



**JAMESTOWN CHARTER REVIEW
COMMITTEE MEETING
Jamestown Town Hall
Town Hall Conference Room
93 Narragansett Avenue
Thursday, May 2, 2019
3:00 PM**

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

April 23, 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

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 April 30, 2019

CHARTER REVIEW COMMITTEE MINUTES
APRIL 23, 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:

Andrew Nota, Town Administrator joined the meeting at 3:25 pm
Wyatt Brochu, Town Solicitor

III. APPROVAL OF MINUTES

Minutes of April 18, 2019

Adjournment motions corrected.

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

No communications

V. UNFINISHED BUSINESS

Review of Charter Sections

Discussion whether or not to include language to repeal existing ordinances in section 219 of the charter. No conclusions reached.

A motion was made by Co-chair Rugh, second by Chair White not to consider 'resolutions' in our rewrite. All members voted 'Aye', motion passed.

Discussion of the initial steps to initiative petition. Where and when does the process begin and when to pick up the process in the town charter. Gatekeeping process through the Town Council, review by Town Solicitor, whether committee or individual commences initiative process. Working with document produced by member Rugh, labeled "blended document", discussion addressing the specific language of proposed charter ensued.

A motion was made by Secretary Wineberg, second by member Tormey to define the use of the word 'referendum' in our document to mean 'a vote'. All members voted 'Aye', motion passed. The use of the word 'referendum' in other town charters initiative and referendum chapters appears to refer to the process of amending existing ordinances

as opposed to the creation of new ordinances. A referendum is a ballot question, a direct vote in which an electorate is invited to vote on a particular proposal.

Discussion of the language of first four paragraphs of sample document continued. As consensus is reached in a section it will be marked so but we may revisit sections as subsequent language suggests reconsideration.

Because the committee is working with the pertinent sections of Barrington's and Narragansett's Charters Mr Nota offered to collect the minutes from Barrington's charter process to identify the thoughts supporting the language in their document. Mr Nota also offered to identify the appropriate language to prevent the use of the initiative process to alter town financial considerations.

Subjects under discussion as committee considered the language of the working version of Charter section 219: Judicial review of proposed ordinance; solicitor's review: timing, clear direction regarding purpose; affidavit vs notarized statement of intent; amendment and/or form/version of proposed ordinance to present to voters; limits on length and number of issues addressed by the proposal; the information the petition blanks should require; method of identifying registered voter.

VI. NEW BUSINESS

B) Agenda items for the next and/or future agendas.

Plan to discuss only section 219 at the next meeting, focus on the beginning of the initiative process. Review other town charters for procedures and language we might use in our rewrite.

VII. PUBLIC COMMENT

No public comment

VIII. ADJOURNMENT

Member Rugh made a motion to adjourn, Member Tormey second, all members voted 'Aye'. Motion passed. Meeting adjourned at 4:59.

Respectfully submitted,

Katherine Wineberg, Secretary, Jamestown Charter Review Committee

Next meeting is scheduled for Thursday, May 2, 2019, 3 pm at the Town Hall Conference Room.

JAMESTOWN TOWN CHARTER

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. - Initiative procedure.

Any proposed ordinance may be submitted to the town council by a petition signed by qualified electors of the town equal in number to at least ten percent of the number of persons registered to vote at the time of the last regular town election. Whenever the town council receives a certified initiative petition from the town clerk, it shall proceed at once to consider the proposed ordinance transmitted therewith, and shall take a final vote on the enactment of same no more than 30 days following receipt of the petition from the town clerk. If the town council shall fail to pass an ordinance thus proposed by initiative petition, or shall pass it in altered form, the said ordinance as originally proposed by the petitioners 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.

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.

INITIATIVE AND REFERENDUM

- 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 of levy of taxes, or to the salaries and benefits of city officials or employees. 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 members stating they will constitute the petition committee and be responsible for circulating the petition and filing it in proper form, stating 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.
- C Promptly after the filing of notarized statements, the Town Clerk shall immediately notify the Town Council and forward a copy of the proposed initiative ordinance to the town solicitor for conformity with local, state and Federal regulation and law. Within fourteen (14) days of the date of filing the town solicitor shall forward to the Town Clerk a written opinion as to the conformity of the proposed petition. This may be extended for an additional (14) days for cause at the request of the town solicitor. The Town Clerk shall immediately notify the Petition Committee of the opinion of the town solicitor and the Petition Committee may withdraw, amend or go forward with the proposed ordinance.
- C Initiative Petition: A true copy of the final proposed ordinance shall then be filed with the Town Clerk. The Town Clerk shall 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.

Number and Form of Signatures. Initiative petitions must be signed by qualified electors of the Town of Jamestown equal in number to at least 10 percent of the total number of registered 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.

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.

Affidavit of Circulator. Each initiative petition shall have attached to it when completed and filed a notarized affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be, that each signer had an opportunity before signing to read the full text of the ordinance proposed, and that the signer supported the proposed ordinance.

Filing of Completed Initiative Petition. Once 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 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. The Town Clerk 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.

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 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.

CHAPTER 17-8

Local Canvassing Authorities

§ 17-8-1. Appointment of bipartisan authority.

The legislative body of each city and town shall appoint a bipartisan canvassing authority of three (3) qualified electors of the city or town, not more than two (2) of whom shall belong to the same political party, and may appoint two (2) alternate members, not more than one of whom shall belong to the same political party. At any meeting of the canvassing authority at which a member is to be absent, the member may request that an alternate replace him or her for that meeting; provided, that the alternate member must be of the same political party as the member. The mayor or the president of the town council shall nominate the members of the canvassing authority from lists of party voters submitted by the respective chairpersons of the city or town political committee, which lists shall contain the names of five (5) times the number of persons to be appointed. If the legislative body refuses to approve the nomination of any person to the canvassing authority, the mayor or the president shall submit to the legislative body another person named on one of the lists, and so on until a person is appointed. If the chairperson of the city or town committee of a political party entitled to an appointment fails or refuses to submit a list, the mayor or the president shall nominate any party voter of the political party entitled to the appointment.

History of Section.

(P.L. 1956, ch. 3754, § 1; G.L. 1956, § 17-8-2; G.L. 1956, § 17-8-1; P.L. 1958, ch. 18, § 1; P.L. 1988, ch. 151, § 1.)

§ 17-8-2. Term and qualifications for office.

Each member of a local canvassing authority shall be appointed to serve for a term of six (6) years beginning on the first Monday of March succeeding the date of his or her appointment and until his or her successor is elected and qualified. No person shall be appointed or serve as a member of the authority who is an officer or employee of the United States or of this state, or who is an officer or employee of the authority's city or town; provided, that in any city a member of the authority may be employed as its clerk. Any member of the authority who becomes a candidate for election to any public office and who fails to file a declination of the candidacy within the time allowed by law shall be disqualified from holding membership upon the authority and his or her successor shall be immediately elected.

History of Section.

(P.L. 1951 (s.s.), ch. 2870, § 18; G.L. 1956, § 17-8-15; G.L. 1956, § 17-8-2; P.L. 1958, ch. 18, § 1; P.L. 1988, ch. 84, § 74; P.L. 2007, ch. 301, § 1; P.L. 2007, ch. 436, § 1.)

§ 17-8-3. Compensation.

Each member of a local board shall receive any compensation that may be provided by the governing body of each city or town; provided, that in the several towns where no other provision is made for compensation, each member of the local board shall be paid by that member's respective town five dollars (\$5.00) per day for every day's attendance in the discharge of the member's respective duties, and the town clerks shall be paid, in addition, legal fees for making out and recording the several lists and returns required by this title.

History of Section.

(G.L. 1896, ch. 8, § 21; G.L. 1909, ch. 8, § 21; G.L. 1909, ch. 8, § 20; P.L. 1910, ch. 640, § 2; G.L. 1923, ch. 8, § 20; G.L. 1938, ch. 313, § 20; P.L. 1940, ch. 817, § 2; P.L. 1951 (s.s.), ch. 2870, § 34; G.L. 1956, §§ 17-8-19, 17-8-21; G.L. 1956, § 17-8-3; P.L. 1958, ch. 18, § 1.)

§ 17-8-4. Oath of office of members.

Each person appointed as a member of a local board shall, before entering upon his or her duties, be sworn to the faithful performance of those duties, and a record of the oath shall be kept by the clerk of the board.

History of Section.

(P.L. 1951 (s.s.), ch. 2870, § 18; G.L. 1956, § 17-8-16; G.L. 1956, § 17-8-4; P.L. 1958, ch. 18, § 1.)

§ 17-8-5. Local boards – Powers and duties – Quorum.

(a) Each canvassing authority shall have and exercise the functions, powers, and duties provided for local boards by this title or by any law not inconsistent with this title. It shall:

(1) Select one of its members as presiding officer and another as clerk of the board; provided, that nothing in this title shall be deemed to affect the powers and duties of the town clerk who shall be ex officio the clerk of the respective town canvassing authorities; and provided, further, that in the cities of Pawtucket, Central Falls, Newport, Woonsocket, Cranston, and Warwick, the clerk shall be designated at the time of his or her election or appointment;

(2) Have and discharge all of the functions, powers, and duties of the town council concerning nominations, elections, registration of voters and canvassing rights, the preparing and correcting of voting lists, and other related matters, which powers are transferred to the local board;

(3) Make or furnish all returns or other things required by law to be made or furnished to or by city clerks, boards of canvassers, and district clerks, relative to any matter within the purview of this title;

(4) Appoint and employ all its necessary clerical and technical assistants and fix the compensation of each person appointed, within the limits of funds available to it pursuant to law; provided, that in the cities of Cranston and Woonsocket and the town of Coventry the employment and compensation shall be subject to the approval of the respective city or town councils.

(b) A quorum of a local board for the purpose of receiving registrations shall be comprised of one member of the board, and for all other purposes a quorum shall be comprised of two (2) members.

History of Section.

(G.L. 1896, ch. 8, §§ 24, 26; P.L. 1908, ch. 1608, § 1; G.L. 1909, ch. 8, §§ 23, 26, 35; G.L., ch. 7, §§ 3, 9; P.L. 1910, ch. 640, § 1; P.L. 1916, ch. 1422, § 1; P.L. 1920, ch. 1962, § 1; P.L. 1920, ch. 1975, § 1; G.L. 1923, ch. 7, §§ 3, 9; P.L. 1926, ch. 924, § 1; P.L. 1927, ch. 1085, § 1; P.L. 1931, ch. 1804, § 1; P.L. 1935, ch. 2192, § 2; G.L. 1938, ch. 312, §§ 3, 6, 10; G.L. 1938, ch. 313, § 25; P.L. 1951 (s.s.), ch. 2870, § 18; G.L. 1956, §§ 17-8-5, 17-8-6, 17-8-10, 17-8-12, 17-8-14, 17-8-17, 17-8-18; P.L. 1958, ch. 18, § 1; P.L. 1987, ch. 403, § 1.)

§ 17-8-6. Fees in cities other than Cranston and Woonsocket.

The local boards in the cities of Providence, Pawtucket, Central Falls, Newport, and Warwick shall not retain to their own use any of the fees now allowed by law to recording and certifying officers, but shall charge and collect the statutory fees for any record, certificate, or copy required by law to be made by the board, and shall pay over the fees on the first business day of every month to the city treasurer of the respective city; provided, that those boards shall furnish, as now required by law, certified copies of any list of qualified electors in any representative district, ward, or voting district in the city on payment of the sum of one dollar (\$1.00) for each certified list, which sums shall also be paid into the city treasury of the cities as provided in this section.

History of Section.

(P.L. 1896, ch. 363, § 5; G.L. 1909, ch. 8, § 33; G.L. 1909, ch. 7, § 7; P.L. 1910, ch. 640, § 1; G.L. 1923, ch. 7, § 7; G.L. 1938, ch. 312, § 8; G.L. 1956, § 17-8-11; G.L. 1956, § 17-8-6; P.L. 1958, ch. 18, § 1.)

§ 17-8-7. Power of boards to administer oaths and subpoena evidence – Self-incrimination – False swearing.

The members of the local boards are severally authorized to administer oaths, and the boards, in all cases of every nature pending before them, are authorized and empowered to summon

witnesses by subpoena signed by the clerk of those boards, and to compel these witnesses to attend and testify in the same manner as witnesses are compelled to appear and testify in any court; and the boards are authorized to compel the production of all papers, books, documents, records, certificates, or other legal evidence that may be necessary or proper for the determination and decision of any question or the discharge of any duty required by law of the boards, by issuing a subpoena duces tecum, signed by their clerk. Every person disobeying any subpoena shall be adjudged as in contempt, and the boards may punish any contempt of their authority in like manner as contempt may be punished by any court, and the boards may, at any meeting held for the purpose of canvassing the voting lists, examine under oath the person whose right to vote is disputed or any other person, and may receive any other evidence that the boards may deem necessary respecting the right of any person to have his or her name upon the registry or to vote, and shall decide upon the right. No evidence elicited in the examination shall be used against the person so examined in any criminal prosecution against him or her, except a prosecution for perjury in the examination. Any person who shall willfully swear falsely in any proceeding, matter, or hearing before the boards or any of them shall be guilty of a felony.

History of Section.

(P.L. 1896, ch. 363, § 4; C.P.A. 1905, § 1221; P.L. 1908, ch. 1608, § 9; G.L. 1909, ch. 8, §§ 32, 43; G.L. 1909, ch. 7, § 13; P.L. 1910, ch. 640, § 1; G.L. 1923, ch. 7, § 13; G.L. 1938, ch. 312, § 14; G.L. 1956, § 17-8-20; G.L. 1956, § 17-8-7; P.L. 1958, ch. 18, § 1; P.L. 1978, ch. 201, § 5.)

§ 17-8-8. General penalty clause.

Every person who violates any provision of this chapter, unless another penalty is provided in this chapter, shall be guilty of a misdemeanor.

History of Section.

(G.L. 1938, ch. 312, § 38; P.L. 1940, ch. 819, § 4; P.L. 1940, ch. 819, § 6; G.L. 1956, § 17-8-22; G.L. 1956, § 17-8-8; P.L. 1958, ch. 18, § 1; P.L. 1978, ch. 201, § 5; P.L. 1994, ch. 99, § 1; P.L. 1994, ch. 264, § 1.)

§ 17-8-9. Local boards open on election day.

In addition to duties as otherwise fixed by law, it shall be the duty of the local board to keep open on all election days, from the hour fixed for the opening of the polls until the hour fixed for the closing of the polls, and to remain in session during the hours at a regular place of meeting of the board, council, or other body.

History of Section.

(P.L. 1935, ch. 2192, § 1; G.L. 1938, ch. 313, § 24; impl. am. P.L. 1951 (s.s.), ch. 2870, §§ 8, 10; G.L. 1956, § 17-10-32; G.L. 1956, § 17-8-9; P.L. 1958, ch. 18, § 1.)

§ 17-8-10. Publication of local questions to be submitted to voters.

(a) Prior to each local election at which public questions are to be submitted, the local board shall cause to be prominently posted in at least three (3) local public locations and advertised at least once in a newspaper of local circulation, or in lieu of the requirement to place the advertisement in a newspaper of local circulation, the City of Pawtucket may mail to the household of each registered voter prior to the election the full text of each legislative act to be acted upon and the election date, or the local board may substitute a description of the text of each act in lieu of the full text, together with the following information:

(1) The designated number of the question;

(2) A brief caption of the question;

(3) A brief explanation of the measure that is the subject matter of the question; and

(4) A notice that voter fraud is a felony and the penalty for voter fraud. This notice shall be in conspicuous lettering and shall contain the following language: "You must be registered to vote from your actual place of residence."

(b) If the public question involves the issuance of bonds or other evidence of indebtedness or any other long-term financial obligation such as a lease, the notice required by subsection (a) of this section shall also include at least the following information to be provided:

(1) The estimated total cost of the project or program, including financing (using a reasonable assumed rate of interest), legal, and other costs.

(2) The estimated useful life of the project, and the term of the bonds, other indebtedness, or other obligation.

(3) A reasonably detailed description of the project or program, its purposes, and a project timetable.

History of Section.

(P.L. 2008, ch. 448, § 1; P.L. 2010, ch. 195, § 1; P.L. 2010, ch. 220, § 1.)

JAMESTOWN TOWN CHARTER

ARTICLE VI. - ELECTIONS

Sec. 601. - Election laws and conditions of elections.

The provisions of the constitution and the general laws of the State of Rhode Island now or hereafter in effect pertaining to elections, special, general and primary, and also all special acts pertaining to elections in the Town of Jamestown now or hereafter in effect shall govern all town elections, special, general and primary, so far as they may be applicable, excepting those provisions which are inconsistent with the provisions of this Charter affecting the form of government.

State Law reference— Elections, G.L. 1956, §§ 17-1-1 et seq., 45-4-1 et seq.

Sec. 602. - Canvassing authority.

There shall be a bi-partisan canvassing authority appointed by the town council as provided by the constitution and laws of the state. Said canvassing authority shall be vested with all the powers and duties now or hereafter vested by law in the canvassing authority or board of registration of the town.

(Amend. of 11-5-2002, § VI)

State Law reference— Local canvassing authorities, G.L. 1956, § 17-8-1 et seq.

