



**JAMESTOWN CHARTER REVIEW
COMMITTEE MEETING
Jamestown Town Hall
Town Hall Conference Room
93 Narragansett Avenue
Thursday, May 16, 2019
3:00 PM**

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

May 9, 2019; review, discussion and/or potential action and/or vote.

IV. COMMUNICATIONS

V. UNFINISHED BUSINESS

A. Review of Charter Sections; review, discussion and/or potential action and/or vote.

1. Sec. 219 Initiative Procedure
2. Sec. 220 Referendum Procedure

VI. NEW BUSINESS

A. Agenda items for the next and/or future agendas; review, discussion and/or potential action and/or vote.

B. Future meeting dates; review, discussion and/or potential action and/or vote.

VII. PUBLIC COMMENT

VIII. ADJOURNMENT

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 Philomenian Library. In addition notice may also be posted at the following locations: Jamestown Police Station and on the Internet at www.jamestownri.gov.

This meeting location is accessible to the physically challenged. 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 cfernstrom@jamestownri.net not less than three (3) business days prior to the meeting.

Posted on the Secretary of State website on May 14, 2019

CHARTER REVIEW COMMITTEE MINUTES

May 9, 2019

I. CALL TO ORDER

Meeting called to order at 3:00 pm by Chair White

II. ROLL CALL

Randall White, Chair

James Rugh, Co-Chair

Katherine Wineberg, Secretary

Sav Rebecchi, Member-at-Large

Robert Tormey, Member-at-Large

Also in attendance:

Wyatt Brochu, Town Solicitor

III. APPROVAL OF MINUTES

Minutes of May 2, 2019

As amended per Member Rebecchi's request.

A motion was made by co-chair Rugh with second by member Rebecchi to accept the minutes as amended. Chair White, Aye; Co-Chair Rugh, Aye; Secretary Wineberg, Aye; Member Rebecchi, Aye; Member Tormey, Aye. Motion passed.

IV. COMMUNICATIONS

None

V. UNFINISHED BUSINESS

Review of Charter Sections

Although marked with 'C' (signifying consensus) several members had comments and desired discussion to conclude consideration of Paragraph Four: "Initiative Petition". Discussion covered details time marking distribution of blank petition forms, the addition of requiring copies of Sections 218, 219, and 220 and written statement confirming the number of petition signatures necessary (details of placement to be addressed later), language addressing the development of petition signature collection sheets by the Town Clerk to accommodate unknowns in the future.

"Number and Form of Signatures" Consensus on this paragraph as it is written. Minor corrections.

"Time to Circulate Initiative Petitions" Consensus on substance of this paragraph as it is written with minor changes regarding timing.

"Affidavit of Circulator" Consensus on issues covered by affidavit, language regarding signor support of the petition moved to "Initiative Petition", discussion of standard affidavit form for this purpose, circulator as resident/registered voter/student/minor/petition committee member.

"Filing of Completed Initiative Petition" Chair White presented language addressing vague statement regarding the determination of the validity of signatures; language also moves responsibility to the Town Clerk given that much of the detail work is eliminated by the circulator affidavits; issue raised regarding Town Clerk unwilling to certify petition that creates a personal conflict, solution relies on separate process evident

elsewhere; discussion regarding the process and path of petition document if number of signatures are insufficient; some language changes for the sake of brevity. “Insufficient Signatures” paragraph eliminated.

We began to discuss a new paragraph separating the process of signature amendments (a ‘second chance’) from the first filing of a completed petition, considered whether or not a new paragraph was warranted or if it should continue as a part of the completed petition paragraph. Chair White brought up a potentially difficult subject to follow that paragraph regarding what happens when, once the proposed ordinance is considered by the Town Council and for legal or what ever reasons changes need to be made, we then have an altered proposed ordinance and how to proceed with the presentation of that amended proposed ordinance to the public (‘level 3’). No consensus reached regarding the ‘second chance’ issue.

VI. NEW BUSINESS

- A) Supplementary agenda items for the next and/or future agendas.
- B) Consider the attendance of Town Solicitor Brochu at committee meetings.

Agreement among members of the committee that Mr. Brochu’s attendance and immediate responses to our questions as we began this process was invaluable however going forward attendance at each meeting is not the best use of his time and resources.

Chair White made a motion to temporarily suspend our demands on Mr Brochu’s attention and in due time ask him to review and comment on the first draft of our work and make suggestions for the next step. Second by Co-Chair Rugh. All members voted ‘Aye’. Motion passed.

- C) Future meeting dates.

Secretary Wineberg noted she will not be available for meetings for two weeks in June during the period of the committee’s charge.

Chair White encouraged committee members to consider the process we will use to deliver our product to the Town Council, when the time comes.

VII. PUBLIC COMMENT

None.

VIII. ADJOURNMENT

Secretary Wineberg made a motion to adjourn, Chair White second, all members voted ‘Aye’. Motion passed. Meeting adjourned at 4:47 pm.

Respectfully submitted,

Katherine Wineberg, Secretary, Jamestown Charter Review Committee

Next meeting is scheduled for Thursday, May 16, 2019, 3 pm at the Town Hall Conference Room.

Sec. 218. - INITIATIVE AND REFERENDUM

In order to preserve direct participation in government to the voters of Jamestown, there are hereby established procedures whereby they may initiate legislative proposals for consideration by the town council and the voters.

Sec 219 - INIATIVE PROCEDURE

- C **Initiative.** Any qualified elector of the Town of Jamestown may propose an ordinance directly to the Town Council during open forum at any regular Town Council meeting. In addition, electors shall have the right to propose an ordinance by initiative petition; provided that such power shall not extend to the budget or capital programs, any emergency ordinance, any ordinance relating to the appropriation of money or levy of taxes, or to the salaries and benefits of town officials or employees; nor to any proposed ordinance which is prohibited by the State Constitution, Federal Constitution, State or Federal laws or recognized judicial decisions interpreting State or Federal law. The initiative petition shall be exercised in the following manner:
- C **Petitions Committee.** Any five (5) qualified electors may commence initiative petition proceedings by filing with the Town Clerk a signed notarized statement from each member stating they will constitute the petition committee and will be responsible for circulating the petition and filing it in proper form, stating **they are qualified electors**, their names and addresses, ~~and~~ specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed ordinance. **The Town Clerk shall provide the petition committee with copies of sections 218, 219 and 220 of the Charter; and with the minimum number of valid signatures the committee must obtain.**

- C **Final Proposed Ordinance.** A true copy of the final proposed ordinance shall then be filed with the Town Clerk. ~~Promptly after the filing~~ The Town Clerk shall ~~not~~ify ~~inform the Town Council~~ ~~immediately forward a copy of the proposed initiative ordinance to the Town Council.~~ *(need discuss)*
- C **Initiative Petition:** The Town Clerk shall ~~develop and~~ promptly issue appropriate petition blanks to the Petition Committee and shall note the date ~~and time~~ of first issuing petition blanks. Each petition blank shall contain the full text of the proposed ordinance ~~and shall state at the top, "I have read and support the initiative petition ordinance printed below,"~~ of if necessary do to a lengthy proposed initiative ordinance, ~~"I have read and support the attached initiative petition ordinance."~~ *(need discuss)*
- C **Number and Form of Signatures.** Initiative petitions must be signed by qualified electors of the Town of Jamestown equal in number to at least ~~ten~~ (10) percent of the total number of ~~persons voters~~ registered to vote at the last regular Town election. Each signature shall be executed in ink or indelible pencil and shall be followed by the printed name and address of the person signing, and other information that may be required to identify the person signing.
- C **Time to Circulate Initiative Petitions.** The Petition Committee shall then have a maximum period of one hundred twenty (120) days, including legal holidays and weekends, to submit the required number of signatures of qualified electors to the Town Clerk; however, providing that if the final day for submission shall fall on a Saturday, Sunday or legal holiday, the period shall be extended to the first business

day following said Saturday, Sunday or holiday ~~up until the hour that the petition was first accepted by the town clerk.~~ If an initiative petition bearing the required number of signatures is not submitted to the Town Clerk within one hundred twenty (120) days after the issuance of petition blanks, then the initiative petition shall be considered as withdrawn and shall have no further force or effect and all proceedings thereon shall be terminated.

- C **Affidavit of Circulator.** Each initiative petition ~~blank~~ shall have attached to it when completed and filed a notarized affidavit executed by the circulator, ~~who must be a unpaid qualified Jamestown elector, thereof stating attesting that (a) that~~ the circulator personally circulated the paper, ~~(b) the number of signatures thereon, (c) that all the signatures were affixed in the presence of the circulator, (d) that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and that and (e) each signer had an opportunity before signing to read the full text of the ordinance proposed.~~
- C **Filing of Completed Initiative Petition.** ~~Once Upon completion the Petition Committee believes the required signatures are obtained,~~ all the initiative petitions shall be assembled as one instrument and filed with the Town Clerk. ~~The Town Clerk shall determine the number and validity of signatures on the initiative petition. A signature shall be deemed valid when the Town Clerk is satisfied that the signature is associated with or attributed to, and was executed by the person whose printed name appears next to the signature, regardless of its form. The sufficiency of valid signatures shall be determined and certified as such. An initiative petition determined as insufficient for lack of the required number of valid signatures may be amended once if the Petition Committee files a notice of intention to amend it with the Town~~

~~Clerk within five days after being notified of the insufficiency and files a supplementary initiative petition upon additional petition blanks within 10 days. Such supplementary petition shall comply with the requirements of 219.~~ If the Town Clerk is satisfied that the initiative petition contains the requisite number of valid signatures of qualified electors, the Town Clerk shall certify the initiative petition and shall then promptly forward the initiative petition, ~~or amended initiative petition,~~ to the Town Council. The Council shall promptly consider the proposed initiative petition ordinance in the manner provided for ordinance adoption.

- C ~~Insufficient signatures. If the filed initiative petition has insufficient signatures, the Town Council may vote that it is invalid due to lack of sufficient signatures and the initiative petition shall have no further effect and all proceedings thereon shall be terminated.~~

Submission to Voters, Referendum. If the initiative petition has sufficient signatures and Town Council fails to adopt a proposed initiative petition ordinance without any change in substance within sixty (60), and upon receipt of an initiative petition in a form and manner specified in this section, and signed by one thousand (1,000) qualified electors of the town, such initiative petition ordinance shall be submitted to a referendum vote of the electors of the Town at a special election or at the next general election.

Withdrawal of Petitions. An initiative petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the electors of the town by filing with the Town Clerk a request for withdrawal signed by at least four (4) members of the petition committee. Upon the filing of such request the petition shall have no further effect and all proceedings thereon shall be terminated.

Sec. 220. - REFERENDUM PROCEDURE

The town council may provide in the terms of any ordinance it enacts that the same be submitted to the electors for their approval or rejection. In the event it makes such provision, the vote thereon by the electors shall be called in accordance with the provisions set forth for voting upon initiative proposals in section 219. Pending the decision of the voters, the ordinance in question shall remain inoperative.

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 meeting 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. 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 available at the town hall.

Original wording in 219: ... shall be submitted to the electors for their approval or rejection, no less than 30 days nor more than one year from the date the town council takes its final vote thereon. The town council may, and if no regular election is to be held within such period shall, provide for a special election.

ref·er·en·dum /ˌrɛfəˈrɛndəm/

noun

noun: **referendum**; plural noun: **referenda**; plural noun: **referendums**

1. a general vote by the electorate on a single political question which has been referred to them for a direct decision.