	<ol style="list-style-type: none"> <li>1) Joint Budget Workshop to establish general goals and objectives.</li> <li>2) School Committee submits preliminary school department budget to Budget Committee.</li> <li>3) Town Administrator submits preliminary municipal budget (excluding Clerk and Treasurer) to Budget Committee.</li> <li>4) Town Clerk submits preliminary budget to Budget Committee.</li> <li>5) Town Treasurer submits preliminary budget to Budget Committee.</li> </ol>
80 Days Prior to FTR 5-Mar-11	<ol style="list-style-type: none"> <li>1) Town Council: Approve and submit the final Municipal budget (excluding Clerk and Treasurer) to the Town Administrator.</li> <li>2) Town Council: Approve and submit the final revenue estimates to the Town Administrator.</li> </ol>
70 Days Prior to FTR 15-Mar-11	<ol style="list-style-type: none"> <li>1) School Committee approves and submits final School Department budget to Budget Committee.</li> <li>2) Town Administrator submits approved Municipal budget (excluding Clerk and Treasurer) to Budget Committee.</li> <li>3) Town Administrator submits approved revenue estimates to Budget Committee.</li> <li>4) Town Clerk submits final budget to Budget Committee.</li> <li>5) Town Treasurer submits final budget to Budget Committee.</li> </ol>
51 Days Prior to FTR 3-Apr-11	Budget Committee submits final budget and non budget proposal(s) to Town Clerk.
44 Days Prior to FTR 10-Apr-11	<ol style="list-style-type: none"> <li>1) School Committee submits optional budget and non budget proposal(s) to Town Clerk.</li> <li>2) Town Council submits optional budget and non budget proposal(s) to Town Clerk.</li> </ol>
42 Days Prior to FTR 12-Apr-11	Elector Petitions for Budget Proposals made available by Town Clerk.
28 Days Prior to FTR 26-Apr-11	Elector Petitions for Budget and Non Budget Proposals due to Town Clerk
21 Days Prior to FTR 7-May-11	Certification of all Elector Petitions complete
14 Days Prior to FTR 10-May-11	Financial Town Hearing
10 Days Prior to FTR 14-May-11	Financial Town Referendum Notice Published
<b>Tuesday Before The Last Monday In May</b> 24-May-11	<b>FINANCIAL TOWN REFERENDUM</b>
7 Days After the FTR 31-May-11	Financial Town Referendum Runoff [Only if necessary]

**Exhibit 2: Sample Ballot For Referendum**

<b>Explanation to Voter: Town of Tiverton Fiscal Year 2011-2012 Budget and Tax Levy</b>	
<b>Vote For One</b>	
<b>←      —</b>	<p>1. The Town shall: Appropriate a sum of \$nn,nnn,nnn for School Department General Operating &amp; Capital Expenses; and, Appropriate a sum of \$nn,nnn,nnn for Municipal Operations &amp; Capital Expenses; and, Expend \$nnn,nnn from the Unreserved General Fund to offset the property tax levy; 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 &amp; Tangible Property Tax Levy not to exceed \$nn,nnn,nnn; as recommended by the Budget Committee .</p>
<b>←      —</b>	<p>2. The Town Shall: Appropriate a sum of \$nn,nnn,nnn for School Department General Operating &amp; Capital Expenses; and, Appropriate a sum of \$nn,nnn,nnn for Municipal Operations &amp; 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 &amp; Tangible Property Tax Levy not to exceed \$nn,nnn,nnn; and, Approve an excess levy not to exceed \$nn,nnn; as proposed by Elector Petition.</p>

## **Proposed Changes to Charter**

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### **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 Budget and Tax Levy Adoption Process (Summarized in Appendix A)**

##### **(a) Schedule**

- 1.) Initial Budget Workshop: The Budget Committee, Town Council, and School Committee shall participate in an initial budget workshop no later than January 15.
- 2.) Town Administrator: Prepare and submit preliminary Municipal budget (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 to the Budget Committee no later than January 15.
- 4.) Town Treasurer: Prepare and submit preliminary Town Treasurer budget to the Budget Committee no later than January 15.
- 5.) School Committee: Prepare and submit preliminary School Department budget to the Budget Committee no later than January 15.
- 6.) Town Council: Approve and submit the final Municipal budget (excluding the Town Treasurer's and Town Clerk's budgets) to the Town Administrator no later than 80 days prior to the Financial Town Referendum.

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

- 7.) Town Council: Approve and submit the final revenue estimates to the Town Administrator no later than 80 days prior to the Financial Town Referendum.
- 8.) Town Administrator: Submit the final Municipal budget (excluding the Town Treasurer's and Town Clerk's budgets) and final revenue estimates to the Budget Committee no later than 70 days prior to the Financial Town Referendum.
- 9.) Town Clerk: Submit the final Town Clerk budget to the Budget Committee no later than 70 days prior to the Financial Town Referendum.
- 10.) Town Treasurer: Submit the final Town Treasurer budget to the Budget Committee no later than 70 days prior to the Financial Town Referendum.
- 11.) School Committee: Approve and submit the final School Department budget to the Budget Committee no later than 70 days prior to the Financial Town Referendum.
- 12.) Budget Committee: Approve and submit the Budget Committee Budget Proposal and Non Budget Proposals to the Town Clerk no later than 51 days prior to the Financial Town Referendum.
- 13.) School Committee: Submit Optional Budget Proposal and Non Budget Proposals to Town Clerk no later than 44 days prior to the Financial Town Referendum.
- 14.) Town Council: Submit Optional Budget Proposal and Non Budget Proposals to Town Clerk no later than 44 days prior to the Financial Town Referendum.
- 15.) Town Clerk: Budget Proposal elector petitions made available no later than 42 days prior to the Financial Town Referendum.
- 16.) Electors: Budget and Non Budget 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 Tuesday before the last Monday in May.
- 20.) [If Necessary] Financial Town Referendum Runoff: The Financial Town Referendum Runoff shall occur seven 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:

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

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

**2.) Non Budget Proposals:** Pursuant to Section 301 (c), a resolution or ballot question may be included on said ballot, provided that if adopted it shall not alter the ballot entries of Section 301 (b) Ballot 1.) through 6.). Electors shall be instructed to "Approve or Reject" non budget proposal(s).

**(c) Access to Ballot**

- 1.) The Budget Committee Budget Proposal shall appear first on the ballot in accordance with Section 301(b) 1.). Non Budgetary Proposals submitted by the Budget Committee shall appear on the ballot.
- 2.) At the discretion of the Town Council, an Optional Budget Proposal including the Municipal budget request may appear on the ballot in accordance with Section 301(b) 1.). Non Budgetary Proposals submitted by the Town Council shall appear on the ballot.
- 3.) At the discretion of the School Committee, an Optional Budget Proposal including the School Department budget request may appear on the ballot in accordance with Section 301(b) 1.). Non Budgetary Proposals submitted by the School Committee shall appear on the ballot.

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4.) Qualified Elector Budget Proposals in accordance with Section 301(b) 1.) submitted by elector petition in accordance with Section 301 (d) shall appear on the ballot in an order determined by to Board of Canvassers lottery. Qualified Non Budget Proposals submitted by elector petition in accordance with Section 301 (d) shall appear on the ballot.

#### **(d) Petitions**

**1.) Elector Budget Proposals:** Electors of the town may petition that an alternate budget proposal be included in the Financial Town Referendum. No later than 42 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) Ballot 1.) through 6.). The Town Clerk shall record the dollar amounts sought by the petition originator and enter the same on the petition forms. 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 its verification by the Town Clerk, shall be of no force or effect. There shall be no limit to the number of separate petitions which an elector may sign. Nothing in this charter shall prevent an elected official or any appointed member of a Board, Committee or Commission from being a petition originator or signatory. Nothing in this Charter shall prevent an elector, a majority of an elected body or Board, Committee or Commission from petitioning. An elector may originate no more than one Budget Proposal petition.

**2.) Elector Non Budget Proposals:** No later than 28 days before the Financial Town Referendum electors may petition that a Non Budget Proposal pursuant to Section 301 (b) 2.) be included in 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 petitions for proposals shall be included on the ballot for the Financial Town Referendum and presented at the Financial Town Hearing provided that Elector Budget Proposals are accompanied by 301 qualified elector signatures and Elector Non Budget Proposals are accompanied by 50 qualified elector signatures.

### **(f) 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 and non – budget proposals.

### **(g) 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 Non Budget Proposals.

**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 Tuesday before the last Monday 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.

**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.) Non Budget Proposals:** Non Budgetary questions shall be adopted if the number of approvals is greater than the number of rejections. In the case of contradicting non budgetary proposals, the proposal receiving the most approvals shall be adopted.

### **(h) 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 seven 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.

**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 One”.

**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 Non Budget Proposal(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 One” Budget Proposal. Voters shall be instructed to “Approve or Reject” Non Budget Proposals. The Board of Canvassers shall have jurisdiction over Special Referenda. 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 ~~310~~ 303 Unreserved General Fund**

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

## ARTICLE IV TOWN COUNCIL

### Section 407 Powers and Duties

3) Develop and publish such policies, plans and objectives consistent with the long-range plan to provide a basis for planning the ~~m~~Municipal (non-school) budget by the Town Administrator and its review by the Budget Committee and to provide whatever interpretive consultation is appropriate for generating a budget within these general guidelines. Review and approve the ~~preliminary~~ Municipal budget and revenue estimates submitted by the Town Administrator within 10 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.

## ARTICLE V TOWN ADMINISTRATOR

### Section 503 Duties and Powers of the Town Administrator

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 preliminary ~~m~~Municipal (non school) budget of receipts and expenditures and an explanatory budget message in accordance with Section 301(a) of this Charter. Submit to the Budget Committee, ~~not later than 120 days prior to the Financial Town Meeting~~, the proposed budget 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, and Town Treasurer 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

#### (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 701 Composition**

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

### **Section 702 Elections and Vacancies**

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

#### **(a) Transitional Election**

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

### **Section 703 Duties and Responsibilities**

The Budget Committee has the following responsibilities:

1.) To participate in the Initial Budget Workshop.

~~1-2.)~~ 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.)~~ To provide the electorate with budget recommendations which balance the value of the proposed goods and services with their cost in taxes.

~~3-4.)~~ To develop a docket which shall include a Budget Proposal and optionally Non Budget Proposal(s). ~~including both (a) resolutions of its own, those of the Town Council, the Town Administrator and those submitted by others and (b) the preceding year's approved budget, the budget requests of the Town Administrator and the School Department for the coming year, and the Budget Committee's recommendations.~~

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

~~5-6.)~~ To present the docket to the electorate at a ~~public hearing and at the Financial Town Meeting~~ Hearing.

## ARTICLE VIII TOWN OFFICIALS AND OFFICES

### Section 801 Town Clerk

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

#### (a) Duties and Responsibilities

It shall be the responsibility of the Town Clerk to make permanent record of all proceedings and certify by signature all actions of the aforesaid bodies, be custodian of the Town Seal and of official documents, contracts, and records of the town. In addition, the Town Clerk shall direct and supervise the recordings of deeds, mortgages, surveys, vital statistics, licenses, permits and other such records as shall by ordinance and law be required to be kept. The Town Clerk shall issue birth certificates, marriage licenses and such other licenses and permits as required by ordinance or law. The Town Clerk shall be responsible for receiving ~~resolutions~~ proposals for the ~~Financial Town Meeting~~ Referendum. Additionally, the Town Clerk shall print, advertise and distribute the ~~docket~~ ballot 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~~ the Financial Town Referendum or Special Referendum. This section does not preclude town officials from obtaining health benefits at their own expense.

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

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

### ~~**Section 1309 Compensation**~~

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

Jeff Caron = JC  
Nancy Driggs = NG  
Brian Medieros = BM  
Bob Gaw = BG  
Jeff Sroczynski = JS

**Financial Town Referendum Issue Tracking Sheet**  
**31 May 2011**

ID #	Origination Date	Raised By	Section	Issue	Status	Notes	Possible Solicitor Review
MAX ID = 52							
1	11-Apr-11	JC	Cover Page	"Improvements over FTM" - add a chart / list of all things in common with FTM.	Open	Ongoing	
15	11-Apr-11	BM	301 g 1.)	what to do with other business allowed at FTM	Open	Handled via Non Budget Proposals. JC added section 301 g 1.) which make it clear that FTR can also address other questions. BM: Is there something that may need to change when FTM>FTR? Ask Nancy. JC: Check with Nancy Mello.	X
17	11-Apr-11	BM		unanticipated legal / Charter changes resulting from FTM-to-referendum change	Open	BM 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
24	25-Apr-11	JC	???	Allow for absentee ballots	Open	Town Clerk investigateing with BOC/BOE. JC: Leave open for JC to work. JC: Address in conjunction with 47.	
30	4-May-11	JC		Should FTR Runoff be 7 or 14 days after FTR?	Open	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.	
45	26-May-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.	Open	JC: See file provided by J Amarantes. Asked Nancy to run this to ground with J Amarantes.	
46	27-May-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.	Open	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.	
47	29-May-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.	Open	JC: See proposed language provided by J Amarantes. Address in conjunction with 24.	
48	31-May-11	JC		Update and include more ballot question samples to capture different scenarios.	Open		
49	31-May-11	JC		Map working document over to actual charter including all strikes and deletions.	Open	JC: This will need to happen for final submission. Do not wait till last minute -too much chance for error.	
50	31-May-11	JC		Should flowchart be included with proposal? If so how?	Open		
51	31-May-11	JC		Should sample ballot questions be included with proposal? If so how?	Open		
52	31-May-11	JC		Discussion of use of EAGLE ballot	Open	JC: Eagle ballot is specifically designed and used for FTM YES/NO voting. It is not applicable to the FTR.	
3	11-Apr-11	BM	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

Jeff Caron = JC  
 Nancy Driggs = NG  
 Brian Medieros = BM  
 Bob Gaw = BG  
 Jeff Sroczynski = JS

**Financial Town Referendum Issue Tracking Sheet**  
**31 May 2011**

ID #	Origination Date	Raised By	Section	Issue	Status	Notes	Possible Solicitor Review
MAX ID =	52						
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.	
28	25-Apr-11	Carol Hermann		4/5ths must be clarified	Closed	Discuss this with Item 11	
2	11-Apr-11	JC	Throughout	"Financial Town Referendum"	Closed	Implemented by JC Agreed to by unanimous consent on 11 April	
4	11-Apr-11	BM	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.	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.	
9	11-Apr-11	BM	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 BM on 11 April. JC took initiative to go before the SC on 4/26. BM: 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	BM	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" BM 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	BM		retaining FTM voters' rights to exceed state tax-cap	Closed	BM has proposed language for consideration. BM to send JC language - upon agreement of draft forward to solicitor for request. JC: BM 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

Jeff Caron = JC  
Nancy Driggs = NG  
Brian Medieros = BM  
Bob Gaw = BG  
Jeff Sroczynski = JS

**Financial Town Referendum Issue Tracking Sheet**  
**31 May 2011**

MAX ID = 52							
ID #	Origination Date	Raised By	Section	Issue	Status	Notes	Possible Solicitor Review
12	11-Apr-11	BM		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	BM		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	BM		can't do additional spending items (50 signatures/"ladder truck")	Closed	Addressed by Non Budget Proposals because they cannot affect Budget Proposal Entities	
16	11-Apr-11	BM		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.	
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.	
19	20-Apr-11	Tax Assessor		change "appeal" to "appear" in "Access to Ballot"	Closed	JC fixed this	
20	20-Apr-11	Tax Assessor		change "ABR" to "FTR" in flowchart	Closed	JC fixed this	
21	20-Apr-11	Tax Assessor		Clarify Municipal include/not include treasurer & clerk budgets	Closed	JC fixed this	X
22	20-Apr-11	Tax Assessor		Move FTR date to last Tues in May. Confirm OK with Treasurer, TA re prepay issue. BM 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	
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: Owing to the comment by Carol Hermann, JC deleted this requirement - for FTMCAC review and approval.	
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	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.	
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.	
31	4-May-11	Frank Marshall		Concern regarding minority adoption in a plurality vote.	Closed	Recommend closing because Runnoff obviates concern	
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 overstress 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.	

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.

Explanation to Voter:  
Town of Tiverton  
Fiscal Year 2011-2012 Budget and Tax Levy

**VOTE FOR ONE**

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BUDGET COMMITTEE RECOMMENDATION

1. The Town shall:  
“Appropriate a sum of .....

---

OR

TOWN COUNCIL BUDGET PROPOSAL

2. The Town shall:  
“Appropriate a sum of.....”

---

OR

SCHOOL COMMITTEE BUDGET PROPOSAL

3. The Town shall  
“Appropriate a sum of.....”

---

OR

ELECTOR BUDGET PROPOSAL PETITION

4. The Town shall  
“Appropriate a sum of.....”

This petition seeks to increase/decrease the Budget Committee recommendation for  
identify line item/account by an amount of \$nn,nnn,nnn

**From:** [James Amarantes](mailto:James.Amarantes@tiverton.ri.gov)  
**To:** [charter@tiverton.ri.gov](mailto:charter@tiverton.ri.gov);  
**cc:** [jeff@catek.com](mailto:jeff@catek.com); [nmello@townoftivertonri.com](mailto:nmello@townoftivertonri.com);  
**Subject:** FTMCAC  
**Date:** Sunday, May 29, 2011 3:57:55 PM  
**Attachments:** [Absentee Ballot amendments.docx](#)

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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.

James P. Amarantes

1. Page 6, amend **“Ballot Question”** paragraph to read:  
“...whereby voters will decide by secret ballot at polling places open all-day, or by absentee ballot in the case of shut-ins or invalids, whether or not to approve...”
  
2. Page 7, amend “14 Days Prior to FTR to read:
  - 1) Financial Town Hearing
  - 2) Absentee Ballots for shut-ins or invalids available at Town Clerk’s Office
  
3. Page 7, amend **“Tuesday Before the Last Monday in May”** to read:
  - 1) **FINANCIAL TOWN REFERENDUM**
  2. Duly completed absentee ballots must be returned to the Town Clerk’s Office
  
4. Page 10, 18.), amend to read:  
Town Clerk: The financial town hearing shall occur and the availability of absentee ballots at the Town Clerk’s office for shut-ins or invalids shall occur no later than 14 days prior to the Financial Town Referendum.
  
5. Page 10, 19.), amend to read:  
Financial Town Referendum: The Financial Town referendum shall occur on the Tuesday before the last Monday in May, and duly completed absentee ballots must be returned to the Town Clerk’s Office before 4:00 PM this date.