



**JAMESTOWN CHARTER REVIEW
COMMITTEE MEETING
Jamestown Town Hall
Town Hall Conference Room
93 Narragansett Avenue
Thursday, June 6, 2019
3:00 PM**

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

May 30, 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. 218 Initiative and Referendum
 - 2. Sec. 219 Initiative Procedure
 - 3. Sec. 220 Referendum Procedure

VI. NEW BUSINESS

- A. Proposed Amendments to the Jamestown Town Charter Sec. 218 Initiative and Referendum, Sec. 219 Initiative Procedure and Sec. 220 Referendum Procedure; review, discussion and/or potential action and/or vote regarding a recommendation to the Jamestown Town Council for their consideration
- B. Agenda items for the next and/or future agendas; review, discussion and/or potential action and/or vote.
- C. Future meeting dates, if needed; 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 31, 2019

CHARTER REVIEW COMMITTEE MINUTES

May 30, 2019

I. CALL TO ORDER

Meeting called to order at 3:03pm 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

III. APPROVAL OF MINUTES

Minutes of May 16, 2019

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

Minutes of May 23, 2019

A motion was made by Member Rebecchi with second by member Tormey to accept the minutes as presented. 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

Discussion began with the question whether or not the town Charter defines the term 'qualified electors'. The draft document produced from last week's meeting was forwarded by Chair White to Town Solicitor Wyatt Brochu who responded with an email saying that a brief review indicated nothing in the document was obviously a legal problem, and that he will undertake a careful review and communicate the results to Chair White. The conversation returned to voting eligibility; typographical and grammatical errors were noted and corrected; the terms 'of the town' and 'resident' in the current Charter document were discussed. Secretary Wineberg will not be available to meet for two weeks in June and according to the quorum of all five members this reduces our meetings before the time period we were given to complete our task to two more meetings. Consensus is that the document, after review and comment by Solicitor Brochu, is ready for presentation to the Town Council and two more meetings may be sufficient to complete the document. It was noted that a date extension is available per request to the Town Council. Co-Chair Rugh agreed to present the document and it was decided to add review of the document by the Town Council to the agenda for the July 8, 2019 Town Council meeting. It was decided to ask the Town Solicitor to attend the next meeting.

VI. NEW BUSINESS

- A) No supplementary agenda items for the next and/or future agendas.
- B) Future meeting date: June 6, 2019 3pm in the Town Hall Conference Room

VII. PUBLIC COMMENT

Carol Nelson-Lee of Bouy Street noted some grammatical errors.

Helen O'Grady and Richard Hitt of 450 Schooner Avenue asked for clarification of several points in the document.

VIII. ADJOURNMENT

Member Tormey made a motion to adjourn, Co-chair Rugh second, all members voted 'Aye'. Motion passed. Meeting adjourned at 4:37 pm.

Respectfully submitted,

Katherine Wineberg, Secretary, Jamestown Charter Review Committee

CLEAN COPY TO DATE:**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

Initiative. Any qualified elector who is a resident of Jamestown may propose an ordinance directly to the town council during open forum at any regular town council meeting. In addition, qualified electors who are residents of Jamestown shall have the right to propose an ordinance by initiative petition; provided that such power shall not extend to (a) the budget or capital programs, (b) any emergency ordinance, (c) any ordinance relating to the appropriation of money or levy of taxes, or to the salaries and benefits of town officials or employees; (d) 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 issue. The initiative petition shall be exercised in the following manner:

Petition Committee. Any five qualified electors who are residents of Jamestown may commence initiative petition proceedings by filing with the town clerk a signed notarized statement from each member stating they are a qualified elector and resident of Jamestown and will constitute the petition committee and (a) setting out in full the proposed ordinance, (b) listing the petition committee member's name and address, (c) stating that that the committee will be responsible for circulating the petition, (d) stating that the committee will be responsible for filing it in proper form, (e) and specifying the one address to which all notices to the committee are to be sent. The town clerk shall provide the petition committee with copies of sections 218, 219 and 220; and with the minimum number of valid signatures the committee must obtain.

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.

Initiative Petition: The town clerk shall have thirty days to review the proposed initiative ordinance, and to develop and issue petition blanks to the petition committee. The town clerk shall note the date of first issuing petition blanks. Each petition blank shall contain the full text of the proposed ordinance and shall clearly state that the signer has read, understands, and supports the initiative petition ordinance included with the petition.

Number and Form of Signatures. Initiative petitions must be signed by qualified electors who are residents of Jamestown equal in number to at least twelve 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 qualified elector signing, and other information that may be required to identify the person signing.

Time to Circulate Initiative Petitions. The petition committee shall have a maximum period of one hundred twenty 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 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 blank shall have attached to it when completed and filed a notarized affidavit executed by the circulator, who must be an unpaid elector and resident of Jamestown, attesting to the number of signatures

thereon, and that (a) the circulator personally circulated the paper, (b) that all the signatures were affixed in the presence of the circulator, (c) that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and (d) each signer had an opportunity to read the full text of the ordinance proposed before signing the petition.

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 petitions. A signature shall be deemed valid when the town clerk is satisfied that the signature is associated with or attributed to a qualified elector and resident of Jamestown 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, the town clerk shall certify the initiative petition and promptly forward the initiative petition to the town council. The town council shall have sixty days to consider the proposed initiative petition ordinance in the manner provided for ordinance adoption.

Submission to Voters, Referendum. If the town council fails to adopt the proposed initiative petition ordinance without any change in substance within sixty days, then the petition committee shall have thirty days to submit to the town clerk a notarized request for a referendum vote signed by all five members. If such a request is submitted within the specified time period, then the proposed initiative petition ordinance shall be submitted to the electors for their approval or rejection, no less than forty five days nor more than one year from the date the town council takes its final vote thereon, and if no regular election is to be held within such period, the town council shall provide for a special election. If such a request is not submitted within the specified time period, then the initiative petition shall be considered as withdrawn and shall have no further force or effect and all proceedings thereon shall be terminated. If it is submitted to a referendum vote, pending the decision of the

electors, the proposed initiative petition ordinance in question shall remain inoperative.

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 by filing with the town clerk a request for withdrawal signed by at least four 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 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. 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 qualified electors of Jamestown 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 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 qualified electors of Jamestown shall be called in accordance with the provisions set forth in section 219.