



**Town Council and Charter Review Committee
Joint Work Session
Jamestown Town Hall
Rosamond A. Tefft Council Chambers
93 Narragansett Avenue
Tuesday, October 17, 2023
5:30 p.m.**

THIS MEETING WILL BE CONDUCTED IN PERSON ONLY.

THIS MEETING WILL BE LIVE STREAMED: To view the meeting with no interaction:
<https://jamestownri.gov/how-do-i/watch-live-streamed-town-meetings>

The public is welcome to participate in this Town Council meeting. Open Forum offers citizens the opportunity to clarify an item on the agenda, address items not on the agenda, or comment on a communication or Consent Agenda item. Citizens are welcome to speak to the subject of a Public Hearing, and are allowed to speak at the discretion of the Council President or a majority of Councilors present, or at other times during the meeting, in particular during New or Unfinished Business.

Anyone wishing to speak should use the microphone at the front of the room, stating their name and address for the record; comments must be addressed to the Council, not the audience. It is the Town Council's hope that citizens and Councilors alike will be respectful of each other's right to speak, tolerant of different points of view, and mindful of everyone's time.

Attachments for items on this meeting agenda are available to the public on the Town website at:
<https://jamestownri.gov/town-government/town-council/town-council-meetings-minutes/2023-meetings-minutes>

- I. ROLL CALL TOWN COUNCIL MEMBERS**
- II. ROLL CALL CHARTER REVIEW COMMITTEE MEMBERS**
- III. CALL TO ORDER, PLEDGE OF ALLEGIANCE**
- IV. Joint Town Council and Charter Review Committee Work Session**
 - A) Review and Discuss amendments to the Town of Jamestown Charter as recommended by the Charter Review Committee to the Town Council.
- V. OPEN FORUM**

Comments are not limited to items on this agenda. However, items not on this agenda will only be heard and not acted upon by the Town Council. Note: Section 42-46-6 of the Open Meetings Act, and Department of the Attorney General Advisory Opinions relevant to this item on any public body meeting agenda specifically prohibits the Town Council from discussing, considering, or acting on any topic, statement, or question presented. The Town Council may, if warranted, refer such matters to an appropriate committee, to another body or official, or post the matter for consideration at a properly-noticed, future meeting.

 - A) Scheduled request to address
 - B) Non-scheduled request to address

VI. ADJOURNMENT CHARTER REVIEW COMMITTEE

VII. ADJOURNMENT TOWN COUNCIL

Pursuant to RIGL § 42-46-6(c) Notice of this meeting shall be posted on the Secretary of State's website and at the Town Hall and the Jamestown Clubhouse Library. Notice is also posted at the Jamestown Police Station and on the Internet at www.jamestownri.gov.

ALL NOTE: If communications assistance is needed or other accommodations to ensure equal participation, please call 1-800-745-5555, or contact the Town Clerk at 401-423-9800, via facsimile to 401-423-7230, or email to rfagan@jamestownri.net not less than three (3) business days prior to the meeting.

Posted on the RI Secretary of State website on October 10, 2023.

Town of Jamestown 2022-2023 Jamestown Charter Review Committee

Final Report to the Town Council

The 2022-2023 Town Charter Review Committee consisting of seven (7) voting member: James Rugh, Chairman; Sav Rebecchi, Vice Chairman; Job Toll, Secretary; Lucia Marshall; Mary E. Meagher; James (Jay) Sisson; and George Souza was charged with reviewing the Charter to determine if there are any changes needed. The Committee met bi-weekly and researched and discussed various possible Charter changes. Our eleven recommended changes are presented to the Council for consideration.

In this report recommended text changes are highlighted, additions are underlined, and deletions are struck through. Identical changes to multiple sections are presented together.

RECOMMENDATION 1

In November 2020 voters in Rhode Island passed a ballot measure to drop the words “Providence Plantations” from the official state name. We recommend that the preamble be changed to conform to the current official state name.

PREAMBLE

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

RECOMMENDATION 2

After considerable research and discussion, the committee recommends the Town move to non-partisan elections for the Town Council, School Committee and Town Moderator. Several other Rhode Island cities and towns have moved to non-partisan local elections (the Town has no control over state and Federal elections) including Newport and Middletown, to name just two.

Sec. 201. - Number, selection, term

The town council shall consist of five members elected from the town at large, each to serve for a term of two years or until a successor is elected and qualified. The regular election of council members shall be held on the first Monday of November

in even-numbered years, beginning November 2012. The names of all candidates for town council who shall have qualified to appear on the ballot shall be listed ~~under their respective~~ without party designations (in the order determined by the board of canvassers by the drawing of lots). Each elector shall vote for no more than five candidates for town council, and the five receiving the greatest number of votes shall be declared elected.

PLEASE NOTE: Under the Jamestown Town Charter, sections 601 and 602, primary, general, and special elections and the authority granted the canvassing authority are governed by Rhode Island General Law 1956, §§ 17-1-1 et seq, 17-8-1 et seq., and 45-4-1et seq. The Committee suggests that the Town Solicitor be consulted to determine if further additions to the Charter may be needed to move to local non-partisan elections. For this reason, we suggest the 2022-2023 Town Charter Review Committee not be discharged until the Town Solicitor makes his report, in case additional changes to the Charter are needed.

RECOMMENDATION 3

This recommendation mirrors recommendation 2 and would make local school board elections non-partisan.

Sec. 501 – School committee membership.

There shall be a school committee of five members, each of whom shall be elected at large from the town by the electors of the town of Jamestown at the regular town election to serve for a term of four years and until the successor is elected and qualified. The names of all candidates for the school committee who shall have qualified to appear on the ballot shall be listed ~~under their respective~~ without party designation (in the order determined by the board of canvassers by the drawing of lots). Those persons receiving the greatest number of votes for an office, not exceeding the number of persons to be chosen for the office, shall be declared elected to office. All members of the school committee in office at the time this Charter is adopted shall continue to hold office until their normal terms have expired.

RECOMMENDATION 4

We are recommending two changes to section. 406. The change in the first paragraph would mirror recommendations 2 and 3 and would make the Town Moderator election non-partisan.

Currently, at the Town Financial Meeting the Town Moderator can call for a ballot vote on any issue. Voters at the meeting can make a motion from the floor to vote by ballot. We believe many voters are reluctant to take a public position or to speak publicly at this meeting. Our recommendation is to require a ballot vote on the expenditure of money or the incurring of liability in excess of \$1 million. This limit would exempt most bond issues. Had this been in effect at the 2023 Town Financial Meeting it would only have required a ballot on the Town and School budgets. Other cities and towns have a similar provision and we believe many registered voters will support this change.

Sec. 406. - Town moderator.

There shall be a town moderator, who shall be elected at the regular town election without party designation and shall have those powers and perform those duties prescribed now or in the future by the constitution and laws of the state not inconsistent with this Charter. In the event that the office of the town moderator becomes vacant during the term of office, the town council will appoint a replacement until the next regularly scheduled election.

The moderator of the Town Financial Meeting shall upon a motion being made and seconded, relative to any business before such meeting, after having heard all the registered voters thereon who shall be desirous of being heard, cause the votes of the registered voters present to be taken thereon. Whenever any question involves an expenditure of money, or the incurring of liability in excess of \$1 million by the Town, or the disposition of Town property in excess of \$1 million, that vote shall be taken by ballot.

RECOMMENDATION 5

Under section 212, when a member of the Town Council leaves the council because they cease “to meet the qualifications established in section 202” (must be a qualified elector, a residents of the Town, and hold no other public office or employment in the service of the town) the Council appoints the next higher vote getter. However, there may be no next higher vote getter or that person could have only received a few votes. In addition, section 212 does not address when a Council members resigns for other reasons. We recommend eliminating the current wording and replacing with wording allowing the Town Council to fill an open position with a “qualified person.”

Sec. 212. - Vacancies.

Vacancies shall be said to exist when any member ceases to meet the qualifications established in section 202. If such a vacancy occurs in the membership of the town

council, the remaining members of the town council shall appoint the next highest vote getter to fill the vacancy until the next regularly scheduled biennial election.

If a vacancy occurs in the membership of the council, for whatever reason, the remaining members of the council shall select a qualified person to fill the vacancy until the next regularly scheduled state or town election, at which time the electors shall elect a qualified person to complete any unexpired portion of the term.

RECOMMENDATION 6

Section 503 outlines the process to follow when a member of the School Board leaves the Board. The process is similar to that now followed when a vacancy occurs on the Town Council. The same concerns apply and we recommend mirroring changes recommended to section 212.

Sec 503 – Vacancies.

Any vacancy in the membership of the school committee shall be filled by the town council by the next highest vote getter from the most recent election and so on until someone fills the vacancy until the next regular town election, when the office shall be filled for the unexpired term thereof. Should there be no next higher vote getter or if none of the vote getters be willing to serve then the council shall appoint a member, pursuant to the laws of the State of Rhode Island.

If a vacancy occurs in the membership of the school committee, for other than the expiration of the member's term, the town council shall select a qualified person to fill the vacancy to serve until the next regularly scheduled state or town election, at which time the electors shall select a qualified person to complete the unexpired portion of the term.

RECOMMENDATION 7

We are recommending changes to section 216 that would allow a “digest or description which substantially expresses the purpose or identifies the subject matter” of a proposed ordinance or amendment to be published in a general circulation newspaper rather than the full text. This is permitted by state law and would result in significant savings to the Town. Many of today's ordinances/amendments are complex, for example the short-term rental ordinance. These can run multiple newspaper pages and cost thousands of dollars per insertion. If this recommendation is adopted a more concise digest of the ordinance or amendment could be published. So that Jamestown voters can read and understand the ordinance/amendment we recommend making it

clear that the full text must be posted on the Town web site and available for public inspection at the Town Clerk's Office.

Sec. 216. - Procedure for adopting ordinance.

An ordinance or amendment to an existing ordinance may be introduced by any member at any regular or special meetings of the town council. Upon introduction of any ordinance or amendment to an existing ordinance, the town clerk shall distribute a copy to each town council member and to the town administrator; shall file a reasonable number of copies in the office of the town clerk and shall publish the ordinance or amendment. It shall not be necessary for the full text of an ordinance or amendment to an ordinance to be published. The Council may approve a digest or description which substantially expresses the purpose or identifies the subject matter. Following the publication by at least seven days, the town council may adopt the ordinance with or without amendment or reject it, but if it is amended as to any matter of substance, the town council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures hereinbefore required in the case of a newly introduced ordinance. As soon as practicable after adoption of any ordinance, the town clerk shall have sufficient printed copies of the ordinance or amendment available at the town hall.

As used in this section, the term "publish" means to print in one or more newspapers of general circulation in the town. The full ordinance or amendment shall be posted and to post on the town's website: (1) the complete ordinance or amendment and (2) the places where copies of it have been filed and the times when they are and shall be made available at the Town Clerk's office for public inspection.

RECOMMENDATION 8

Section 301 deals with the appointment of the town administrator. Candidates are permitted six months to become a resident of the state of Rhode Island. Finding suitable housing in Rhode Island is becoming more challenging. In light of current housing conditions, we recommend expanding this time to twelve months.

Sec. 301. - Appointment and qualifications.

The town council shall appoint a town administrator for an indefinite period of time, based solely upon the executive and administrative qualifications of the applicant, as outlined by generally accepted professional standards. The town administrator need not be a resident of the town or state at the time of appointment, but must

become and remain a qualified elector and resident of the state within ~~six~~ twelve months after appointment, unless an extension is approved by town council. The relationship between the town and the town administrator shall be contractual and not that between a municipality and a civil officer.

RECOMMENDATION 9

Currently the building official may serve as the minimum housing inspector, a position mandated by state law. The building official is also responsible for supervision and enforcement of ordinances relating to buildings, zoning, trailer parks and other matters. We feel that zoning enforcement is a critical function and should be more prominent. We recommend that “zoning” be deleted from the list of supervision and enforcement duties and that wording be added that states he may also serve as the zoning enforcement official.

Sec. 409. - Building.

There shall be a building official who shall be nominated by the town administrator with the approval of the town council and shall be responsible for the supervision and enforcement of ordinances relating to buildings, ~~zoning~~, trailer parks and other matters assigned to the building official pursuant to law. The building official may also serve as the ~~zoning enforcement officer and the~~ minimum housing inspector. In the absence of a town engineer, the building official shall be responsible for the custody and proper maintenance of engineering records including surveys, plans, maps and the like, pertaining to town property and projects.

RECOMMENDATION 10

We are recommending two housekeeping changes to section 1104 which requires that the Town budget and capital budget be printed and available 14 days in advance of the financial town meeting. In 2002 sections 223 and 224 we deleted and replace with section 1102 and 1103. At the time section 1104 was not corrected to indicate the proper sections. For the sake of accuracy, we recommend these changes be made to section 1104.

Sec. 1104. Public notice.

The recommended budget (section ~~223~~ 1102) and capital budget as provided in section ~~224~~ 1103 shall be printed and available to the public at least 14 days preceding the annual financial town meeting-

RECOMMENDATION 11

Our final recommendation is to clarify in section 1201 that there are two types of charter reviews. A full review which by the current charter occurs every six years, and a special review that can take place as needed (the most recent special review took place in 2020 to update section 219 – Initiative Petition). The committee felt that there could be confusion regarding the date of full review since it could be a year or more from the call for a committee to the submission of a final report. To eliminate any question, our recommendation is to make the appointment of the next full charter review committee September 1, 2029 and full reviews every six years from that date. (September 1 was selected as it would allow the committee to meet during the fall/winter/spring and avoid the summer with it can be a challenging getting a quorum).

Sec. 1201. - Charter revision committee.

The town council shall appoint a charter review committee to review this Charter whenever it is deemed necessary but not longer than six years from the previous review. The town council shall appoint a special charter review committee whenever it is deemed necessary. The council shall appoint a full charter review committee beginning September 1, 2029, and every six years from that date. The Town Clerk shall inform the Council no less than six months before the next Full Review to begin the process of review committee selection. Said full review committee shall within nine months of its appointment submit to the town council a report with its recommendations for amendments, additions or deletions.

Submitted by the 2022-2023 Jamestown Charter Review Committee:

James Rugh, Chairman
Sav Rebecchi, Vice Chairman
Job Toll, Secretary
Lucia Marshall
Mary E. Meagher
James (Jay) Sisson
George Souza

July 11, 2023

Mary E. Meagher
23 Melrose Avenue
Jamestown, Rhode Island
02835

July 6, 2023

To my fellow Town Councilors and Members of the Charter Review Committee ,

I had the good fortune of serving on the current Charter Review Committee, whom I believe will be coming before you on July 11, 2023 to present the product of their research, discussions and review. Unfortunately, I will not be at this meeting, so I wanted to introduce the committee to you as I might if I was present. I would ask that someone please ensure that this goes into the record or, at the very least, provide a means for the Committee to hear it.

Because it was a great committee!!! It performed its work efficiently, thoroughly and clearly. There was plenty of discussion (I fear I contributed to that) and the group was not shy about entertaining varied opinions. I realized after a couple of meetings that we had a group who represented a cross section of involvement in and familiarity with town government I had requested to serve on the committee because having served on the Council, I knew of some dilemmas that the current charter poses. Moreover I had watched other committees grow fractious with differences of opinion and in these fractious times I feared that could happen. I need not have worried. This committee was a model of decorum and indeed very pleasant.

Jay Sisson and Lucia Marshall had not served on a town committee before, though each brought a commitment to this community that was deeply felt. They also brought fresh perspectives and insight to a document with which the rest of us had perhaps too much familiarity. Jay's work with the Recreation Department and Jamestown Soccer Association gave him a practical bent towards what issues might be addressed. Lucia 's fresh approach to the charter ensured that anything might be given consideration. She particularly should be commended for improving the grammar and syntax of not just our proposals, but also some parts of the current charter.

George Souza and Job Toll are veterans of previous committees. George served for many years on the Conservation Committee and I think as its liaison to Harbor. Job has served on the Beavertail Committee and currently serves on the Affordable Housing Committee. (I think he has served on one other committee but I apologize that I cannot name it.) George's experience with the Harbor Commission proved very helpful in our consideration of that part of the charter. And Job's experience showed when he volunteered to be that person every committee needs: the guy who will do the grunt work and take minutes. They brought to our efforts not just experience but also a wisdom that, in some cases, suggested " if it ain't broke, don't fix it" or "maybe we don't want to open that can of worms."

Our chair and vice chair each had a lot of experience with Charter Review and it showed. Sav Rebecchi, our Vice Chair, was indefatigable in his research. He provided us with the history of the Charter and its changes and with what other cities and towns had done in similar situations. He was a terrific resource. Sav prompted much of our discussion by offering ideas and possible changes, some of which are included in our proposals. But I was equally impressed by his equanimity when some of his ideas were not included. That kind of patient contribution and cooperation makes for a great committee member.

And our chair, Jim Rugh, was equally indefatigable in keeping us on track, in organizing our responses and in producing this final document. He did so with an even handedness that I admire greatly. Jim was

well suited to this role. He presented the questions clearly, listened, reflected, would sometimes respond with his opinion but just as often not, and kept the process moving. At the same time, he allowed us to circle back to issues we had discussed earlier, which I think is very important to do with such an important document. Consequences were considered and our language became clearer and the product much better.

I thank all of the members for their efforts. Jamestown is a very lucky place to have such capable people who are willing to serve their community and do so with such skill.

All the best,

Mary Meagher