



**JAMESTOWN CHARTER REVIEW
COMMITTEE MEETING
Jamestown Town Hall
Town Hall Conference Room
93 Narragansett Avenue
Thursday, May 23, 2019
3:00 PM**

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

May 16, 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 20, 2019

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. **Each initiative petition shall be limited to one (1) issue.** 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 ~~notify~~ **inform the Town Council** ~~immediately forward a copy of the proposed initiative ordinance to the Town Council.~~
- 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, understand and support the initiative petition ordinance included with this petition.”** *(changed to track Town Clerk’s form)*
- 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 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) days, 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 the next general election or at a special election. Pending the decision of the electors, the proposed initiative petition ordinance in question shall remain inoperative. *(moved from Sec 220, first paragraph)*

- C **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

~~If the Town Council fails to adopt a proposed initiative petition ordinance without any~~
~~substantial~~ change in substance within sixty (60) days, such initiative petition ordinance
 shall be submitted to a referendum for a general vote of the electors of the Town ~~at the next~~
~~general election or at a special election.~~ Pending the decision of the electors, the proposed
 initiative petition ordinance in question shall remain inoperative. *(this basically repeats*
wording in the prior "Submission to Voters, Referendum" paragraph on the prior page)

The proposed initiative petition ordinance voted on shall be a single question and the title
 shall state the purpose or intent of the ordinance, ~~and it shall include~~ the full text of the
 initiative petition ordinance, and shall be followed by the question: "Shall the ordinance
 pass?" ~~and shall~~ Set forth on separate lines shall be the words "Yes" and "No." ~~The Town~~
 Council may provide a brief statement of their reasons for not supporting the initiative
 petition ordinance, which shall be provided to the electors at the time of the general vote.

If a majority of the electors vote in favor, such ordinance shall thereupon become a valid
 binding ordinance of the Town, and an ordinance so adopted shall not be altered or
 modified by the Town Council within one year after the adoption of the ordinance. ~~If~~
 conflicting initiative petition ordinances are approved at the same election, the one
 receiving the greatest number of affirmative votes shall prevail.

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 in this section.

CLEAN COPY TO DATE:

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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. The Town Clerk shall inform the Town Council of the proposed initiative ordinance.
- C **Initiative Petition:** The Town Clerk shall develop and promptly issue petition blanks to the Petition Committee and shall note the date of first issuing petition blanks. Each petition blank shall contain the full text of the proposed ordinance and shall state, “I have read, understand and support the initiative petition ordinance included with this petition.” *(changed to track Town Clerk’s form)*
- 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 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 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. 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, attesting that (a) 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 (e) each signer had an opportunity before signing to read the full text of the ordinance proposed.
- C **Filing of Completed Initiative Petition.** Upon completion, 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. 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 promptly forward the initiative petition, to the Town Council. The Council shall promptly consider the proposed initiative petition ordinance in the manner provided for ordinance adoption.

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) days, 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 the next general election or at a special election. Pending the decision of the electors, the proposed initiative petition ordinance in question shall remain inoperative.

C **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.

C **Sec. 220. - REFERENDUM PROCEDURE**

The proposed initiative petition ordinance voted on shall be a single question and the title shall state the purpose or intent of the ordinance, it shall include the full text of the initiative petition ordinance, and shall be followed by the question: "Shall the ordinance pass?" Set forth on separate lines shall be the words "Yes" and "No." The Town Council may provide a brief statement of their reasons for not supporting the initiative petition ordinance, which shall be provided to the electors at the time of the general vote.

If a majority of the electors vote in favor, such ordinance shall thereupon become a valid binding ordinance of the Town, and an ordinance so adopted shall not be altered or modified by the Town Council within one year after the adoption of the ordinance. If conflicting initiative petition ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail.

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 in this section.

CHARTER REVIEW COMMITTEE
INFORMATION FOR MAY 23, 2019 MEETING

The following information is provided by Member Sav Rebecchi for the next meeting:

Charters with two step Petition Process.

- Providence... 1,000 + 5% Registered Voters 2019... 122,789
- Cranston... 20% + 5% Registered Voters 2019... 57,445
- North Smithfield... 500 + 5% Registered Voters 2019... 15,500
- Bristol... 150 + 1,000 Registered Voters 2019... 16,358

East Greenwich is unique in it's approach

- B. Number of signatures. Initiative petitions for purposes of proposing ordinances to the Town Council must be signed by electors equal in number to 5% of the total number of electors. If a proposed ordinance so initiated is not adopted by the Town Council without change of substance, it shall then be submitted to the registered electors of the Town at a Town election as hereinafter provided, but only if petitions proposing the ordinance have been signed **(either before or after presentation to the Town Council)** by electors equal in number to 10% of the total number of electors.

Hopkinton is unique in it's approach as well...

- A. *Number of Signatures.* Initiative petitions for purposes of proposing ordinances to the Town Council must be signed by electors equal in number to five percent (5%) of the total number of electors. If a proposed ordinance so initiated is not adopted by the Town Council without change of substance, it shall then be submitted to the registered electors of the Town at a Town election as hereinafter provided, but only if petitions proposing **the ordinance have been signed (either before or after presentation to the Town Council) by electors equal in number to ten percent (10%) of the total number of electors.** Referendum petitions must be signed by electors equal in number to five percent (5%) of the total number of electors. If an ordinance so required to be re-considered by the Town Council is not repealed by the Town Council, the proposal to repeal the same shall then be submitted to the registered electors of the Town at a Town election as provided, but only if petitions proposing the reconsideration have been signed (either before or after reconsideration by the Town Council) by electors equal in number to ten percent (10%) of the total number of electors.

5-17-2019