

Introduction

This is the final report of the 2001-2002 Jamestown Charter Review Committee (JCRC). It is divided into two parts: Part I – Proposed Amendments, additions and deletions to the present charter; and Part II – Recommendations for future areas of considerations by the Council or future Charter Review Committees.

The JCRC submitted to the town council an Interim Report, December 2001, which outlined the procedures, goals and commitment to diligently review every section of every article. The JCRC listened to the public and considered every request and suggestion presented, then discussed and researched the viability of each. Numerous past and present Town Officials were interviewed. Over thirty charters from other Rhode Island communities were examined. Meetings of the Town's most active boards, commissions and committees were attended and research into applicable Public Laws and General Laws was conducted.

Throughout Nancy Mason, JCRC's recording secretary, kept very detailed minutes of each meeting, which have been available to the public in total at all meetings. They have also been posted regularly on the Internet through the help of Dick Allphin. This report, including the recommended Proposed Charter in detail, will be posted on the Internet at JamestownRI.com/meetings under the Charter Review Committee link.

Part I – Proposed Amendments

Although the accompanying Proposed Amendments document details each recommended change, a general summary of most changes follows:

Amendment of Charter (New Article on page 37)

After review of other charters, the JCRC identified that it would be appropriate to include within the document, Charter Review procedures, based on the General Laws of the State, since Jamestown has appropriately followed them for its two previous reviews in 1984 and 1992.

Under the same area of consideration, the JCRC also learned that many other Town Charters allow for reviews to occur every five or six years, with the option to review at anytime if deemed necessary by the Town Council. Several of the changes we are recommending in this review were a result of bringing the Charter up-to-date with Town activities and ordinances adopted after the 1992 review. Due to the rapid change in State regulations and to keep up with the ever-increasing needs of our community, the JCRC determined that establishing a more frequent Charter Review schedule would be appropriate.

To complete this new Article, a “saving” provision is being recommended, which is used in several other town charters titled, “Separability of Provisions of Charter”, in addition to a section titled, “Form of Ballot and Procedures”, which closely describes how Jamestown has presented its Charter Revisions in the past.

Gender and Plurality References

An attempt has been made to fully implement the 1992 Amendment Section 104, making the Charter gender neutral. The Committee has made edits throughout the entire Charter to meet this goal.

To help the reader identify these changes easier, the proposed Gender and Plurality changes have been identified in the attached Proposed Charter document using “gray” colored strikeout text for existing gender language and “green” colored underlined text to indicate new language related to Plurality and Gender Neutral changes.

Start-up Language

Another extensive change is the decision to recommend the removal of language related to the initial implementation of the Charter back in 1975, which pertains to activities for the transition to a Charter-based government. In consultation with the Town Solicitor, the JCRC understands that the removal of what has been identified, as Start-up Language, is more a matter of a preferred “style” or “format” and would not affect the legality of the Charter.

The Start-up language tends to add confusion to the reading of the Charter and removal would allow for a more concise and compact presentation. The historical nature of the Original Document and amendments are preserved in Town records and easily obtained by those interested in such.

To help the reader identify the Start-up removal easier, in the attached Proposed Charter document, we have highlighted that language with “yellow” strikeout text.

Conflict of Interest and Ethics

Another change that may be identified as “style” or “format” is the standardization of language pertaining to “Conflict of Interest”. The recommendation is to have a single Section (Section 105.) with specific language and refer to this section in other areas of the Charter. The new language references State Law and will automatically be in compliance whenever Conflict of Interest and Code of Ethics descriptions change.

Residency Requirements

The issue of Residency Requirements for Town Officials as well as Boards, Commissions and Committees, has received a substantial amount of change and clarification. The JCRC finds that it is appropriate to require residency for those who serve on all Boards, Commissions and Committees and who are, for the most part, volunteers. Due to the rising cost of housing in Jamestown and the desire to employ the best person for the job at affordable wages, the JCRC decided that department heads and other town employees who are currently required to be residents should be able to live off island. This policy is consistent with many other towns that have updated their charters. The Residency Requirement for the Town Administrator has been retained. However, should the need arise, the time allowed to establish residency for a newly appointed Administrator has been specified.

Finance Director and Financial Provisions

Significant changes have also been made to the position of Finance Director. Several previous Town Officials who met with the JCRC indicated that the Charter was “weak” in Section 419, Finance. After review of other Charters, it was determined that there was common language, which detailed the duties of Finance Director. These duties were reviewed with the Town Administrator/Finance Director, after which Section 419 was extensively expanded.

For clarity, the JCRC is recommending a new Article titled Financial Provisions (page 35). While this new Article consists mostly of Sections that came from Article II, a section has been added, addressing the future Fiscal Year change and a section on Proposals for Expenditures at the Financial Town meeting. Both of these new sections are common to several other Town Charters and address requests brought to the JCRC at the Open Forum.

Boards, Commissions and Committees

The supply of qualified volunteers to fill positions on town Boards, Commissions and Committees, as well as the problems of managing term expirations and renewals, have led the JCRC to establish this new Article (page 34). Review of other towns has revealed that the number of Boards, Commissions and Committees for most towns is the same without regard to population. This makes the job of recruiting volunteers more difficult for towns with smaller populations.

To address this need, the JCRC recommends that the duties of the Personnel Board be expanded to assist the Town with volunteer recruitment (Section 420-3). In addition, the JCRC recommends a size limitation for all boards while allowing for expansion under special needs. Other sections in the new Article address length and limits of terms, expiration dates and the “promulgation” of rules and procedures for all Boards, Commissions and Committees.

Other Additions

New sections have been added for the position of Town Sergeant, the Harbor Commission and for the possibility of a future Municipal Court system. Other amendments are, in general, clarifications to existing sections. To aid the reader in identifying new language in the attached Proposed Charter document, the document highlights and underlines the “new language” text in “blue”. Existing language strikeouts are in “magenta”.

PART II-Recommendations

There are four areas not included as amendments because the JCRC felt that they either require language better addressed by the Council and the Town Solicitor, or better served first by an ordinance and perhaps be added to the Charter in later reviews. Each of these “Recommendations” has been approved through votes of the Committee.

Removal from Office

In light of the recent events in Lincoln, the committee would like to insert some reference to disqualifications for the Town Council, Administrator and Department Heads, for such things as: violations and convictions of civil or criminal laws; prolonged illness or any other reasons for prolonged absences.

Financial Town Meeting

Since the JCRC was not able to establish clear facts as to benefits of eliminating the Financial Town Meeting, and the discovery would go beyond the committee's resources, it is recommend that the Council establish a Special Study Committee to address the retention of the annual Financial Town Meeting and alternatives to it. The JCRC believes that the study should include a public opinion survey of Jamestown's registered voters.

Fire Department Management as Department Head

Due to overall cohesive management concerns, the JCRC believes the town should explore the possible benefits of having a Fire Department manager who would report to the Town Administrator.

Water and Sewer Advisory Committee

The JCRC proposes that there shall be a Water and Sewer Advisory Committee that shall be appointed by the Town Council and shall be qualified electors and residents of the town of Jamestown.

The Water and Sewer Advisory Committee will act in an advisory capacity to the Water and Sewer Commission to ensure optimal performance of the Municipal Water and Sewer Systems and to preserve and protect the water resources of Conanicut Island.

Closing Statement

In closing, the Committee would like to extend its gratitude to the citizens of Jamestown for their highly regarded input. The JCRC would also like to give special thanks to the present and past Town officials listed below for giving the JCRC their time and for providing important historical documents, background and thought provoking insights.

The JCRC publicly acknowledges the following people:

Councilwoman Norma Willis, Jane Sprague, Maryanne Crawford, Arlene Kalooski, Sue Brayman, Harrison Wright, David Martin, Richard Allphin, Nancy Kolman Ventrone, Cathy Kaiser, Betsy Gooding, Chief Arthur Christman, Fred Brown, Rob Lambert, Robert Sutton, Fred Clarke, Mark Liberati, Chief Joe Tiexiera (Retired), Ellicott Wright, Mary Miner, Craig Amerigian, Nick Robertson, Rep. William Murphy, William Munger, Fred Pease, Julio DiGiando, Michael Schnack and Dick Hines. The JCRC apologizes if anyone has been missed.

The JCRC would again like to acknowledge the efforts of Town Clerk, Arlene Kalooski and her dedicated staff. They truly are committed to providing quality service to Jamestown's citizens. The Committee would also like to give special thanks to MaryAlice Lurgio from Chief Tighe's office for her invaluable assistance throughout these past ten months.

Also, mention must be made about Rena Tyson, the JCRC "Alternate" member. Rena worked as hard as every other member on the Committee. Her willingness to attend meetings in order to assure the Town that the review would be uninterrupted by the absence of a regular voting member, was the true symbol of altruism and dedication to our community. We were honored to have her work with us.

Finally, the members of the committee believe we have fulfilled our charge to the town, and that the Jamestown 2001-2002 Charter Review Committee should be formally dissolved as soon as possible.

Respectfully submitted,

For The Committee:

Saverio Rebecchi, Chair

Nancy Mason, Secretary

Peter Shocket

Michael Swistak

Chief Thomas Tighe

Rena Tyson, Alternate