

TOWN OF PORTSMOUTH, RI
RESOLUTION # 2020-07-27B

BE IT RESOLVED by the Town Council of the Town of Portsmouth that the following twelve (12) questions shall appear on the ballot for the November 3, 2020 General Election:

**AMENDMENTS TO THE PORTSMOUTH HOME RULE CHARTER
(Resolution of the Town Council adopted July 27, 2020)**

ARTICLE II.
THE TOWN COUNCIL

“Shall Article II, Section 201 of the Portsmouth Town Charter be amended to make a minor grammatical revision and to provide that all candidates for Town Council be listed on the ballot in an order to be determined by the Board of Canvassers by the drawing of lots?”

IF APPROVED THIS AMENDMENT WILL TAKE EFFECT ON NOVEMBER 3, 2020.

CURRENT CHARTER WORDING:

201. Number, Term, Selection.

The Town Council shall consist of seven (7) members elected from the Town at large each to serve for a term of two (2) years, or until a new Council has been elected and a majority of its members qualified. Elections for Town Council and for all other Town offices filled by the voters shall be held at the biennial state general election on the first Tuesday after the first Monday in November of each even numbered year. The name of all candidates for Town Council who shall have qualified to appear on the ballot shall be listed under their respective party designations (in alphabetical order, in order the names are listed on endorsement papers by the local party town committees, or in order determined by the Board of Canvassers by the drawing of lots.) Each elector shall cast his vote for no more than seven (7) candidates for Town Council, and the seven (7) receiving the greatest number of votes shall be declared elected. (Adopted November 7, 1972; eff. date July 1, 1973; amended November 2, 2004; eff. date July 19, 2005 by General Assembly approval.)

PROPOSED AMENDED CHARTER WORDING:

201. Number, Term, Selection.

The Town Council shall consist of seven (7) members elected from the Town at large each to serve for a term of two (2) years, or until a new Council has been elected and a majority of its members qualified. Elections for Town Council and for all other Town offices filled by the voters shall be held at the biennial state general election on the first Tuesday after the first Monday in November of each even numbered year. The names of all candidates for Town Council who shall have qualified to appear on the ballot shall be listed along with their respective party designations in an order determined by the Board of Canvassers by the drawing of lots. Each elector shall cast his vote for no more than seven (7) candidates for Town Council, and the seven (7) receiving the greatest number of votes shall be declared elected.

“Shall Article II, Section 204 of the Portsmouth Town Charter be amended to clarify that in the absence of the Town Council President, the Vice President shall be the presiding officer?”

IF APPROVED THIS AMENDMENT WILL TAKE EFFECT ON NOVEMBER 3, 2020.

CURRENT CHARTER WORDING:

204. Presiding Officer.

The Council shall elect one (1) of its members as its President at its first meeting as defined in Section 203, or at its first meeting following the occurrence of a vacancy in said office. The President shall preside at meetings and shall be recognized as head of the town government. The President shall have the same right to speak and vote as any other member. (Adopted November 7, 1972; as amended November 8, 1983; eff. date January 1, 1984.)

PROPOSED AMENDED CHARTER WORDING:

204. Presiding Officer.

The Council shall elect one (1) of its members as its President at its first meeting as defined in Section 203, or at its first meeting following the occurrence of a vacancy in said office. The President shall preside at meetings and shall be recognized as head of the town government. The President shall have the same right to speak and vote as any other member. In the case of the absence of the Town Council President, the Vice President shall be the presiding officer.

“Shall Article II, Section 207 of the Portsmouth Town Charter be amended to clarify the process for Council appointment of individuals to committees, and to provide for Council approval of an Emergency Management Plan?”

IF APPROVED THIS AMENDMENT WILL TAKE EFFECT ON NOVEMBER 3, 2020.

CURRENT CHARTER WORDING:

207. Powers.

The Town Council shall be the policy-making body of the Town, and shall exercise all the powers of the Town, except as otherwise provided by this charter, or by the constitution and laws of this State. Among the powers of the Council, to be exercised in accordance with relevant provisions of the Charter and of the constitution and laws of this State, shall be the power:

- b. To appoint standing and temporary committees, but no legislative powers of the Council may be delegated to these committees;

PROPOSED AMENDED CHARTER WORDING:

207. Powers.

The Town Council shall be the policy-making body of the Town, and shall exercise all the powers of the Town, except as otherwise provided by this charter, or by the constitution and laws of this state. Among the powers of the Council, to be exercised in accordance with relevant provisions of the Charter and of the constitution and laws of this state, shall be the power:

- b. To appoint standing and temporary committees, but no legislative powers of the Council may be delegated to these committees. Individuals appointed shall be selected from those who have submitted the designated application to the Town Clerk;
- p. To approve an Emergency Management Plan which shall include the detailing of a succession of authority in the event of an emergency.

“Shall Article II, Section 208, paragraph 2 of the Portsmouth Town Charter be amended to add language requiring the provisional budget to be published on the Town’s website, in addition to a newspaper of general circulation in the Town?”

IF APPROVED THIS AMENDMENT WILL TAKE EFFECT ON NOVEMBER 3, 2020.

CURRENT CHARTER WORDING:

208. Budget.

Upon the receipt of the consolidated Town and School budget from the Town Administrator, the Town Council shall:

2. Immediately following the adoption of the provisional budget, it shall be published in a newspaper having general circulation in the Town, showing the initial requested total amount of each department by the Town Administrator and School Committee and the recommended total amount of the Town Council.

PROPOSED AMENDED CHARTER WORDING:

208. Budget.

Upon the receipt of the consolidated Town and School budget from the Town Administrator, the Town Council shall:

2. Immediately following the adoption of the provisional budget, it shall be published on the Town’s website and in a newspaper having general circulation in the Town, showing the initial requested total amount of each department by the Town Administrator and School Committee and the recommended total amount of the Town Council.

ARTICLE VI. TOWN DEPARTMENTS

“Shall Article VI, Section 602 of the Portsmouth Town Charter be amended to provide that the Fire Chief shall have at least ten (10) years’ experience in the fields of fire-fighting and fire prevention?”

IF APPROVED THIS AMENDMENT WILL TAKE EFFECT ON NOVEMBER 3, 2020.

CURRENT CHARTER WORDING:

602. Fire.

There shall be a Fire Department, the operating head of which shall be the Fire Chief, who shall be a fireman with at least five (5) years’ experience in the fields of fire-fighting and fire prevention. He/She shall be appointed by the Town Administrator with the approval of the Town Council. In addition to the Fire Chief, there may be a Deputy Chief and there shall be such other subordinate officers and firemen, all of the aforesaid serving full time, as shall from time to time be determined by the Town Council by ordinance. In addition to the members of the permanent fire department, the Fire Chief, with the approval of the Town Administrator and the Town Council, may from time to time appoint additional special firemen for occasional services and for limited terms who shall serve at the pleasure of the Fire Chief and concurrence of the Town Administrator and the Town Council. The further organization of the department into divisions or offices or grades shall be made by the Town Council by appropriate ordinance. The Fire Department shall have all the powers and duties as are now and hereafter vested in it by the laws of the State of Rhode Island and Town ordinances. The Fire Department shall, subject to the

approval of the Town Administrator and Town Council, make rules and regulations concerning the conduct of all subordinates. (Adopted November 7, 1972; as amended November 8, 1983; eff. date January 1, 1984.)

PROPOSED AMENDED CHARTER WORDING:

602. Fire.

There shall be a Fire Department, the operating head of which shall be the Fire Chief, who shall be a fireman with at least ten (10) years' experience in the fields of fire-fighting and fire prevention. He/She shall be appointed by the Town Administrator with the approval of the Town Council. In addition to the Fire Chief, there may be a Deputy Chief and there shall be such other subordinate officers and firemen, all of the aforesaid serving full time, as shall from time to time be determined by the Town Council by ordinance. In addition to the members of the permanent fire department, the Fire Chief, with the approval of the Town Administrator and the Town Council, may from time to time appoint additional special firemen for occasional services and for limited terms who shall serve at the pleasure of the Fire Chief and concurrence of the Town Administrator and the Town Council. The further organization of the department into divisions or offices or grades shall be made by the Town Council by appropriate ordinance. The Fire Department shall have all the powers and duties as are now and hereafter vested in it by the laws of the State of Rhode Island and Town ordinances. The Fire Department shall, subject to the approval of the Town Administrator and Town Council, make rules and regulations concerning the conduct of all subordinates.

ARTICLE VII.
SCHOOL DEPARTMENT

“Shall Article VII, Section 704 of the Portsmouth Town Charter be amended to change the words “salaries” and “salary” to “compensation”?”

IF APPROVED THIS AMENDMENT WILL TAKE EFFECT ON NOVEMBER 3, 2020.

CURRENT CHARTER WORDING:

704. Compensation.

School Committee members shall receive such compensation as stated in the final Town budget. Expenses incurred while on School Committee business shall be reimbursed upon proper voucher. School Committee salaries shall be isolated from the total School Department budget. No School Committee member shall, during the term he/she is serving, obtain the benefit of a salary increase voted during that term. (Adopted November 7, 1972; as amended November 8, 1983; eff. date January 1, 1984; as further amended November 8, 1994; eff. date November 8, 1994.)

PROPOSED AMENDED CHARTER WORDING:

704. Compensation.

School Committee members shall receive such compensation as stated in the final Town budget. Expenses incurred while on School Committee business shall be reimbursed upon proper voucher. School Committee compensation shall be isolated from the total School Department budget. No School Committee member shall, during the term he/she is serving, obtain the benefit of a compensation increase voted during that term.

“Shall Article VII, Section 706 of the Portsmouth Town Charter be amended to use gender-neutral language and clarify the process for selection of a Clerk of the School Committee?”

IF APPROVED THIS AMENDMENT WILL TAKE EFFECT ON NOVEMBER 3, 2020.

CURRENT CHARTER WORDING:

706. Organization and Rules.

The School Committee shall elect from its membership a Chairman and a Vice-Chairman, both of whom shall serve at the pleasure of the School Committee. The School Committee shall also appoint a Clerk who shall be a member of the School Committee and shall serve at the Committee's pleasure. The Chairman or the Clerk may sign any orders and official papers, and the Clerk under the direction of the School Committee, shall keep a journal of the proceedings of the Committee. The School Committee shall adopt its own rules and order of business. (Adopted November 7, 1972; eff. date July 1, 1973.)

PROPOSED AMENDED CHARTER WORDING:

706. Organization and Rules.

The School Committee shall elect from its membership a Chair, Vice-Chair and a Clerk, whom shall serve at the pleasure of the School Committee. The Chair or the Clerk may sign any orders and official papers, and the Clerk under the direction of the School Committee, shall keep a journal of the proceedings of the Committee. The School Committee shall adopt its own rules and order of business.

“Shall Article VII, Section 708 of the Portsmouth Town Charter be amended to clarify that the Superintendent of Schools shall be appointed by a vote of a majority of school committee members?”

IF APPROVED THIS AMENDMENT WILL TAKE EFFECT ON NOVEMBER 3, 2020.

CURRENT CHARTER WORDING:

708. Appointment of a Superintendent.

The School Committee shall appoint a Superintendent of Schools as its Chief Administrative Agent who shall have, under the direction of the School Committee, the care and supervision of the public schools and shall have and exercise such duties and authority as are vested in the office by the laws of the state. No person shall be employed as the Superintendent of Schools unless such person holds a certificate of qualification for said office issued by or under the authority of the state. (Adopted November 7, 1972; eff. date July 1, 1973.)

PROPOSED AMENDED CHARTER WORDING:

708. Appointment of a Superintendent.

The School Committee shall appoint by a vote of a majority of school committee members a Superintendent of Schools as its Chief Administrative Agent who shall have under the direction of the School Committee the care and supervision of the public schools and shall have and exercise such duties and authority as are vested in the office by the laws of the state. No person shall be employed as the Superintendent of Schools unless such person holds a certificate of qualification for said office issued by or under the authority of the state.

“Shall Article VII, Section 710 of the Portsmouth Town Charter be amended to revise and clarify the process for Appointment and Removal of Other School Employees?”

IF APPROVED THIS AMENDMENT WILL TAKE EFFECT ON NOVEMBER 3, 2020.

CURRENT CHARTER WORDING:

710. Appointment and Removal of Other School Employees.

The School Committee shall have the power to determine the number and duties of all employees in the department subordinate to the Superintendent of Schools, and shall have the power to remove and in addition to give advice and consent concerning the appointment of all such employees upon the recommendation of the Superintendent of Schools, except as otherwise provided by the laws of the State. (Adopted November 7, 1972; as amended November 8, 1983; eff. date January 1, 1984; amended November 8, 1994; eff. date November 8, 1994.)

PROPOSED AMENDED CHARTER WORDING:

710. Removal of Other School Employees.

The School Committee shall have the power to determine the number and duties of all employees in the department subordinate to the Superintendent of Schools, and shall have the power to remove employees upon the recommendation of the Superintendent of Schools, except as otherwise provided by the laws of the State.

ARTICLE IX.
MISCELLANY

“Shall Article IX, Section 902 of the Portsmouth Town Charter be amended to provide for consistency with the Rhode Island Access to Public Records Act?”

IF APPROVED THIS AMENDMENT WILL TAKE EFFECT ON NOVEMBER 3, 2020.

CURRENT CHARTER WORDING:

902. Public Records.

All records and accounts of every department and agency of the Town shall be deemed to be public records and shall be open to inspection by any citizen of the state without giving any reason therefore, at all reasonable times and under reasonable regulations established by the Council, except those records and documents the disclosure of which, in the opinion of the Council, would tend to defeat the lawful purpose which they are intended to accomplish, and except such records as are required by the laws of the state to be kept confidential. (Adopted November 7, 1972; as amended November 8, 1983; eff. date January 1, 1984.)

PROPOSED AMENDED CHARTER WORDING:

902. Public Records.

All records and accounts of every department and agency of the Town shall be deemed to be public records and shall be open to inspection by any citizen of the state without giving any reason therefore, at all reasonable times, in accordance with and subject to the requirements of the Rhode Island Access to Public Records Act, Rhode Island General Laws Section 38-2-1 et seq.

“Shall Article IX, Section 903 of the Portsmouth Town Charter be amended to provide for consistency with the Rhode Island Code of Ethics?”

IF APPROVED THIS AMENDMENT WILL TAKE EFFECT ON NOVEMBER 3, 2020.

CURRENT CHARTER WORDING:

903. Conflict of Interest.

In accordance with State Statute, Rhode Island General Law § 36-14-1 et seq., as well as any rules and/or regulations promulgated by the Rhode Island Ethics Commission, no official of the Town, elected or appointed, shall utilize his/her position to forward, directly or indirectly, his/her personal benefit. In case of personal interest as defined by State Statute or by the Ethics Commission, in the proposition before him/her as a Town Official, he/she shall notify, in writing, the Town Administrator of the fact and nature of his/her personal interest and abstain from voting on or otherwise participating in, that matter. If and when such a conflict exists for the Town Administrator, he/she shall notify the Town Council in writing of the fact and nature of his/her personal interest and abstain from participating in that matter. (Adopted November 7, 1972; as amended November 8, 1983; eff. date January 1, 1984; amended November 8, 1994; eff. date November 8, 1994; as further amended November 2, 2004; eff. date same.)

PROPOSED AMENDED CHARTER WORDING:

903. Conflict of Interest.

All officials and employees of the Town shall comply with the Rhode Island Code of Ethics, Rhode Island General Law Section 36-14-1 et seq., as well as any rules and regulations promulgated by the Rhode Island Ethics Commission. In the case of any conflict of interest of a Town official or employee, as defined by the Code of Ethics or by any rule or regulation of the Ethics Commission, he/she shall file a Statement of Conflict of Interest form or other signed, written statement of recusal pursuant to the requirements of the Code of Ethics and applicable rules and regulations.

“Shall Article IX, Section 913 of the Portsmouth Town Charter be amended to delete the words “including School Department employee unions” to provide for consistency with state law?”

IF APPROVED THIS AMENDMENT WILL TAKE EFFECT ON NOVEMBER 3, 2020.

CURRENT CHARTER WORDING:

913. Collective Bargaining.

No collective bargaining agreement between the Town of Portsmouth and any labor organization including School Department employee unions shall become effective unless and until ratified by the Portsmouth Town Council. (Adopted November 2, 2004; eff. date: upon approval by RI General Assembly.)

PROPOSED AMENDED CHARTER WORDING:

913. Collective Bargaining.

No collective bargaining agreement between the Town of Portsmouth and any labor organization shall become effective unless and until ratified by the Portsmouth Town Council.

BE IT FURTHER RESOLVED that the Registrar of Voters and the Board of Canvassers be and are hereby instructed to forward a true copy of said ballot questions to the Secretary of State in accordance with State law.

Adopted: July 27, 2020

Kevin M. Aguiar, President,
Portsmouth Town Council

ATTEST: _____
Jennifer M. West, Town Clerk