

TOWN OF WARREN

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TOWN OF WARREN CHARTER

PREAMBLE

We, the people of the Town of Warren, in order to secure the right of self-government in all local matters, pursuant to the provisions of Article XIII of the Constitution of the State of Rhode Island and Providence Plantations, do adopt and establish this Charter.

ARTICLE I. BASIC PROVISIONS

Section 1.01 Incorporation

The inhabitants of the Town of Warren in the State of Rhode Island, within the corporate limits as now established or as hereafter established in the manner provided by law, shall continue to be a municipal body politic and corporate, under the name of the Town of Warren in perpetuity, to be governed under the provisions of this Home Rule Charter as adopted and as it may be amended from time to time.

Section 1.02 Form of Government

The municipal government by this Charter shall be known as “Council-Manager” form of government.

Section 1.03 Powers of the Town of Warren

The Town of Warren shall have all the powers possible for a town to have, now or hereafter under the Constitution and laws of this State, fully and completely as though they were specifically enumerated in this Charter. Without limitation of the foregoing, the Town of Warren shall have all the powers now or hereafter granted to towns by the Constitution and General Laws of the State together with all the implied or incidental powers necessary to carry into execution the powers granted. The Town may acquire property within or without its corporate limits for any Town purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interest may require; and, except as prohibited by the Constitution of this State or restricted by this Charter, the Town shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The enumeration of particular powers by this Charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the Town of Warren shall have and may exercise all powers which, under the Constitution of this State, it would be competent for the Charter specifically to enumerate.

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Section 1.04 Intergovernmental Agreements

The Town of Warren may, with the approval of the Town Council, enter into contracts or cooperative agreements with the Federal Government, with the State, or with any political subdivision thereof, for the performance of any service, the use of any facilities, for the combination of services and/or functions, and for the financing thereof.

ARTICLE II. ELECTIONS

Section 2.01 General Town Elections

A regular election of Town officers shall be held in even numbered years at the time provided by law for state elections.

Section 2.02 Election Laws and Conduct 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 Warren now 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.

Section 2.03 Initiative and Referendum

- (a) The electors of the Town of Warren shall have the right to petition to initiate and repeal ordinances in the following manner:
 - (1) Initiative: The electors of the Town of Warren shall have the power to propose ordinances to the Town Council and, if the Town Council fails to adopt an ordinance so proposed without any change in substance, to adopt such ordinance at a special or general election; provided, however, that such power shall not extend to the Budget or Capital Program or to any ordinance relating to the appropriation of money, levy of taxes or zoning.
 - (2) Referendum: The electors of the Town of Warren shall have the power to require reconsideration by the Town Council of any adopted ordinance and, if the Town Council fails to repeal an ordinance so reconsidered, to repeal such ordinance at a special election; provided, however, that such power shall not extend to the Budget or Capital Program, to any emergency ordinance or to any ordinance relating to appropriation of money, levy of taxes or zoning.
- (b) **Commencement of proceedings:** Any five (5) qualified electors of the Town of Warren may commence initiative or referendum proceedings by filing with the Town Clerk an affidavit stating that they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form. The affidavit shall state the names and addresses of said electors, specify the address to which all notices to the committee are to be sent, and set out in full the proposed initiative ordinance or cite the ordinance sought to be reconsidered. Promptly after the affidavit of the petitioners' committee is filed, the Town Clerk shall issue the appropriate petition blanks to petitioners' committee.

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(c) **Signing and filing of petitions and Town Council action on them**

- (1) Initiative and referendum petitions to the Town Council must be signed by ten (10%) percent, but not less than five hundred (500) of the total number of electors registered at the most recent Town of Warren general election. The Board of Canvassers shall promptly determine the sufficiency of valid signatures on any such petition, and shall certify such petition to the Town Clerk when such a determination has been made.
- (2) When an initiative or referendum petition has been certified as sufficient, the Town Council shall promptly consider the proposed initiative ordinance or reconsider the referred ordinance, in either case, in the same manner as provided for adoption of an ordinance proposed by a member of the Town Council. If the Town Council fails to adopt a proposed initiative ordinance without any change in substance, or fails to repeal the referred ordinance, as the case may be, within sixty (60) days after the date the petition is certified, the Town Council shall submit the proposal or referred ordinance to the voters of the Town of Warren.

- (d) **Submission to voters** The vote of the Town of Warren on a proposed or referred ordinance shall be held at a regular or special election not less than sixty (60) days and not more than one hundred (100) days from the date the petition is certified by the Canvassers. The proposed or referred ordinance shall be published by the Town Clerk not less than twenty (20) days prior to the election.

(e) **Deadline for submission of petitions and withdrawal of petitions**

- (1) If an initiative or referendum petition bearing the signatures of at least ten (10%) percent, but not less than five hundred (500) of the total number of the electors has not been submitted to the Town Clerk within one hundred twenty (120) days after the issuance of the petition blanks, then the initiative or referendum petition shall be considered as withdrawn and shall have no further force or effect and all proceedings thereon shall be terminated.
- (2) An initiative or referendum petition may be withdrawn at any time prior to the fifteenth (15th) day preceding the day scheduled for a vote of the Town of Warren by filing with the Town Clerk a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

(f) **Results of vote on initiative or referendum questions**

(1) **Initiative:** If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of election results, and it shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Town Council, provided, however, that any ordinance enacted pursuant to subsection (c) (2) or (f) (1) of this section may not be repealed or amended as to substance less than one (1) year following its adoption. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(2) **Referendum:** If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results. No referred ordinance repealed pursuant to subsection c) (2) or (f) (2) of this section shall be reenacted by the Town Council less than one (1) year following its repeal.

Section 2.04 Recall

Any elected official of the Town of Warren may be recalled or removed from office by the electors of the Town. Any elector of the Town of Warren may file with the Town Clerk, a statement of intent containing the name and title of the elected official whose removal is sought. The petition shall have the signatures of at least five hundred (500) electors and the notarized signature of each collector. Within seven (7) days after receipt of the petition, the Board of Canvassers having certified the petition, the Town Clerk shall notify the official involved by certified mail. The recall vote shall be taken no earlier than thirty (30) days and no later than forty-five (45) days after certification of the petition by the Board of Canvassers, but in no case shall a recall vote be taken within the last 180 days of a term. No such vote shall be taken if the elected official shall resign from office before the taking of such vote. Said recall election shall be called and conducted in the same manner as is provided in the General Laws of the State of Rhode Island for special Elections. The form of the question to be voted shall be substantially as follows: "Shall (here insert the name and title of the elected official whose recall is sought) be recalled?" A majority vote of the electors to recall such elected official shall not be effective unless a total of at least twenty-five (25%) percent of the number of electors who voted in the last general election shall have voted on the recall question. If approved, the recall of such an elected official shall become effective upon certification of the results of the voting thereon. If any elected official shall be recalled, the vacancy created shall be filled in the manner provided in this Charter.

ARTICLE III. TOWN COUNCIL

Section 3.01 Composition

There shall be a Town Council that shall exercise the legislative powers of the Town of Warren.

Section 3.02 Number, Election and Term

The Town Council shall consist of five (5) members each of whom shall be elected at large at the regular biennial elections in even-numbered years for a term of two (2) years and until his/her successor is elected and qualified.

Section 3.03 Eligibility

Only qualified voters who, at all times during their term of office, shall be and remain residents of the Town of Warren, shall be eligible to hold the office of Town Council member.

Section 3.04 Qualifications

A. member of the Town Council shall hold no other public town office or full time employment in the service of the Town of Warren. A member of the Town Council shall not be eligible for appointment to any office in the Town of Warren during the term for which he/she was elected to the Town Council or for one (1) year thereafter.

B. Only residents of Warren are eligible to be members of the Warren Town Council. A person shall be a resident of Warren if Warren is his or her fixed and established domicile. The determinant of one's domicile is that person's factual physical presence in the Town of Warren on a regular basis incorporating an intention to reside in Warren for an indefinite period. Warren is the place to which, upon temporary absence, he or she has the intention of returning. A determination of whether an individual is a resident of Warren will be made with reference to the factors set forth in R.I. Gen. Laws 17-1.3-1, Residence for voting purposes.

C. A determination of whether an individual is a resident of Warren is to be made by the Warren Town Council, except that if the Warren residency of a particular Town Councilor is in question, then that person whose residency is challenged will not participate in any deliberation or vote regarding her or his residency.

D. Except as otherwise stated in this Charter, all members of any Board or Commission appointed by the Warren Town Council shall be subject to the same residency requirements as members of the Warren Town Council.

Section 3.05 Commencement of Term

The term of a Town Council member shall begin at the first meeting of the Town Council to be held after the issuance of a certificate of election.

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Section 3.06 Regular Meetings

The Town Council shall meet regularly at least once a month on the second Tuesday of the month at 7:00 PM in a public building in the Town of Warren. The Town Clerk shall post all meetings in accordance with the Open Meetings Laws of the State of Rhode Island.

Section 3.07 Special Meetings

Special meetings may be held at the call of the President. The President must call a special meeting upon the written request of any three (3) or more members of the Town Council. Notice of a special meeting shall be delivered in writing to each member of the Town Council, the Town Manager and the Town Clerk, or left for him/her at his/her home or place of business at least forty-eight (48) hours prior to the time fixed for the special meeting. Any member may waive his/her right to receive such written notice of a special meeting, and such waiver shall be entered in the record of the proceedings of such special meeting. The purpose of a special meeting shall be stated in the notice of the meeting and no business shall be transacted at any special meeting other than that stated in the notice. Special Town Council meetings shall be held in a public building in the Town of Warren.

Section 3.08 Quorum and Procedures

A quorum shall consist of three (3) or more members of the Town Council, and except as otherwise provided in this Charter, the affirmative vote of a minimum of three (3) Town Council members shall decide any issue.

A full, accurate, and up-to-date record of the proceedings of the Town Council shall be kept and shall be open to inspection by the public in accordance with the Open Meetings Law. Any correspondence addressed to the Town Council, or the President as head of the Council, shall be part of the next regular meeting's agenda. Regular meetings of the Town Council shall provide for a period of public comment related to each item on the agenda, excepting that there may be a consent agenda which shall contain items of normal business which shall be taken up as one vote. The consent agenda items shall be marked as consent agenda items on the published agenda prior to the meeting. Consent agenda items may be taken off the consent agenda to allow for public discussion or for public comment by any member of the public. The presiding officer of the meeting shall regulate the period of public comment as he or she may deem appropriate, subject to a vote by the Town Council to overrule the presiding officer and extend the period of public comment. No official vote shall be taken at any meeting that is not open to the public.

Section 3.09 Presiding Officer

The Town Council shall annually in November elect from among its members, a President and Vice President, each of whom will serve at the pleasure of the Town Council. The President shall preside at meetings of the Town Council and rule on matters of procedure.

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The President shall have the right to speak and vote as any other member. The Vice President shall act as President during the absence or temporary disability of the President. The Town Council President shall be recognized as head of the Town government for all ceremonial purposes and by the Governor for purposes of military law, but shall have no administrative duties except as otherwise authorized by law.

Section 3.10 Declaration of State of Emergency

The President of the Town Council shall have the power and authority to declare a state of emergency in the event of disaster, catastrophe, or other similar event, or in the imminent danger thereof which endangers the public peace, health, safety, welfare and the protection of property of the inhabitants of the Town of Warren and to take such lawful action as he/she deems necessary.

Section 3.11 General Powers and Duties

Except as otherwise provided by law or by the Charter, all powers of the Town of Warren shall be vested in the Town Council which shall provide for their exercise and for the performance of all duties and obligation imposed on the Town of Warren by law. The duties of the Town Council shall include but not be limited to the following:

- (1) To hire the Town Manager and negotiate the terms of his/her contract
- (2) To ratify all contracts negotiated by the Town Manager
- (3) To authorize, by majority vote, overexpenditures of budgeted line items
- (4) To declare a vacancy of office
- (5) To serve as Licensing Board and as such to grant, suspend or revoke licenses and permits in accordance with the law
- (6) To investigate the affairs of the Town of Warren or any department or division thereof and hear complaints in relation to matters concerning the administration of the government of the Town of Warren
- (7) To ensure that a procedure to review all invoices is established and followed so that Town expenditures are made in accordance with line-item appropriations
- (8) To review all over-budget and non-budgeted invoices on a monthly basis at its regularly scheduled meeting
- (9) To assume financial responsibility for the operation of the Town

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- (10) To appoint boards, commissions, and advisors to assist them in fulfilling their duties.
- (11) To review and ratify the hiring of all Department Heads by the Town Manager.

Section 3.12 Non-Interference by the Town Council

The Town Council or any of its members shall not direct or request the appointment of any person to office or their removal from office by the Town Manager or by any of his/her subordinates. Except for the purpose of inquiry, the Town Council and its members shall deal with the administrative service solely through the Town Manager, and neither the Town Council nor any member thereof shall give orders to any subordinates of the Town Manager either publicly or privately. Regular discussions with subordinates of the Town Manager concerning day to day operations related to inquiries or suggestions by residents are permitted.

Section 3.13 Compensation

The Town Council may from time to time fix the annual salary of each Town Council member and of the President of the Town Council subject to approval at the Financial Town Meeting, provided however, that no such ordinance changing the salary of the Town Council members or the President of the Town Council shall become effective during the current term of any Town Council member. No action changing the salary of the Town Council shall be taken within the thirty (30) days preceding an election.

A Town Council member shall not accept any money from the Town of Warren for services rendered except in his/her capacity as Town Council member.

Section 3.14 Declaration of Vacancy

The Town Council shall declare a vacancy on the Town Council according to Section 3.15 of this charter.

Section 3.15 Vacancy

The office of Town Council member shall become vacant upon the following:

- (1) Death
- (2) Resignation in writing filed with the Town Clerk
- (3) Removal from office in any manner authorized by law
- (4) Forfeiture of office, as defined in Section 3.16 of this Charter

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- (5) Vacancy of office as defined in Section 18.12 of this Charter

Section 3.16 Forfeiture of Office

A Town Council member shall forfeit his/her office if he/she:

- (1) Lacks, at any time during his/her term of office, any qualifications for the office prescribed by the Charter, or by law;
- (2) Is found to have violated any express provision of this Charter pursuant to Section 18.16 hereof;
- (3) Is convicted of any crime which would constitute a felony in any jurisdiction;
- (4) Is recalled by voters in accordance with this Charter;
- (5) Demonstrates any other intent to vacate such office

Section 3.17 Filling a Vacancy

The vacancy of a seat on the Town Council shall be filled by special election if the unexpired term exceeds six (6) months. The special election shall be held no earlier than seventy (70) days and no later than ninety (90) days after the vacancy occurs. The replacement candidate shall be sworn into office upon certification of his/her election. If the unexpired term is less than six (6) months, the seat shall remain vacant until the next regular Town election. Should a candidate become unable to serve before being certified, the Board of Canvassers shall certify the next highest vote getter from the recent election as the elected official.

Section 3.18 Adoption of Ordinances

Except in the case of the Zoning Ordinances and other ordinances, for which the procedure for adoption and publication is prescribed by State Law, the following procedure shall be followed by the Town Council in adopting ordinances of the Town of Warren:

- (1) Any ordinance may be introduced by any member of the Town Council at any regular or special meeting of the Town Council
- (2) Upon introduction, the ordinance shall receive its first reading, verbatim, unless such reading is waived by the majority vote of the members of Town Council present
- (3) The ordinance shall then be referred to the Town Solicitor for his/her review as to form and legality

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- (4) The proposed ordinance shall be delivered to the Town Clerk by the Town Solicitor, and the Town Clerk shall prepare a sufficient number of copies of the same so that one (1) copy thereof may be delivered by him/her to each member of the Town Council at or prior to the next regular meeting of the Town Council. The Town Clerk shall cause to be published the title of such ordinance and an informative summary thereof at least once in a newspaper having general circulation in the Town of Warren.
- (5) The proposed ordinance shall again be presented and read, which reading may be by title and informative summary only, at such next regular meeting of the Town Council at which the Town Council shall accept public comment. If adopted, unless otherwise expressly provided in such ordinance, it shall become effective fifteen (15) days thereafter.
- (6) If, in the opinion of the Town Council, an emergency exists, an ordinance pertinent to the emergency may be passed at the same meeting at which it is introduced, to become effective immediately upon publication of the title or an informative summary thereof in some newspaper having general circulation in the Town of Warren. An emergency ordinance shall contain a specific statement of the emergency upon which it is based.
- (7) In the case of zoning ordinances and other ordinances for which the procedure for adoption and publication is prescribed by State Law, such procedure prescribed by State Law shall be followed.
- (8) It shall be the duty of the Town Solicitor to draft any ordinance upon the request of any member of the Town Council.

Section 3.19 Annual Audit

The Town Council shall provide for an independent annual audit of all Town of Warren accounts held by every department and entity by a Certified Public Accountant, who shall have experience in municipal finance, and may provide for such frequent audits as it deems necessary. The Town Council shall issue a Request for Professional Proposal at least every three (3) years for the services for such Certified Public Accountant. The audit shall cover all books, restricted and unrestricted accounts and other evidence of the financial transactions of the town, and shall conform to generally accepted auditing standards, including all procedures necessary for the auditors to express an informed opinion of financial conditions of the Town. A copy of the audit report each year shall be filed with the Town Clerk and shall be a public record. The Town Council shall require that the Town Manager review all findings of the management letter and report what actions are necessary to correct any deficiencies that are cited and implement corrective actions whenever possible.

Section 3.20 Automatic Provisions

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If the Town Council shall fail to provide for such an independent audit no later than three (3) months after the beginning of any fiscal year, the proper officers of the State of Rhode Island concerned with municipal audits shall have authority to conduct such audit and the Town Clerk shall notify the proper State officer in writing that such audit is authorized to be conducted under the provisions of this Charter.

ARTICLE IV. TOWN MANAGER

Section 4.01 Selection

The Town Council shall conduct a broad-based search to provide qualified applicants for the position of Town Manager. The search must include advertising in a nationally recognized professional trade publication for Municipal Government or Public Administration. The Town Council may enlist the assistance of professionals in the search process.

Section 4.02 Appointment, Qualifications, Terms of Office

The Town Council shall appoint by a majority vote of the entire membership of the Town Council, not simply a majority of a quorum, a Town Manager. Since the Town Council bears ultimate responsibility for the management of the Town, the Town Manager will serve at the pleasure of the Council. The Town Manager shall be chosen mainly on the basis of his/her executive and administrative qualifications. The Town Manager shall:

- (1) Be a citizen of the United States; and shall not have been convicted of any crime which would constitute a felony in any jurisdiction
- (2) Hold a Bachelor's or Master's degree in Public Administration or related field from an accredited college or university
- (3) Have a minimum of three (3) years experience as a City or Town Manager, or Assistant City or Town Manager, Acting Town Manager or have at least five (5) years' successful managerial experience which would qualify him/her to perform the duties listed in Section 4.04
- (4) Subscribe to the following goals and principles:
 - a. Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.
 - b. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward Town affairs and a deep sense of social responsibility as a trusted public servant
 - c. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the individual may merit the respect and confidence of the elected officials, of other officials and employees and of the public

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- c. Recognize that the chief function of local government at all times is to serve the best interests of all of the people
- e. Recognize his/her responsibility to submit policy proposals to elected officials, provide them with facts and advice on matters of policy as a basis for making decisions on setting community goals, and uphold and implement municipal policies adopted by elected officials
- f. Recognize that elected representatives of the people are responsible for the establishment of municipal policies; responsibility for policy execution rests with the Town Manager
- g. Refrain from local partisan political activity
- h. Be dedicated to continual professional development both for him/herself and for all Town personnel
- i. Keep the community informed on municipal affairs; encourage communication between the citizens and all municipal officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service
- j. Resist any encroachment on professional responsibilities, believing the individual should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.
- k. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern an individual's decisions, pertaining to appointments, pay adjustments, promotions and discipline
- l. Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest
- m. At all times follow Section 18.04 of this Charter and abide by the principles of the code of conduct of the International City/County Management Association (ICMA)

- (5) Be able to perform the duties described in this charter.

The Town Manager hired by the Town Council shall be given an initial employment contract not to exceed three years, renewable at the Town Council's discretion for terms not to exceed three (3) years.

The Town Manager shall devote his/her entire time and attention to his/her duties as Town Manager and shall not, during his/her appointment, be actively engaged in any

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employment, or business, or in the practice of any profession, or hold any elected or appointed public office other than the office of Town Manager of the Town of Warren.

The Town Manager need not be a resident of the Town of Warren or the State of Rhode Island at the time of appointment but shall establish residence in the Town of Warren within six months following appointment, unless extended by a Town Council resolution; and shall continue residing in the Town of Warren during his/her tenure in office.

Section 4.03 Powers of Appointment

The Town Manager shall hire, promote and dismiss, based upon merit and fitness alone, all department heads, officers, subordinates and employees for whom no other method of selection is provided in this charter.

Section 4.04 Powers and Duties

The Town Manager shall be responsible to the Town Council for the proper day-to-day operation of the Town of Warren's affairs for which the Town Manager is given responsibility under this Charter. The powers, duties and responsibilities of the Town Manager shall include but are not intended to be limited to the following:

- (1) To ease the administrative burden of the Town Council
- (2) To propose to the Town Council for adoption rules and regulations establishing a personnel system. The personnel system shall make use of modern concepts of personnel management and may include, but not be limited to, the following elements: a method of administration, personnel policies indicating the rights, obligations, job descriptions and benefits of employees; a compensation plan for non-union employees subject to the Financial Town Meeting approval; a method of recruiting and selecting employees based upon merit principles; a centralized record keeping system; a performance evaluation system; disciplinary procedures; and other elements that are determined necessary. All Town of Warren agencies and positions shall be subject to the rules and regulations adopted under this section.
- (3) To supervise, direct and be responsible for the efficient administration of all officers appointed by the Town Manager and their respective departments and of all functions for which the Town Manager is given responsibility, authority or control by this Charter, by ordinance, or by vote of the Town Council
- (4) To administer either directly or through a person or persons supervised by the Town Manager, in accordance with this Charter, all provisions of general or special laws applicable to the Town of Warren, all ordinances, and all regulations established by the Town Council
- (5) To comply with the Code of Ethics of the State of Rhode Island as well as with the code of ethics as stipulated in this Charter

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- (6) To coordinate all activities of Town departments, offices, commissions, committees, councils, boards, agencies and authorities
- (7) To attend all regular and special meetings of the Town Council, unless excused by a vote of the Town Council, and to answer all questions addressed to the Town Manager, which are related to matters under the general supervision of the Town Manager
- (8) To keep the Town Council fully informed on a monthly basis as to the needs and financial condition of the Town of Warren, and to recommend to the Town Council for adoption such measures requiring action by them as the Town Manager deems necessary or expedient
- (9) To ensure that complete and full records of the financial and administrative activity of the Town of Warren are maintained and to render reports, including budget overruns, to the Town Council as shall be required
- (10) To be responsible for the rental, use, maintenance and repair of all facilities of the Town of Warren
- (11) To negotiate all contracts on behalf of the Town of Warren subject to budgetary controls and to ratification by the Town Council, and signature by the Town Council President
- (12) To develop and maintain a full and complete inventory of all property owned by the Town of Warren
- (13) To administer personnel policies, practices, rules and regulations, as well as any compensation plan, collective bargaining agreements, and any related matters for all employees of the Town of Warren
- (14) To prepare and submit an annual budget, capital improvement program and a long term financial forecast as provided in this Charter
- (15) To delegate, authorize or direct, in writing, any subordinate or employee of the Town of Warren to exercise any power, duty or responsibility which the office of Town Manager is authorized to exercise provided that all acts that are performed under such delegation shall be considered to be the acts of the Town Manager
- (16) To prepare and deliver by January 31, an annual State of the Town report to the Town Council at a public meeting

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- (17) To establish a centralized purchasing system and purchasing rules and regulations and to act as purchasing agent for the Town of Warren, subject to State law and the provisions of this Charter
- (18) To review all findings of the annual audit management letter; the Town Manager shall report to the Town Council all actions necessary to correct any cited deficiencies and shall implement corrective action whenever possible.
- (19) To authorize all invoices for payment after proper review by and signature of the appropriate Department Head or Board Chairperson and the Town Treasurer; the Town Council shall establish a procedure to review all invoices.
- (20) To perform such other duties as necessary or as may be assigned by this Charter, by ordinance, or by vote of the Town Council.

Section 4.05 Purchasing Policies

The Town Manager shall act as the Purchasing Agent and shall perform the work of buying for the Town of Warren pursuant to rules and regulations established by him/her, with the approval of the Town Council. The Purchasing Agent, or an officer appointed by him/her, shall purchase or contract for all supplies, materials and equipment required by any department, office, commission, committee, council, board, agency or authority of the Town of Warren excluding the School Department and establish and enforce specifications with respect to supplies, materials and equipment. The Purchasing Agent must adhere to the specifications submitted by the requesting department and cannot vary the specifications without written approval of the requesting department. The Purchasing Agent shall also be responsible for the inspection of deliveries of supplies, materials and equipment to determine their quality, quantity, and conformance with specifications; cause to be made and kept current, an inventory of all supplies, materials and equipment required by any department, office, commission, committee, council, board, agency or authority; to declare as surplus obsolete and unused supplies, materials and equipment; and subject to the approval of the Town Council, dispose of any such property, by sale, if possible.

Section 4.06 Competitive Bidding

Before the Town of Warren makes any purchase of, or contracts for, supplies, materials, equipment and professional services or work to be performed in excess of Five Thousand, (\$5,000.00) Dollars, opportunity shall be given for competitive bidding, after public notice, under such rules and regulations, and with such exceptions as the Town Council may prescribe. No such transaction, which is essentially a unit, shall be divided into a series of orders for the purpose of circumventing the requirement of this Charter for competitive bidding. The Town Council shall establish a purchasing ordinance in accordance with applicable State laws.

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All such purchases, or such contracts, for more than Five Thousand, (\$5,000.00) Dollars shall be awarded to the lowest responsible bidder, except that the purchasing authority may be directed by the Town Council to reject any and all bids, and then to readvertise for bids. Bids, specifications and all factors being equal, preference shall be given to the bidder whose place of business is located in the Town of Warren.

The Town Council President and/or the Town Manager shall be permitted to waive the competitive bidding requirements for emergency expenditures. Such action is to be ratified by the Town Council at the first Town Council meeting following such action by the Town Council President or Town Manager. A written determination of the basis for the emergency, and for the selection of the particular contractor, shall be included in the contract file.

Section 4.07 Prohibition against Independent Purchases

Whenever any department, office, commission, committee, council, board, agency or authority of the Town of Warren shall purchase or contract for any supplies, materials or equipment, or contractual services, independently and contrary to the provisions of this Charter and rules and regulations made hereunder; such order or contract shall be voidable by the Town Council. This statement shall be printed on all Town of Warren purchase orders and all purchases shall be executed by written purchase order. Signature of the respective department head, chairperson of a board should be one of at least two signatures on all purchase orders.

Section 4.08 Vacancy of Office

The Town Council shall declare the vacancy in the office of Town Manager as outlined in Section 18.12.

Section 4.09 Temporary Absence

By letter filed with the Town Clerk, the Town Manager shall designate, subject to the approval of the Town Council, a qualified town administrative officer to exercise the powers and perform the duties of Town Manager during his/her temporary absence or disability. During such absence or disability the Town Council may revoke such designation at any time and appoint another officer of the Town of Warren to serve until the Town Manager shall return or his/her disability shall cease.

Section 4.10 Annual Review of Town Manager

Annually, the Town Council shall prepare and deliver to the Town Manager a written evaluation of the Town Manager's performance.

Section 4.11 Removal of Town Manager

Since the Town Manager serves at the pleasure of the Town Council, the Town Manager's contract shall not include any language or provisions that limit the rights and authority of the Town Council. The Town Council shall have the power at any time to remove the Manager from office in accordance with the following procedures:

- (1) The Town Council shall adopt by affirmative vote of a majority of its members a preliminary resolution of removal, which shall contain the following:
 - a) The reasons for the removal
 - b) Whether the Town Manager is suspended from duty pending final Council action and whether the suspension is with or without pay
 - c) The date of the Town Council meeting for a hearing on the Town Manager's removal. The date of the hearing shall be no later than thirty (30) days, and no earlier than (20) days from the date of the adoption of said preliminary resolution
 - d) The procedures to be used at hearing
- (2) Said resolution shall be delivered to the Town Manager within twenty-four (24) hours of its adoption. The Town Manager shall file with the Town Council a written response to the preliminary resolution which shall contain a list of witnesses, if any, the Town Manager intends to call as well as a request for a public or private hearing.
- (3) After said hearing, the Town Council may adopt a final resolution of removal by an affirmative vote of a majority of the full Town Council.

ARTICLE V. DEPARTMENT OF FINANCE

Section 5.01 Function

The function of the department shall be the supervision and direction of all matters pertaining to the financial operation of the Town of Warren including, but not limited to, accounting and budgeting, control of expenditures, assessment and collection of taxes, and other administration of trust funds, and such other duties as shall be required by this Charter, ordinance, or by State law.

Section 5.02 Town Treasurer/Tax Collector

There shall be a Department of Finance, the director of which shall be the Town Treasurer/Tax Collector who shall be hired by the Town Manager.

Section 5.03 Qualifications

The Town Treasurer/Tax Collector shall have a minimum of a Bachelor's degree from an accredited four-year college or university and knowledge of, and experience in municipal accounting, finance, taxation, data processing, budgeting and financial control.

Section 5.04 Duties

In his/her capacity as Treasurer, the duties of the Town Treasurer/Tax Collector shall be:

- (1) To pre-audit all bills, invoices, payrolls or other evidence of claims or charges against the Town of Warren, and see that budget appropriations are not exceeded by any disbursements in any department, office, commission, committee, council, board, agency, or authority of the Town of Warren. Should any expenditure exceed budget, the Town Manager and the Town Council shall be notified prior to payment of any invoices. Overexpenditures shall not be incurred without the approval of the Town Council.
- (2) To prescribe and maintain an accounting system for the Town of Warren and adopt and require standard accounting procedures for all departments, offices, commissions, committees, councils, boards, agencies and authorities of the Town of Warren which accounts shall include the amounts of all appropriations and the amounts paid from each and show in reasonable detail the person to whom and the purpose for which the payments were made, the unpaid obligations against each appropriation and the encumbered balance.
- (3) To prepare a monthly statement of all receipts and disbursements, in sufficient detail to show the financial condition of the Town of Warren, for submission to the Town Manager, the Town Council, and the Department Heads prior to the monthly Town council meeting.

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- (4) To prepare as soon as possible after, and as of the end of each fiscal year, a complete financial statement and report in accordance with State law for submission to the Town Manager, the Town Council and the electors of the Town of Warren. A copy thereof shall be filed in the Town Clerk's office and shall become a public record.
- (5) To cooperate with the Town Manager and the Town Council in compiling the expenditure and revenue estimates for the budget
- (6) To receive all license fees, rents, funds, money receivable by the Town of Warren from the State or Federal Government, the courts, and any department, office, commission, committee, council, board, agency, or authority of the Town of Warren except as provided by law
- (7) To have custody of all public funds belonging to or under the control of the Town of Warren or of any department, office, commission, committee, council, board, agency or authority of the Town of Warren including the School District; and deposit all funds coming into his/her hands in such depositories as may be designated by the Town Council; or, if no such designation shall be made, in such depositories as he/she may choose as provided by the General Laws of the State of Rhode Island, provided however, that such depositories are insured or registered by an agency of the United States. All interest received on deposits shall be the property of the Town of Warren and shall be accounted for and credited to the proper accounts.
- (8) To have custody of all investments and invested funds of the Town of Warren or in the possession of the Town of Warren in a fiduciary capacity
- (9) To pay out funds by check, such payments being made only after proper review by and signature of department head, board chairperson, etc. and authorization by Town Manager
- (10) There shall be a single system of transaction receipts, vouchers, bills and claim forms to be used by all departments, offices, commissions, committees, councils, boards, agencies and authorities of the Town of Warren.
- (11) To participate with the Grant Administrator in preparation of all grant financial reports

In his/her capacity as Tax Collector, the duties of the Town of Warren Treasurer/Tax Collector shall be:

To collect all taxes and special assessments for the collection of which the Town of Warren is responsible. The Tax Collector shall have all the powers, rights and duties prescribed under the General Laws of the State of Rhode Island.

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The Town of Warren Treasurer/Tax Collector shall perform those duties as may be assigned to him/her by the Town Manager, and/or prescribed for these offices now or in the future by the Constitution and Laws of the State of Rhode Island, not inconsistent with this Charter.

Section 5.05 Bond

The Town of Warren Treasurer/Tax Collector, within fifteen (15) days of the time of being sworn into office, shall give a bond to the Town of Warren in such sum and with such sureties as the Town Council shall prescribe for faithful performance of his/her duties, the cost of such bond to be paid by the Town of Warren.

Section 5.06 Receipt of Funds

All monies from taxes, licenses, fees, rents, donations, fines or any receivables accruing to the Town of Warren shall be forwarded to the Treasurer's office on a timely basis to be deposited in the General Fund. Donations and grant monies given for special projects shall be kept in separate accounts. There shall be a single system of transaction receipts for all departments, offices, commissions, committees, councils, boards, agencies, agents and authorities of the Town of Warren.

Section 5.07 Disbursement of Funds

There shall be three (3) persons authorized to sign checks. The primary signature on expenditures below Five Thousand (\$5,000.00) Dollars shall be that of the Town of Warren Treasurer/Tax Collector. For expenditures equal to or over Five Thousand (\$5,000.00) Dollars, two (2) signatures shall be required. Any two of the following three are authorized to sign jointly: 1) Town of Warren Treasurer/Tax Collector, 2) Town Manager, and 3) President of the Town Council. No funds will be disbursed, either by check or by any other means, for expenditures equal to or over Five Thousand (\$5,000.00) Dollars without the written authorization of any two of the following three individuals: the Town Manager, the Treasurer/Tax Collector and/or the Town Council President.

Section 5.08 Tax Assessor

There shall be in the Department of Finance, an office of Tax Assessment the head of which shall be the Tax Assessor, who shall be hired by the Town Manager. The Tax Assessor shall be responsible for the fixing of an assessed valuation for purposes of taxation on all taxable real estate and personal property and for the preparation of an assessment and tax roll for the Town of Warren in the manner provided by law and ordinance.

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Section 5.09 Qualifications

The Warren Tax Assessor shall be prohibited from holding any other paid public office, appointment or employment by the Town of Warren; and is required to either hold a certificate from the Rhode Island Association of Assessing Officers or the equivalent thereof, or acquire such a certificate within three (3) years of being appointed.

Section 5.10 Powers and Duties

The Tax Assessor shall have and perform all the powers and duties which are now or may hereafter be vested in Tax Assessors of towns in the State of Rhode Island and any other duties as designated by the Town Manager.

Section 5.11 Board of Assessment Review

There shall be a Board of Assessment review consisting of five (5) resident taxpayers appointed by the Town Council for a term of three (3) years. The members shall be appointed so that no more than two terms expire in any one year. Any vacancy shall be filled by the Town Council for the unexpired term.

Section 5.12 Duties of Board of Assessment Review

The Board of Assessment Review shall hear and consider the appeal of any property owner concerning the amount of his/her assessed valuation as determined by the Town Tax Assessor. The Board shall keep an accurate record of its proceedings which shall be available for public inspection. The Tax Assessor shall attend all hearings of the Board but shall have no vote.

Section 5.13 Correction in Assessment

If it shall appear that the valuation of any property has been erroneously or incorrectly assessed, the Board of Assessment Review shall have authority to order a correction. Such determination shall be certified by the Board to the Town Tax Assessor whose duty shall be to make such correction in valuation as the Board may determine. If the tax roll has been certified by the Town Tax Assessor, he/she shall transmit the findings of the Board to the Town Council which may cancel in whole or in part the tax based on such valuation in order to effect a correction.

Section 5.14 Right of Appeal

The taking of an appeal to the Board of Assessment Review or any action thereon shall not be construed to limit or restrict the right of any taxpayer to apply to a court of competent jurisdiction for relief from any assessed valuation or tax originally determined by the Tax Assessor.

ARTICLE VI. TOWN CLERK

Section 6.01 Town Clerk

There shall be a Town Clerk who shall be hired by the Town Manager.

Section 6.02 Qualifications

The Town Clerk shall have a High School diploma. A Business school diploma or an Associates Degree in a business related field is desired. He/she shall have at least five (5) years' experience in office management or as an administrative assistant or executive secretary.

Section 6.03 Powers and Duties

The Town Clerk shall be the Clerk of the Financial Town Meeting, Clerk of the Town Council, Clerk of the Probate Court, Clerk of the Board of Canvassers, and Recorder of Deeds. It shall be the duty of the Town Clerk to:

- (1) Make a permanent record of all proceedings and certify by signature all actions of the aforesaid bodies;
- (2) Be custodian of the Seal of the Town of Warren and of the official documents and records of the Town of Warren
- (3) Direct and supervise the recordings of deeds, mortgages, vital statistics, licenses and permits and such other records as shall by ordinance and law be required to be kept by the Town Clerk
- (4) Issue birth certificates, marriage licenses, burial permits, and such other licenses and permits as are required by ordinance and law to be issued by the Town Clerk
- (5) Prepare and post the agenda for the Town Council meetings.
- (6) Perform such other duties as may be prescribed by this Charter or by law pertaining to town clerks and such other duties appropriate to the office as the Town Manager and Town Council may require:
- (7) The Town Clerk will be responsible for the advertising, issuing, accepting, opening and recording of all job applications and bid applications before delivering them to other department(s) in town government.

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Section 6.04 Deputy Town Clerk

There shall be a Deputy Town Clerk hired by the Town Manager. When the Town Clerk is not available, the Deputy Town Clerk shall perform all the duties of the office of the Town Clerk and such other duties as may be required.

Section 6.05 Bond

The Town Clerk and Deputy Town Clerk shall, respectively, within fifteen (15) days of the time of being sworn into office, give bond to the Town Treasurer with sufficient surety, in such sum as the Town Council shall prescribe for the faithful performance of said office. The cost of such bonds to be paid by the Town of Warren.

ARTICLE VII. PROBATE COURT

Section 7.01 Judge

There shall be a Judge of Probate who shall exercise and perform the powers and duties of a Probate Court for the Town of Warren.

Section 7.02 Appointment and Term

The Judge of Probate shall be appointed by the Town Council to serve for a two-year term of office or until his/her successor is appointed and qualified.

Section 7.03 Qualifications

The Judge of Probate shall be an attorney-at-law in good standing who has been admitted to the practice of law in the State of Rhode Island and has five (5) years' experience as a practicing attorney. He/she need not be a resident of the Town of Warren.

Section 7.04 Absence of Disability

In the absence, disability, or disqualification of the Judge of Probate so that he/she is unable to fulfill his/her duties, or there is a vacancy in such office, the duties of the Judge of Probate shall be performed by the Town Solicitor; and when so serving, the acting Judge of Probate shall have and exercise all the powers and duties of the Judge of Probate.

Section 7.05 Clerk

The Town Clerk shall be the Clerk of the Probate Court.

Section 7.06 Fees

All fees assessed by the Clerk of the Probate Court shall inure to the benefit of the Town of Warren and shall be paid to the Town Treasury unless otherwise directed by the laws of the State.

ARTICLE VIII. TOWN SOLICITOR

Section 8.01 Appointment and Term

There shall be a Town Solicitor who shall be appointed by the Town Council to serve at the pleasure of the Town Council. The Town Council, at its discretion, may retain the services of a law firm to provide the legal services of a Town Solicitor.

Section 8.02 Qualifications

The Town Solicitor and any Assistant Town Solicitor shall be an attorney-at-law in good standing who has been admitted to the practice of law in the State of Rhode Island and has five (5) years' experience as a practicing attorney. He/she need not be a resident of the Town of Warren. The Town Solicitor and any Assistant Town Solicitor shall not hold any other office in the Town government, except that of acting Judge of Probate when so necessary.

Section 8.03 Duties

The Town Solicitor shall advise all departments, offices, commissions, committees, councils, boards, agencies, or authorities including the Town Council, and the Town Manager. The Town Solicitor shall appear for and protect the rights of the Town of Warren in all actions, suits, or proceedings, civil or criminal, in law or equity, brought by or against it, or for or against any of its departments, offices, commissions, committees, councils, boards, agencies, or authorities including the Town Council and the Town Manager. The Town Solicitor shall also perform such other duties, appropriate to his/her office, as the Town Council and the Town Manager may require. The Town Solicitor shall examine and recommend the form of all ordinances and resolutions, of all invitations to bid, contracts, and other legal documents issued by any department, office, commission, committee, council, board, agency or authority of the Town of Warren.

**ARTICLE IX. DIRECTOR OF PLANNING AND COMMUNITY
DEVELOPMENT**

Section 9.01 Appointment

There shall be a Town Planner who shall be hired by the Town Manager.

Section 9.02 Qualifications

The Director of Planning and Community Development shall have a Master's degree in Urban Planning or a related field and two (2) years of professional planning experience or a Bachelor's degree in Urban Planning or a related field and four (4) years of professional planning experience. Professional experience must include professional training in planning, urban design, urban planning, community development, as well as a proven record of success in seeking and administering grants.

Section 9.03 Duties

The duties of the Director of Planning and Community Development shall include but not be limited to the following:

Responsibilities shall include oversight of the Planning and Community Development Office, preparation and administration of federal and state grants, as well as providing technical information to the Town Council, Town Manager, Planning Board, and the general public.

ARTICLE X. DEPARTMENT OF PUBLIC WORKS

Section 10.01 Organization

There shall be a Department of Public Works, the head of which shall be the Director of Public Works who shall be hired by the Town Manager.

Section 10.02 Director of Public Works

The Director of Public Works shall be responsible for the efficient operation of all activities of the Department of Public Works. The further organization of the Department in (to) separate divisions or offices shall be made by the Town Manager.

Section 10.03 Qualifications

The Director of Public Works shall have a Bachelor of Science degree in Civil Engineering or have a minimum of three (3) years' municipal public works supervisory experience.

Section 10.04 Powers and Duties

The Director of Public Works shall:

- (1) Supervise, operate, and maintain all public works of the Town of Warren, except as otherwise provided herein, including but not limited to: roads and highway structures, storm systems, public buildings and lands, docks, parks and playgrounds
- (2) Supervise solid waste disposal and recycling
- (3) Supervise the performance of, or perform the duties of the Tree Warden
- (4) Provide engineering assistance for the Town of Warren
- (5) Provide for such other duties as shall be required by this Charter or by law or ordinance
- (6) Serve as Superintendent of Parks and Playgrounds and, as such, parks, playgrounds, beaches, and other recreational facilities within the Town of Warren.

Section 10.05 Tree Warden

There shall be a Tree Warden hired by the Town Manager who shall be part of the Department of Public Works. The qualifications, functions, and duties of the Tree Warden shall be those as prescribed by the laws of the State of Rhode Island. The Director of Public Works may be the Tree Warden.

ARTICLE XI. PUBLIC SAFETY

Section 11.01 Police Department

There shall be a Police Department, the head of which shall be the Chief of Police. In addition to the Chief of Police, there shall be such other subordinate officers and patrolmen as shall from time to time be determined by the Town Manager. Said Chief, subordinate officers and patrolmen, subject to such probationary requirements as may hereinafter be set forth, shall constitute the permanent Police Department of the Town of Warren. Said department may be organized into such divisions as shall be from time to time required by the Town Council.

Section 11.02 Appointment of the Chief of Police

The Chief of Police shall be hired by the Town Manager.

Section 11.03 Qualifications of the Police Chief

The Chief of Police shall have a minimum of a Bachelor's degree in Criminal Justice, Law Enforcement or similar education; and at least five (5) years' experience above the rank of patrolman in any organized police department; and have expertise in the organization, administration, management and direction of police personnel; and shall possess such other qualifications as the Town Council may prescribe by ordinance.

Section 11.04 Appointment and Promotion of Subordinate Officers and Patrolmen

All Police Officers on the permanent Police Department below the rank of Chief of Police shall be hired or promoted, as the case may be, by the Town Manager upon the recommendation of the Chief of Police provided they shall have satisfactorily passed such qualifying tests as prescribed.

Section 11.05 Interference with the Chief of Police

No member of the Town Council and no member of the Administrative Department of the Town of Warren shall interfere or attempt to interfere directly or indirectly with the performance of duties by the Chief of Police in any investigations or prosecution of crimes.

Section 11.06 Animal Control Officer

There shall be an Animal Control Division within the Police Department, the head of which shall be the Animal Control Officer. The Animal Control Officer shall be hired by the Town Manager and work under the direction of the Chief of Police. In addition, there shall be such subordinates as shall from time to time be determined by the Town Manager. Both the Animal Control Officer and the subordinates shall have a working knowledge of

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the laws of the State of Rhode Island and the ordinances of the Town of Warren pertaining to the licensing and control of dogs and the care for other animals.

Section 11.07 Fire Department

There shall be a Fire Department, the head of which shall be the Fire Chief.

Section 11.08 Fire Chief

The Fire Chief shall be appointed by the Town Manager and shall receive such compensation as determined by the Town Manager and approved at the Financial Town Meeting.

Section 11.09 Qualifications of the Fire Chief

The Fire Chief shall be a member in good standing of the Warren Fire Department with a minimum of seven (7) years' experience as a line officer; hold an Associate Degree in Fire Sciences or a related field; hold a current Rhode Island EMT certification as determined by the level of care provided by the Town of Warren; hold a current certification in the Rhode Island Fire Laws and Rules and Life Safety Code (NFPA 101) as issued by the Rhode Island State Fire Marshall's Office or acquire such a certification within one year of being appointed Fire Chief; and, demonstrate comprehensive working knowledge of the Warren Fire Department.

Section 11.10 Duties

The Fire Chief shall be the administrative and technical head of the Fire Department of the Town of Warren and shall have the following duties:

- (1) Control and supervise all activities and operations of the Fire Department, including but not limited to fire extinguishment, fire prevention, inspection of buildings for compliance with fire codes, and have a working knowledge of hazardous materials
- (2) Establish, maintain, and enforce Fire Department operations procedures
- (3) Schedule, conduct, and supervise fire drills and fire department training with primary regard for the protection of life and property and the safety of fire department personnel
- (4) Supervise the Rescue Squad, ensuring compliance with Rhode Island protocols and the Policies and Procedures of the Warren Fire Department

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- (5) Participate in training as deemed appropriate by the Town Manager

Section 11.11 Assistant Fire Chiefs

There shall be one (1) Deputy Fire Chief and a maximum of three (3) Assistant Fire Chiefs to be appointed by the Fire Chief. This group shall be known as the Board of Fire Engineers and shall assist the Fire Chief in carrying out the duties of the Warren Fire Department as necessary. Of these, no more than one (1) shall come from any one (1) individual company within the Fire Department. A Deputy Fire Chief and/or Assistant Fire Chief shall have been a member in good standing of the Warren Fire Department for a minimum of ten (10) years and have held the rank of Lieutenant or higher for a minimum of four (4) years, and meet the training requirements of the Warren Fire department. If a Deputy Fire Chief and/or Assistant Fire Chief resigns, the replacement shall be chosen by the Fire Chief from a pool of candidates recommended by each company's membership, excluding the Rescue Squad.

The Fire Chief shall appoint the members of the Board of Fire Engineers on an annual basis.

Section 11.12 Rescue Squad (Emergency Medical Services)

There shall be a Rescue Squad, the head of which shall be the Fire Chief.

Section 11.13 Director of Emergency Management

There shall be a Director of Emergency Management appointed by the Town Council.

Section 11.14 Powers and Duties

The Director of Emergency Management shall:

- (1) Prepare a comprehensive plan for the utilization of facilities, equipment and personnel of the Town of Warren during an emergency
- (2) Equip and maintain an emergency communications center
- (3) Assist the Town Council President in any declared emergency
- (4) Be the liaison with the State Office of Emergency Management
- (5) Perform any other duties or functions as the Town Council may direct by ordinance or during any emergency as the Town Council President may direct

ARTICLE XII. DEPARTMENT OF BUILDING AND ZONING

Section 12.01 Building Official/Zoning Officer

There shall be a Building Official/Zoning Officer hired by the Town Manager who shall be the head of the Department of Building and Zoning.

Section 12.02 Qualifications

The qualifications for the Building Official/Zoning Officer shall be those as outlined by the laws of the State of Rhode Island.

He/she must be certified by the Building Commissioner via the Building Code Standards Committee of the State of Rhode Island.

Section 12.03 Duties

The duties of the Building Official /Zoning Officer shall include, but not be limited to, interpreting and enforcing all applicable requirements as set forth by the Warren Town Code, State laws related to construction codes and zoning laws, and the Warren Zoning Ordinance.

He/she shall supervise the Electrical Inspector and the Plumbing/Mechanical Inspector. The Building Official/Zoning Officer shall also be the Minimum Housing Inspector and the Floodplain Coordinator for the Town. The Building Official shall serve on the Technical Review Committee advising the Planning Board.

ARTICLE XIII. OTHER TOWN OFFICIALS

Section 13.01 Town Sergeant

The Town Council shall appoint an elector of the Town of Warren as Town Sergeant.

Section 13.02 Duties

The Town of Warren Sergeant shall perform all of the duties and have all of the powers and authority of a Town Sergeant as provided by the laws of the State, and as may be provided by the Town Council by ordinance. Such duties may include, but not be limited to, service and execution in any town of the county to which they belong, of all writs, summons and other processes to them directed and which by law may or ought to be served by Town Sergeants; and posting of the Town Clerk's notice of warrant to electors to meet in a Town Meeting.

Section 13.03 Harbormaster

The Harbormaster shall be appointed annually by the Town Council. The Harbor Master shall work under the supervision of the Town Manager. The Harbormaster shall obtain and maintain certification in CPR and basic first aid. Compensation for the Harbormaster shall be recommended by the Town Council and approved at the Financial Town Meeting. The Harbormaster shall enforce the Warren Harbor Management Plan articles; regulations and decisions of the Harbor Management Commission; and any laws/ordinances passed by the Town of Warren, State, and Federal Government consistent with the authority contained under said ordinances and laws.

Section 13.04 Public Assistance Agent

There shall be a Public Assistance Agent who shall be appointed and serve at the pleasure of the Town Council and who shall be the Town of Warren's agent for disbursement of state and Federal Public Assistance Funds.

Section 13.05 Sealer of Weights and Measures

There shall be a Sealer of Weights and Measures subject to State law. The powers and procedures of said office shall be as prescribed by State law.

Section 13:06 Senior Center Director

There shall be a Senior Center Director appointed by the Town Manager. The Senior Center Director shall plan, organize and coordinate a community recreation program for senior adults, including, but not limited to, cultural arts, physical activities, health related activities, human services and special interest classes and programs. The Senior Center Director will supervise the senior meal site, volunteers, seasonal employees if assigned, special instructors and any part-time recreation staff.

ARTICLE XIV. BOARDS AND COMMISSIONS

Section 14.01 Planning Board

- A. The Planning Board shall consist of nine (9) members appointed by the Town Council from among electors of the Town of Warren for a term of three (3) years. Said terms will be staggered so that no more than three terms will expire in any given year. No member of the Planning Board shall be an elected official or employee of the Town of Warren. The Town Council shall appoint replacements to fill vacancies on the Board in accordance with this Charter. The Board shall annually elect a Chairperson and such other officers, as it may deem appropriate from among its membership.
- B. The Planning Board shall have the duties and responsibilities provided for in State law and such additional duties and responsibilities as may be prescribed by the Town Council not in conflict with the State law. The Planning Board shall act in an advisory capacity to the Town Council in all matters concerning the Comprehensive Plan, land use, Zoning Ordinance and Subdivision Regulations, physical growth and development of the Town of Warren.
- C. Regarding the administration of oaths and punishment for perjury, oral and written presentations to the Planning Board shall be subject to the same stipulations of State Law as apply to the Town Council and the Zoning Board.
- D. There shall be a committee to assist the Planning Board to be known as the Technical Review Committee (TRC), which is established in accordance with R.I.G.L. 45-23-56 to conduct technical reviews of all applicants subject to the jurisdiction of the Planning Board. The Warren Building Official shall be a member of the Technical Review Committee. The remaining membership of the TRC will be determined by the Planning Board. However, no more than one (1) member of the Planning Board may serve on the TRC with regard to a specific application.

Section 14.02 Zoning Board

- A. There shall be a Zoning Board appointed by the Town Council in accordance with the General Laws of the State of Rhode Island, as amended.
- B. The duties of the Zoning Board shall be those as outlined in the General Laws of the State of Rhode Island.
- C. No member of the Zoning Board shall be an elected official or employee of the Town of Warren.

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Section 14.03 Conservation Commission

- A. The Conservation Commission shall consist of seven (7) members appointed by the Town Council for three (3) year terms, staggered so that no more than three (3) terms expire in any one year. Vacancies shall be filled by the Town Council for the remainder of the unexpired term in accordance with this Charter. The Conservation Commission shall annually elect a Chairperson and such other officers as they deem appropriate.

- B. The Conservation Commission shall report to the Town Council and act as an advisory body to all the Town of Warren agencies on conservation matters including: Fresh and salt water surface and groundwater protection, watershed protection, flood plain protection, compliance with Freshwater Wetlands Acts, stormwater runoff and other non-point source pollution, compliance with soil erosion and sediment control regulations, underground storage tanks, compliance with RI individual sewage disposal system regulations, environmental impact of the Town landfill and solid waste management, compliance with regulations that protect coastal areas including salt marshes, bogs, ponds, beaches, shores, cliffs, banks, and wetlands, protection of environmentally sensitive or unique areas, protection of conservation, recreation, and open space areas, protection of rights-of-way, easements, and other public access areas, protection of shellfish and finfish resources, protection of agricultural and soil resources, protection of wildlife and its habitat, protection of air quality, protection of trees, roadsides and woodlands, protection of the rural integrity, scenic, cultural and historic character of the Town of Warren as well as any other powers and duties granted by law or by ordinance.

Section 14.04 Board of Canvassers

There shall be a bipartisan canvassing authority selected by the Town Council as provided by the Constitution and laws of the State of Rhode Island. Said Canvassing Authority shall be known as the “Board of Canvassers and Registration”, and shall be vested with all the powers and duties now or hereafter vested by law in such canvassing authority. All members of the Board of Canvassers and Registration now in office shall continue in said positions as members thereof until the expiration of the terms for which they were respectively chosen.

Section 14.05 Parks & Recreation Department

- A. The Recreation Board shall consist of five (5) members appointed by the Town Council for three (3) year terms, staggered so that no more than two (2) terms will expire in any one year. No member shall be an elected official of the Town of Warren or employee of the Warren Department of Public Works. Vacancies shall be filled by the Town Council for the remainder of the unexpired term. The Board shall annually elect a Chairperson and such other officers, as it deems appropriate.

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- B. The Parks and Recreation Board shall report to the Town Council and shall oversee and supervise programs at the Town's public beaches, parks, playgrounds, recreational facilities, and other such duties as the Town Council may direct. The Director of Public Works shall be the superintendent of parks and playgrounds, overseeing the maintenance of all facilities.
- C. There shall be a Recreation Director appointed annually by the Town Council Whose duties shall be prescribed by the Parks and Recreation Board, subject to approval by the Town Council, and who shall work under the supervision of the Town Manager. The compensation of the Recreation Director will be approved at the Financial Town Meeting upon recommendation of the Town Council.

Section 14.06 Harbor Management Commission

The Harbor Management Commission shall consist of seven (7) members appointed by the Town Council for three (3) year terms, staggered so that no more than three (3) terms expire in any one year, and shall act as an advisory board to the Town Council.

Section 14.07 Juvenile Hearing Board

There shall be a Juvenile Hearing Board which shall be appointed by the Town Council in accordance with the General Laws of the State of Rhode Island and ordinances of the Town of Warren. The powers of the Juvenile Hearing Board shall be delegated by law or by ordinance.

Section 14.08 Housing Authority

The Town Council shall appoint members of the Housing Authority herein established in accordance with the General Laws of the State of Rhode Island, as amended, and all applicable Federal laws.

Section 14.09 Bristol County Water Authority

The Town Council shall appoint three (3) persons as the Town of Warren's representatives to the Bristol County Water Authority. Each representative shall be appointed for a term of three (3) years staggered so that one (1) term expires each year. These appointed directors of the Bristol County Water Authority shall report quarterly to the Warren Town Council.

Section 14.10 Sewer Plant, Sewers and Storm Drainage Systems

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- (1) All duties and powers previously vested in the Warren Sewer Commission are now vested in the Town Council. The Town Council is to assume responsibility for the management, maintenance and improvement of the Town's sewer plant, sewers and storm drainage systems.
- (2) The Town Manager will oversee the day-to-day operation of the Town's sewer plant, and the construction, maintenance and improvement of the Town's sewer plant, sewers and storm drainage system.
- (3) With the approval of the Town Council, the Town Manager may hire a Superintendent of Sewers. The Town Council may by ordinance prescribe the duties and qualifications of the Superintendent of Sewers.

Section 14.11 Tree Commission

There shall be a Tree Commission consisting of five (5) members appointed by the Town Council from among the electors of the Town of Warren for a term of three (3) years. Said terms shall be staggered so that no more than two members' terms expire each calendar year. .

The Tree Commission shall inventory the trees of the Town and advise the Tree Warden on removal of trees and on appropriate trees to be planted on Town property.

ARTICLE XV. BUDGET

Section 15.01 The Budget

The budget of the Town of Warren shall have four (4) components:

- 1) Operating Budget which includes salaries and wages
- 2) Capital Budget
- 3) Grants and Contributions
- 4) Debt Service and Professional Contract Services

All petitions allowed in the budget process shall exclude debt service and professional contract services.

Section 15.02 Fiscal Year

The fiscal year of the Town of Warren's government shall begin on the first day of July and shall end on the last day of June of each calendar year. Such fiscal year shall also constitute the budget and accounting year.

Section 15.03 Unexpended Appropriations and Unanticipated Revenues

Except as hereinafter specifically provided, any unexpended appropriations and/or unanticipated revenues remaining in a budget of any department, office, commission, committee, council, board, agency, or authority at the end of the fiscal year shall become part of the general working capital of the Town of Warren, and may not thereafter be expended without the approval of the Financial Town Meeting of Warren. For purposes of this section the term "general working capital" shall mean the aggregate amount of all unappropriated revenue and unspent or unencumbered appropriations not otherwise set aside pursuant to the provisions of Section 15.04 thereof. Amounts contained in the general working capital fund may be expended in anticipation of the receipt of taxes and other revenues; provided, however, that at the end of any fiscal year the balance in the general working capital fund shall be no less than the balance at the close of the preceding fiscal year together with all additions thereto and interest which shall have been earned thereon, reduced by approved appropriations therefrom for such fiscal year.

Section 15.04 Capital Reserve Accounts

Except as otherwise may be specifically provided in the enabling legislation authorizing the borrowing of money by the Town of Warren, the Financial Town Meeting may, by resolution which has been warned in the warrant for such meeting, establish special capital reserve accounts for the specific purposes contained in the resolution to be comprised of the proceeds of any borrowings for construction or acquisition of any facilities or equipment which remain unexpended at the conclusion of such construction or acquisition,

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or funds from current appropriations. Upon adoption of such resolution, the funds set aside in each such account shall be considered a capital reserve account. To the extent any sums deposited in each such account are from the current year's appropriations, the amount so deposited within any fiscal year shall be considered an expenditure within that fiscal year. The monies contained in any such capital reserve account may, however, be used as general working capital in anticipation of taxes or other revenues; provided, however, that at the close of any fiscal year the balance in each such account shall be no less than the balance at the close of the preceding fiscal year together with all additions thereto during such fiscal year, and all interest which shall have been earned reduced by all expenditures made therefrom. The Town Council may authorize expenditures from each such capital reserve account for the purposes and on the conditions contained in the resolution establishing such account.

Section 15.05 Expenditures

Line item expenditures shall be adhered to and there shall be no transfer of funds from one line item to another to cover over expenditures except as provided in Section 3.11 of this Charter.

The Town Council shall be prohibited from making contributions in excess of one hundred fifty (\$150.00) dollars from any Town account to any person or private agency, without the approval of the Financial Town Meeting.

Section 15.06 Allowance for Doubtful Accounts

There shall be a required line item for an allowance for doubtful accounts. This figure shall be based on historical data of uncollected taxes.

Section 15.07 Proposed Budget

The Town Manager shall submit to the Town Council a proposed budget of receipts and expenditures and an explanatory budget message. For such purpose the Town Manager shall obtain from the head of each department, office, commission, committee, council, board, agency, or authority estimates of its revenues and expenditures and such supporting data as he/she may request. In preparing the proposed budget, the Town Manager shall show all anticipated revenues and all proposed expenditures and the total of proposed expenditures shall not be greater than the total of anticipated revenues. For budgeting purposes, anticipated revenues shall include:

- (1) Miscellaneous revenues
- (2) Amount to be raised by property taxes
- (3) Unexpended capital reserve appropriations

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Section 15.08 Budget Schedule

- (1) The budget procedure as set forth in this section shall consist of preparation of the budget by the Town Manager, presentation to and preliminary approval by the Town Council following hearings thereon, final approval by the Council, and presentation to the Financial Town Meeting.
- (2) The requests from all departments, boards, commissions, and Town officials for funding of their respective operations during the next fiscal year shall be submitted to the Town Manager no later than such date in the month of January as the Town Manager shall direct. The Manager shall submit his/her proposed budget to the Town Council no later than the second (2nd) Monday in February of each year.
- (3) The Council shall, no later than the second (2nd) Monday in March, vote preliminary approval of the budget, which shall then be published in a newspaper of general circulation in the Town.
- (4) The Council shall make provisions, in consultation with the Manager, for:
 - (a) The publication in the manner prescribed in the Property Tax and Fiscal Disclosure Act (Chapter 35 of Title 44 of the General Laws -- hereinafter "the Act") of the "proposed property tax rate" and the "adjusted current property Tax rate" for the Town.
 - (b) The scheduling of two public hearings, one to take place not less than ten (10) days preceding final Council approval of the budget, and the other to take place no less than ten (10) days preceding the Financial Town Meeting, the first such hearing to be on the preliminary budget as approved by the Council and on the adoption of a property tax levy, and the second hearing to be on the budget following final Council adoption and prior to the Financial Town Meeting. The notices of both public hearings shall be published in newspapers of general circulation in the Town to appear no less than ten (10) days before each respective hearing.
 - (c) The publication of a budget summary in a newspaper of general circulation in the Town in accordance with the form prescribed in the Act, such notice to appear no less than ten (10) calendar days prior to the Financial Town Meeting.
- (5) The Council shall, no later than the third (3rd) Monday in April, vote final approval of the budget for presentation to the Financial Town Meeting.
- (6) The Town Clerk shall cause to be prepared copies of the preliminary budget and of the budget as finally approved by the Council for distribution to the public. The Clerk shall also cause the warnings of the Financial Town Meeting to be posted as required by law.

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(7) The Financial Town meeting shall be held on the third (3rd) Monday in May.

Section 15.09 Preliminary Approval of Budget

The Town Council shall review the budget as submitted by the Town Manager and shall adopt a recommended budget for presentation at the Financial Town Meeting. If the Town Council shall recommend an increase in the total of expenditures as proposed by the Town Manager, it also shall provide for increasing the total anticipated revenues and shall indicate the revenues necessary to maintain a balance between revenues and expenditures. No revenue from any source other than the tax levy shall be included in the budget as recommended by the Town Council unless the facts clearly warrant the expectation that such amount actually will be realized in cash during the budget year.

Section 15.10 Petitions to Town Council

Following preliminary approval of the budget by the Town Council, any qualified elector of the Town of Warren may circulate a petition requesting the Town Council to increase or decrease any item of expenditure in said budget, or to insert a new item of expenditure. Such petition shall specify the budget item or insertion and amount thereof, must be approved by the Town Clerk as to form prior to circulation, and must be returned to the Town Clerk no later than the fourth (4th) Monday in March. Upon receipt of such petition, the Town Clerk shall cause the signatures thereon to be verified by the Board of Canvassers within four (4) business days; and, if it contains for less than twenty-five (25) valid signatures of qualified electors of the Town of Warren, shall transmit the same to the Town Council. The Town Council, before final adoption of the budget, shall consider and vote upon each such petition by roll call. The petition shall only pass with the approval of at least three (3) members of the Town Council.

Section 15.11 Final Approval

By the third (3rd) Monday in April, the Town Council shall complete its consideration of any petitions it shall have received pursuant to Section 15.10, make any final changes in the budget it may deem advisable, and give final approval to said budget by a vote of a majority of all the members of the Town Council. Following such approval, and by the first (1st) Monday in May, the Town Clerk shall cause sufficient copies of the budget to be prepared for public distribution, and shall arrange for publication thereof in a newspaper of general circulation in the Town of Warren. The budget so adopted shall be the Budget for the Town of Warren for the ensuing fiscal year subject only to change pursuant to Section 16.06.

Section 15.12 Resolutions by Electors

At any time, but no later than the fourth (4th) Monday in April, any resolution rejected under Section 15.10 above concerning the expenditure of money or imposition of a tax, which is in written and signed by fifty (50) electors qualified to vote upon a question of the

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expenditure of money or the imposition of a tax, may be filed with the Town Clerk who shall cause the signatures thereon to be verified by the Board of Canvassers within four (4) business days and such resolution in the form filed shall be presented for consideration at said Financial Town Meeting by any such elector.

All resolutions filed by such electors in conformity with the requirements of Section 15.12 hereof shall be included in the warrant for said Financial Town Meeting.

ARTICLE XVI. FINANCIAL TOWN MEETING

Section 16.01 Time and Purpose

The electors of the Town of Warren shall assemble each year in Financial Town Meeting on the third (3rd) Monday in May at 7:00 o'clock PM for the purpose of hearing official reports, ordering any tax which lawfully may be ordered, making appropriations, and transacting any other business pertaining to the affairs of the Town of Warren which may legally come before such meeting. Said Financial Town Meeting shall be called and warned and the list of electors qualified to vote therein shall be made out and canvassed in the same manner as provided by law in respect to elections.

Section 16.02 Notice

Prior to the Financial Town Meeting, the Town Council President shall cause to be published in a newspaper of general circulation in the Town of Warren a budget summary which shall set out proposed expenditures by department or function and receipts by source for the proposed budget year together with comparisons of these with estimated expenditures and receipts for the current budget year, in the form provided in Section 44-35-7 of the General Laws; and shall also cause to be published the "proposed property tax rate" and the "adjusted current property tax rate" for the Town of Warren as defined in Section 44-35-3 of the General Laws.

The warrant shall be drawn in such a manner that the budget as recommended by the Town Council shall be printed as part of the warrant.

Section 16.03 Subjects Requiring Special Notice

No vote shall be taken in a Financial Town of Warren Meeting to levy a tax or to dispose of real property of the Town of Warren unless special notice thereof has been given in the warrant issued for the warning of such meeting.

Section 16.04 Special Meetings

Special meetings shall be called by the Town Clerk upon a resolution of no less than two-thirds (2/3) of the Town Council or whenever five percent (5%) of the electors of the Town of Warren shall make a request in writing for the calling of a Town Meeting and direct the same to the Town Clerk; provided, that said five percent (5%) shall be computed on the total number of electors appearing on the last canvassed voting lists of the Town of Warren as having a right to vote in the transaction of any business that may be duly presented at such meeting.

Section 16.05 Restriction of Special Meetings

No Special Meeting shall be called without the consent of the Town Council if the subject proposed to be considered has been acted upon by a Financial Town Meeting within six (6) months previous to the time of such proposed call.

Section 16.06 Petitions for Financial Town Meeting

Any proposal for the expenditure of money, other than for items contained in the budget presented by the Town Council, may be acted upon at the Financial Town Meeting only if such proposals shall have been presented by a petition signed by at least fifty (50) electors qualified to vote in Financial Town Meeting and filed with the Town Clerk no later than the fourth (4th) Monday in April. All such petitions shall be enacted or rejected by paper ballot vote at the Financial Town Meeting.

No proposition, the effect of which is to increase or decrease legally incurred contracted obligations or debt services shall be considered at such meeting.

Section 16.07 Powers of the Electors

The electors in Special Meeting or Financial Town Meeting shall have and exercise all powers granted Financial Town Meetings by the laws of the State of Rhode Island not inconsistent with this Charter.

Section 16.08 Quorum

At least one hundred twenty-five (125) qualified electors shall be necessary to constitute a quorum at any Special Meeting or Financial Town Meeting. All questions shall be decided by a majority vote of the qualified electors present and voting. If no quorum exists thirty (30) minutes after the meeting's posted start time, the Moderator shall declare that no quorum exists, and the budget as proposed, shall pass.

Section 16.09 Voting

The Moderator on a motion duly made and seconded relative to any business regularly before the meeting and having heard all qualified electors desirous of being heard, shall cause the votes of the qualified electors present to be taken thereon. No vote shall be taken unless a quorum is present.

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Section 16.10 Vote by Paper Ballot

The vote shall be taken by paper ballot upon the request of a majority of the qualified electors present, on any pending question involving the expenditure of money, the incurring of liability or disposal of property of the Town of Warren.

Section 16.11 Vote by Referendum

Vote by referendum shall take place when:

- (1) A resolution for a bond issue or promissory note exceeding One Hundred Thousand (\$100,000.00) Dollars has been proposed
- (2) Any taxpayer resolution has been placed in the warrant and approved for referendum vote by a majority of all the taxpayers present at the Financial Town Meeting
- (3) Any public land or building is to be sold, destroyed, or donated

Section 16.12 Procedures for Referendum Vote

Such a referendum vote shall be held at a location determined by the Board of Canvassers on the fourteenth (14) consecutive day following the date of convening of the meeting from which adjournment is taken. Notice of time and place of such Referendum Vote and of the resolution or resolutions to be voted upon shall be given by the Town Clerk by advertising the same in a newspaper having general circulation in the Town of Warren. The polls at such a Referendum Vote shall be open at 9:00 AM and shall remain open until 9:00 PM. All votes upon resolutions at such a Referendum Vote shall be taken by voting machines furnished by the State Board of Elections or by paper ballots, as determined by the Moderator. The ballot labels or paper ballots shall be prepared by the Town Clerk which shall state the substance of the resolutions as they appear upon the records of the Financial Town Meeting and shall have appropriate provisions to permit the qualified electors to vote “yes” for approval and “no” for rejection of such resolutions.

At the closing of the polls at said Referendum Vote said ballots shall be counted by the Moderator of the Financial Town Meeting and the Town Clerk, in public, and the results of the votes shall be then and there publicly announced and recorded. If a majority of votes thus cast is in favor of the resolution, such vote shall be valid and effective as a vote of said Financial Town Meeting. If a majority of the votes thus cast are for the rejection of the resolution, or shall result in a tie vote, said resolutions shall be recorded as defeated.

If any date for any action to be taken under the provisions of this act shall fall upon a Sunday or legal holiday, such date for such action shall be extended to the next succeeding business day.

Section 16.13 Record of Proceedings

A copy of the record of the proceedings of any Special Meeting or Financial Town Meeting, duly certified by the Town Clerk, shall be evidence of any act or vote of the electors of the Town of Warren in Special Meeting or Financial Town Meeting.

Section 16.14 Recessed Meetings

The Moderator may recess for a period not to exceed one (1) hour, any duly called Special Meeting or Financial Town Meeting. Every Special Meeting or Financial Town Meeting shall be adjourned by the Moderator no later than 11:00 PM. Any unfinished business shall be referred to a continued meeting to be held the following day at 7:00 PM, and each successive day until a budget is adopted.

Section 16.15 Failure to Adopt Budget

In the event that no budget shall have been adopted by the end of the fiscal year for the departments, offices, commissions, committees, councils, boards, agencies or authorities, the Town of Warren shall have the authorization to continue making expenditures at the rates authorized in the budget of the previous fiscal year until such time as a new budget shall have been approved.

ARTICLE XVII. MODERATOR

Section 17.01 Moderator

There shall be a Moderator who shall be elected every two years to serve at such special meetings and Financial Town Meetings as occur during his/her term of office. The Moderator shall be an elector of the Town of Warren, qualified to vote in Financial Town Meetings. If the Moderator be absent, the Town Council shall appoint a Moderator to serve for the duration of such absence.

Section 17.02 Powers and Duties

The Moderator shall preside at all special meetings and Financial Town Meetings and shall have the power to regulate and manage the business of each meeting, conforming to law, and to maintain peace and good order therein. The Moderator shall have all powers as provided by the laws of the State of Rhode Island not inconsistent with this Charter. The Moderator shall submit the rules of the meeting and the agenda to the Town Clerk for printing, at least fifteen (15) days prior to the meeting date. The agenda shall include, but not be limited to:

- Call to Order
- Reading of the Warrant
- Declaration of a Quorum
- Emergency Expenditures Resolution
- Reappropriation of Unexpended Appropriations
- Future Appropriations Resolutions
- Declaration of Maximum Appropriations and Estimated Tax Rate by Manager Adjournment

The Moderator shall not alter the order of the docket. Every resolution on the agenda shall be addressed. Any matter not covered by the rules shall be governed by Robert's Rules of Order.

Section 17.03 Compensation

The Moderator shall receive such compensation for his/her services as may, from time to time, be recommended by the Town Council and approved at the Financial Town Meeting.

ARTICLE XVIII. GENERAL PROVISIONS

Section 18.01 Effect on Existing Laws

Upon the effective date of this Charter, all laws and ordinances or parts thereof inconsistent with its provisions shall be superseded insofar as they relate to the Town of Warren. All ordinances and special acts of the General Assembly applicable to the Town of Warren in force at the time when this Charter takes effect and which are not inconsistent with its provisions shall continue in force until amended or repealed.

Section 18.02 Public Records

All records and accounts of every department, office, commission, committee, council, board, agency and authority of the Town of Warren shall be public records as defined in the laws of the State of Rhode Island, and shall be open to inspection by any person so requesting in accordance with the provisions of State law.

Section 18.03 Open Meetings

The Town Council, School Committee and all other departments, offices, commissions, committees, councils, boards, agencies, and authorities and all subdivisions thereof of the Town of Warren, shall conduct all business in accordance with the provisions of the Open Meetings Legislation of the State of Rhode Island, General Laws Title 42, Chapter 46, as amended from time to time. This section applies to all Town meetings.

Section 18.04 Ethics

All elected and appointed officials of the Town of Warren, as the same are defined in State Law, shall be subject to the ethics legislation of the State of Rhode Island, General Laws Title 36, Chapter 14, as amended from time to time, and to the rules and regulations made by the Ethics Commission pursuant thereto.

Section 18.05 Amendments to the Charter

The Charter may be amended or a new Charter adopted at any time in the manner provided by the Constitution of the State of Rhode Island. All proposed amendments shall have a public hearing. Should two (2) or more amendments adopted at the same time have conflicting provisions, the one receiving the largest affirmative vote shall prevail. The sections of any amendments added to this Charter shall be appropriately numbered by the Town Clerk and inserted in their appropriate places. It shall not be necessary for the full

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text of the Charter or of amendments to the Charter to be printed on the ballot. Any digest or description thereof or any question or statement which substantially expresses the purpose, or identifies the subject matter to be voted upon shall be sufficient. When any question is to be submitted to the voters, the Town Council shall approve the statement of the question, as it shall appear on the ballot. A copy of the full text of the Charter or amendments shall be posted in each polling place and such other places as may be designated by the Board of Canvassers. This Charter shall not be replaced or amended for a period of at least two (2) years following adoption.

Section 18.06 Charter Review Commission

At least every six (6) years, a nine (9) member non partisan Charter Review Commission shall be elected at a general election. The duty of this Commission shall be to review the Charter and recommend to the Town Council any amendments or revisions which it believes the Town Council should consider for presentation to the electors of the Town of Warren. The Commission must report to the Town Council by the first (1st) of June prior to the next general election. The Town Council shall budget sufficient funds for the Commission to carry out its duties

Section 18.07 Printing the Charter

The Town Council shall provide for the printing, publication and distribution of the Charter and may, at its discretion, require that a reasonable charge be made for copies thereof, provided, however, the Town Council shall provide a copy of the Charter to every Town officer without charge.

Section 18.08 Separability

If any article, section or provision of this Charter is held invalid by a court of competent jurisdiction; the remainder of the Charter shall not be affected thereby. All provisions of this Charter shall be interpreted in a manner most favorable to the Town of Warren, and least restrictive of its powers and prerogatives.

Section 18.09 Oath of Office

Every officer of the Town of Warren shall, before entering upon the duties of their office, take and subscribe to the following oath of affirmation, to be filed and kept in the office of the Town Clerk: "I solemnly swear (or affirm) that I will support the Constitution and obey the laws of the United States of America and of the State of Rhode Island; that I will, in all respects, observe the provisions of the Charter and ordinances of the Town of Warren and will faithfully discharge the duties of the office of....."

Section 18.10 Forfeiture of Office

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Any candidate shall be disqualified for elective or appointive office in the Town of Warren or from holding such office if such elector has been convicted of or plead *nolo contendere* to a felony in any jurisdiction or if such elector has been convicted of or plead *nolo contendere* to a misdemeanor in any jurisdiction, resulting in a jail sentence of six (6) months or more, either suspended or to be served.

Section 18.11 Dual Office

No employee of the Town of Warren shall hold appointed office in the Town government which would create a conflict of interest for that employee.

Section 18.12 Vacancy for Public Officials

For purposes of a vacancy, a public official shall be defined as any elected or appointed official or any employee of the Town of Warren not covered by a collective bargaining agreement. Department heads shall not be union members.

A vacancy shall occur in any office by:

- (1) Death
- (2) Removal out of the Town of Warren
- (3) Resignation
- (4) Neglect or refusal to qualify
- (5) Abandonment of the office, by the holder of the office thereof
- (6) Removal from office in any manner authorized by law

Section 18.13 Filling of Vacancies

- (1) All appointments shall be at the pleasure of the Town Council. When filling vacancies of any appointed department, office, commission, committee, council, board, agency or authority, the Town Council shall be required to give notice in a newspaper of general circulation in the Town of Warren, at least once, of the availability of such vacant positions. Advertisement shall include the application process and dates of interviews. The Council shall hold selection interviews for candidates and make the selection of appointees at a posted public meeting. The Town Council, at its discretion, shall retain the right to rescind any and all of their appointments.
- (2) Vacancies in elected office, not elsewhere provided for in this Charter, shall be filled by the Town Council, except that in case of recall the Town Council shall not appoint the person whose recall created the vacancy.

Section 18.14 Absenteeism

Any member of an appointed department, office, commission, committee, council, board, agency or authority, or any person who has been appointed who does not attend at least sixty-six and two-thirds (66-2/3%) percent of regularly scheduled meetings, actually convened, of said department, office, commission, committee, council, board, agency or authority during any one (1) year period, unless excused, shall be considered removed from such department, office, commission, committee, council, board, agency or authority, and their place thereon shall be considered vacant. It shall be the duty of the Chairperson of that department, office, commission, committee, council, board, agency or authority to give prompt written notice of such vacancy to the Town Manager, and to the Town Council.

Section 18.15 Conviction of a Crime

Any elected or appointed officer of the Town of Warren convicted of a crime which is a felony in any jurisdiction or involving malfeasance, misfeasance or nonfeasance in office shall be deemed to have vacated his/her office.

Section 18.16 Enforcement of the Charter

(1) Complaints by Citizens

Any qualified elector of the Town may file a sworn statement in the office of the Town Clerk Charging that:

- (a) An elected or appointed official or member of a board or commission of the Town is serving in office in violation of the provisions of this Charter, or
- (b) That any elected or appointed official or member of any board or commission, or that any official body, board or commission in its corporate capacity, or any Town employee, has knowingly taken any action or failed to take any action in his or her official capacity in violation of any of the terms or provisions of this Charter, or of any ordinance, rule, or regulation adopted under the authority thereof.
- (c) Any such statement shall set forth the particulars as to the charges made. A "sufficiently set forth" complaint shall specify (1) the section or sections of the Charter which are charged to have been violated, (2) the nature of the violation, and (3) the person, persons, or body charged with having committed the violation.
- (d) If the Town Clerk determines that the charges are

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"sufficiently set forth," he or she shall schedule a public hearing before the Town Council acting in its capacity as the Charter Monitoring and Complaint Review Board, such hearing to be held no later than thirty (30) days from the date on which the charges were filed. If the Town Clerk fails to find that the charges are "sufficiently set forth," he or she shall so notify the complainant in writing, providing the reason(s) for dismissal.

- (e) In the event that a "sufficiently set forth" complaint is against a majority of the Town Council members, the Town Clerk, within ten days (10) from the date on which the charges were filed, shall file the complaint in the Municipal Court.
 - (f) If the complaint is against the Town Clerk, the Town Manager shall fulfill the duties of the Town Clerk regarding review of the charges and scheduling of the public hearing as presented above.
- (2) Action by the Town
- (a) At the public hearing, the Review Board shall receive testimony from the complainant and from the official, board, or commission, or members of the official body against whom or which the charges were made and from such witnesses as either party may bring forward. In the event that the complaint is against a member of the Town Council, such member shall not take part in the review of the complaint.
 - (b) If, following the hearing, the Review Board, by no fewer than four (4) affirmative votes, concludes that the charges have been supported by the testimony and evidence presented, it shall direct the Town Manager to cause a complaint to be filed within ten (10) days of the hearing against the alleged violator(s) in Municipal Court.
 - (c) The Municipal Court shall have jurisdiction to determine violations of this Charter, Town ordinances and rules and regulations adopted under authority hereof and to enter appropriate orders, decrees, or judgments with respect to such violations.
 - (d) A violation of this Charter shall be punishable by a fine not to exceed the limit set by State Law. Upon a finding of a violation by the Municipal Court, if the violator is an officer or employee of the Town, such violator may be removed from office or immediately dismissed.
 - (e) Every expenditure or obligation incurred in violation of this Charter or the rules and regulations made pursuant thereto shall be deemed illegal, and, in addition to any other penalties provided by law for such violations, every official authorizing such payment or any part thereof, knowing the same to be in violation, shall be jointly and severally liable to the Town for the full amount so paid or received. If

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any appointed official or employee of the Town shall knowingly incur any obligation, or authorize or make any expenditure in violation of this Charter, it shall be grounds for his or her removal.

- (f) Appeals of the decisions of the Municipal Court relating to Charter enforcement can be taken to District Court.

(3) Protection Against Reprisals

In the event that charges are filed pursuant to the terms of this Section by any employee of the Town as defined in Section 36-15-2 (1) of the General Laws, that employee shall be deemed to enjoy the protection afforded by the Rhode Island Whistleblowers' Protection Act, Chapter 15 of Title 36 of the General Laws, as amended.

Section 18.17 Codification

The Town Council, within two (2) years following the effective date of this Charter, and every fifth year thereafter, shall cause to be prepared a revision or codification of ordinances of the Town of Warren which are appropriate for continuation as local laws of the Town of Warren. Such revision shall be prepared under the supervision of the Town Solicitor, but the Town Council may authorize the Solicitor to contract for the services of persons or organizations experienced in the revision and codification of ordinances and statutes.

Section 18.18 Contractual Agreements

All contractual agreements ratified by the Town of Warren including, but not limited to, personnel, management, School Department, union, services, and materials, shall be on file in the Town Clerk's office.

ARTICLE XIX. SUCCESSION IN GOVERNMENT

Section 19.01 Effective Date

This Charter shall become effective January 1, 1995, upon certification by the Board of Canvassers that the Charter was approved by the electors voting thereon. The Town Council shall hire a Town Manager as soon as possible, but no later than June 30, 1995.

Section 19.02 Continuation of Laws and Ordinances

All ordinances, resolutions, orders and regulations of the Town of Warren which are in force when this Charter becomes effective are repealed to the extent that they are inconsistent with or interfere with the effective operation of this Charter, or of ordinances, resolutions, orders and regulations adopted pursuant thereto. To the extent that the Constitution and laws of the State permit, all general laws or special acts relating to or affecting the Town of Warren or its agencies, officers or employees which are in effect when this Charter becomes effective, are superseded to the extent they are inconsistent with or interfere with the effective operation of this Charter, or of ordinances, resolutions, orders and regulations adopted pursuant thereto. The Town Council shall proceed to enact or adopt as promptly as possible any ordinances, rules, resolutions and orders which may be necessary to implement provisions of this Charter, including requesting State legislative actions to repeal General Laws which are inconsistent with the provisions of this Charter.

Section 19.03 Continuation of Tax Obligations

All taxes levied or assessed by the Town of Warren prior to the effective date of this Charter, which have not been collected by the Town of Warren, shall be collected with any penalties and interest thereon by the Town of Warren government hereby established, in accordance with this Charter.

Section 19.04 Continuation of Government

All departments, offices, commissions, committees, councils, boards, agencies, authorities, or officers, whether elected or appointed, shall continue in the performance of their powers, duties and functions until their successors have been elected or appointed as provided in this Charter to perform their respective powers, duties and functions.

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Section 19.05 Continuation of Office

All elected and appointed officials of the Town of Warren, except the Town Treasurer/Tax Collector and the Town Clerk, who are in office at the time of the taking of effect of this Charter shall continue to hold their offices until their respective terms have expired and their successors have been elected or appointed and qualified. Offices that were elected but have become appointed by enacting this Charter must be filled by the Town Manager as soon as possible, but no later than December 31, 1995.

Section 19.06 Continuation of Present Personnel

All persons employed in the service of the Town of Warren on the effective date of this Charter shall continue in such employment until promoted, demoted or removed in accordance with the provisions of this Charter, or ordinances enacted pursuant thereto.

Section 19.07 Transfer of Records and Property

All records, property and equipment of any department, office, commission, committee, council, board, agency or authority or part thereof, the powers and duties of which are assigned in whole or in part to another department, office, commission, committee, council, board, agency or authority shall be transferred and delivered forthwith to the department, office, commission, committee, council, board, agency or authority to which such powers and duties are so assigned. In the event of a disagreement over transfer, the Town Manager shall make the final decision.

Section 19.08 Existing Contracts

All contracts, leases, franchises and other obligations entered into by the Town of Warren, or for its benefit, prior to the effective date of this Charter, shall continue in force and effect.

Section 19.09 Pending Actions and Proceedings

No action or proceeding, civil or criminal, in law or in equity pending at the time when this Charter shall take effect, brought by or against any department, office, commission, committee, council, board, agency or authority or officer thereof, shall be affected or abated by the adoption of this Charter or by anything in this Charter.

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CERTIFICATE

We, the undersigned members of the Charter Commission of the Town of Warren, have prepared and hereby propose the foregoing as a Home Rule Charter of the Town of Warren.

Signed in the Town of Warren this _____ day of _____, 1994.

Judith Fardig, Chairman

Brian Remy, Vice Chairman

Robert Bento

William F. Ryan

Brian Richard Mellor

Alfred T. Silva

Carolyn L. O'Brien

David McCarthy

Frederick C. Cavallaro

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AMENDMENTS MADE TO THE TOWN CHARTER

NOVEMBER 3, 1998

SECTION 11.11 FIRE DEPARTMENT

WARREN SEWER DEPARTMENT: SECTION (DELETE SUBSECTION (14) OF SECTION 4.04 AND LAST LINE OF SECTION 19.04

APRIL 13, 1999

SEWER COMMISSION-CHANGE FROM ELECTED TO APPOINTED BY TOWN COUNCIL VOTE REJECTED.

JUNE 6, 2000

SECTION 3.12 TOWN COUNCIL

SECTION 4.02, 4.03, 4.04, 4.07, 5.02 TOWN MANAGER

SECTION 5.04, 5.07 (1) FINANCE DEPARTMENT

SECTION 6.03 TOWN CLERK

NOVEMBER 6, 2001

SECTION 2.01 GENERAL TOWN ELECTIONS

SECTION 2.04 RECALL

SECTION 3.02 NUMBER, ELECTION AND TERM

SECTION 3.07, 3.08, 3.09, 3.11, 3.14 AND 18.13 TOWN COUNCIL

SECTION 3.16 AND 3.17 TOWN COUNCIL

SECTION 3.18 TOWN COUNCIL

SECTION 3.14 AND 4.02 TOWN COUNCIL AND TOWN MANAGER

SECTION 4.04 AND 4.06 TOWN MANAGER

SECTION 4.11 TOWN MANAGER

SECTION 5.04, 5.06 AND 5.11 DEPARTMENT OF FINANCE

SECTION 9.02 AND 9.03 TOWN PLANNER

NOVEMBER 2, 2004

SECTION 14.11 TREE COMMISSION MEMBERS

SECTION 5.09 TAX ASSESSOR JOB REQUIREMENT CHANGE

SECTION 14.05 RECREATION DIRECTOR

SECTION 11.09 FIRE CHIEF JOB REQUIREMENTS

NOVEMBER 4, 2008

SECTION 3.02, 3.04, & 3.11 TOWN COUNCIL

SECTION 4.06 COMPETITIVE BIDDING

SECTION 5.04, 5.06, & 5.07 DEPARTMENT OF FINANCE

SECTION 9.02 & 9.03 DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT

SECTION 10.04 DEPARTMENT OF PUBLIC WORKS

SECTION 11.06, 11.10 & 11.11 PUBLIC SAFETY

SECTION 12.01, 12.02, 12.03 DEPARTMENT OF BUILDING AND ZONING

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SECTION 13.04, 13.06 OTHER TOWN OFFICIALS

SECTION 14.01, 14.02, 14.05, 14.10 BOARDS & COMMISSIONS

SECTION 15.05 BUDGET

SECTION 16.12 FINANCIAL TOWN MEETING