

PART I - HOME RULE CHARTER

PREAMBLE

We the people of the Town of Hopkinton, desiring to effect and maintain a responsive, open, fully transparent and participatory town government, charged with the responsible and efficient management of the citizens' business and the preservation of the assets of the Town, do enact this Home Rule Charter for the Town of Hopkinton.

(Amd. of 11-7-06)

Footnotes:

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Editor's note— Printed herein is the Charter for the Town of Hopkinton, Rhode Island, as adopted by electors on November 5, 2002. Amendments to the original Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes have been used. Additions made for clarity are indicated by brackets.

ARTICLE I. - THE TOWN

1100 - BASIC PROVISIONS

1110 - Incorporation.

The inhabitants of the Town of Hopkinton, 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 in perpetuity under the name of "Town of Hopkinton", and as such shall continue to have, exercise and enjoy all the rights, immunities, powers, privileges and franchises, and shall be subject to all the duties and obligations, now incumbent upon or appertaining to said Town as a municipal corporation, or by virtue of the laws of this State so far as the same shall not be altered by this Charter or amendments hereof.

1120 - Form of Government.

The municipal government by this Charter shall be known as "Council - Town Manager Government".

1130 - Powers of the Town.

The Town has all the powers granted to a town and all the powers possible for a town to have under the Home Rule Charter amendment and under the Constitution and laws of this State together with all the implied or incidental powers necessary to carry into execution the powers granted. The Town may acquire

property within or outside 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. 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 deemed to be exclusive and it is intended that the Town shall have and may exercise all powers which could be enumerated in this Charter under this State's Constitution.

1140 - Intergovernmental Agreements.

The Town may enter into contracts or cooperative agreements with the federal government, the State, or with any political subdivision thereof, for the performance of any services, the use of any facilities, the combination of services and/or functions, and the financing thereof.

1200 - GENERAL PROVISIONS

1210 - Amending the Charter.

- A. This Charter may be amended at any time or a new charter adopted at any time in the manner provided by the Constitution of the State. Should two (2) or more amendments adopted at the same time have conflicting provisions, the one receiving the largest affirmative vote shall prevail.
- B. The sections of any amendment added to this Charter shall be appropriately numbered by the Town Clerk and inserted in their appropriate places.
- C. It shall not be necessary for the full text of the Charter or any amendments thereto to be printed on the ballot. A digest or description of the amendments or any question or statement which in the opinion of the Charter Commission substantially expresses the purposes or identifies the subject to be voted on shall be sufficient. When any question is to be submitted to the electors, the Town Council shall approve the statement of the question as it appears on the ballot. A copy of the full text of the Charter or amendments shall be posted on the Town's web site, in each polling place, and at such other places as may be designated the Board of Canvassers.
- D. No less than every five (5) years, the Charter shall be reviewed by a Charter Commission comprised of not less than five (5) nor more than nine (9) members who shall be qualified Electors of the Town and whose duty it shall be to review the Charter and bring to the Town Council, recommendations for amendments or revisions (if any). Upon submission and presentation to the Town Council of such recommendations by the Charter Commission at a regular or special Town Council meeting, the Town Council shall schedule at least one public hearing to review and discuss such recommendations with the Commission and the public. Town

Council motions to accept or reject such submissions may be made at the close of the public hearing, only if such hearing is held during a regular or special Town Council meeting whose agenda shall include these matters.

Upon Town Council approval, recommendations approved, as submitted, or modified as agreed to by a majority of a quorum of Commission members present at such meetings shall be placed on the ballot in the election next following the approval of such recommendations.

(Amd of 11-7-06)

1211 - Construction.

The provisions of this Charter shall be liberally construed in favor of the Town. The powers of local self-government shall include not only those granted in express terms but also those not inconsistent with or prohibited by the Constitution of the State.

1212 - Validity.

If any section or part of a section of this Charter is found invalid by a court of competent jurisdiction, that holding shall not affect the remainder of this Charter nor the context in which the section or part of the section found invalid appears, except to the extent that an entire section or part of a section is inseparably connected in meaning and effect with the section or part of a section found invalid. If any section or part of a section pertaining to election procedures is held invalid by a court, the pertinent election procedures set forth in the laws of the State shall apply.

1213. - Conflict of Provisions.

To the extent that any specific provision contained in this Charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.

1214 - Printing of the Charter.

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

1215 - Electronic Filing of the Charter.

This Charter shall be posted and maintained on the Town's web site and may be downloaded without charge. The Council shall provide, at no cost, this Charter on the most current means of electronic storage used by the Town.

1220 - Authority of Officers.

Any powers, duties, or functions which are required by law to be exercised, performed, or administered by a particular officer or officers of the Town shall be carried out by the officer or officers who by this Charter or by ordinance or by law are responsible for the same, regardless of the title or designation of the office.

1221 - Oath of Office.

Every officer of the Town shall, before entering upon the duties of his or her office, take and subscribe to the following oath or 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 Hopkinton, and will faithfully discharge the duties of the office of..."

1222 - Official Bonds.

The Town Council shall require a bond, in such amount and with such surety as this Charter or the Town Council may specify, from all persons entrusted with the collection, custody or disbursement of any of the Town's money and may require such bond from other officials and employees as the Council may deem advisable and as required by law. The premiums on such bonds, except for auctioneers, shall be paid by the Town unless provided otherwise.

1223 - Terms of Office.

The term of office of all officers, members of boards, commissions and committees of the Town, appointed with the approval of or appointed or elected by the Council, shall be stated in or by ordinance.

1224 - Qualifications for Elected Office.

All elected officers of the Town shall be qualified electors of the Town and shall be qualified as provided by this Charter; and if any elected officer of the Town cease to be a resident of the Town, the office held by that person shall become vacant.

1230 - Rules for Boards, Commissions and Committees.

Every appointed board, commission and committee of the Town shall adopt rules not in conflict with the State law or this Charter with regard to conduct of meetings, attendance and election of officers.

1231 - Residence of Members of Boards, Commissions and Committees.

No person shall be appointed to any board, commission or committee of the Town unless he or she is a qualified elector of the Town and a resident actually living in the Town, except as otherwise provided by the State law and by this Charter, and if any appointed member of any board, commission or committee ceases to meet such qualifications, the position held shall become vacant.

1240 - Multiple Office Holding.

No elected member of the Town government shall hold more than one (1) elective or position in the Town Government at the same time. No elected member of the Town government shall, at the same time, hold any position by virtue of an appointment by the Town Council or the Town Manager. Appointed members of the Town Government may hold more than one (1) appointed position if the Town Council fails to find and appoint any other Town elector to the vacant position. Membership on boards or commissions that act as representation of the Town of Hopkinton in regards to the School District shall not disallow that elector from serving on another board, committee or commission in Town government.

1241 - Employee(s) Office Holding.

No employee of the Town shall hold an elective or appointed office in the Town government while he or she is employed by the Town.

1250 - Conflict of Interest.

- A. No member of the Town Council, School Committee, nor the Town Manager nor any officer or employee of the Town shall (a) make a contract with the Town (with the exception of his or her own contract of employment), or (b) receive any commission, discount, bonus, gift, contribution, or award from, or any share in, the profits of any person making or performing such contract unless:
- (1) The person concerned is a member of the Council or the Town Manager, then he or she shall immediately, upon learning of the existence of such contract or that such contract is proposed, notify the Council in writing of the nature of his or her interest in such contract.
 - (2) The person is a member of the School Committee or an officer or employee of the School Department, then he or she shall immediately, upon learning of the existence of such contract or that such contract is proposed, notify the School Committee in writing of the nature of his or her interest in such contract; and
 - (3) The person is some other officer or employee of the Town, then he or she shall immediately, upon learning of the existence of such contract or that such contract is proposed, notify the Town Manager in writing of the nature of his or her interest in such contract; and
 - (4)

In each case listed above, he or she shall also abstain from doing any official act on behalf of the Town or of the other contracting party with reference thereto;

- (5) Provided, however, that when a contractor with the Town is a corporation or a voluntary stock association, the ownership of less than five (5%) percent of the stock or shares actually issued shall not be considered as involving an interest in the contract within the meaning of this section, and ownership of under five (5%) percent shall not affect the validity of the contract unless the owner of the stock or agent of the corporation or association, solicits or takes part in making the contract.
- B. No Town officer or employee shall accept any gratuity or thing of value from any person who has business with the Town, or whose intent is to influence that officer or employee in the performance of his or her official duties. No Town officer or employee of the Town shall sell, give or loan equipment, property or supplies belonging to the Town, or allow any such equipment, property or supplies to be sold, given or loaned to any person or organization without authorization in writing from the Town Manager.
- C. Any Town officer or employee who willfully violates the requirements of this section shall be guilty of malfeasance in office or position, shall forfeit his or her office or position, and he or she shall, in addition, be guilty of a misdemeanor, to the extent that the Town suffers loss thereby. Violation of this section with the knowledge, expressed or implied, of the person or corporation contracting with or making a sale to the Town shall render the contract void-able by the Town Council.
- D. Any resident of the Town or any other interested person may instigate an inquiry into a possible conflict of interest violation. An investigation may be instigated by presenting a written statement of an alleged violation to the Town Manager, Town Solicitor, or any member of the Town Council.
- E. The Town Council shall provide by ordinance appropriate procedures for the implementation of the provisions of this section which shall adequately protect the rights of any person accused hereunder to a fair hearing and the rights of the Town.

1260 - Conviction of a Crime.

Any elected officer while in office in the Town of Hopkinton convicted of a crime which is a felony or involves malfeasance, misfeasance or nonfeasance in office shall be deemed to have vacated his or her office.

1261 - Background Checks.

Any person standing for election or applying to be appointed or hired as an employee shall be required to submit to a background check. The Town Council by ordinance shall establish procedures for such background checks, which shall at a minimum set forth by whom and how they will be conducted, how the

rights of the person being investigated will be protected, to whom results will be reported, and what actions will be taken in response to their findings in light of the nature and responsibility of the position to which the person wishes to be elected, appointed or hired.

1270 - Performance of Duties.

All paid personnel holding office or employment in Town government, other than elected office, shall be required to engage in the actual work of their employment during regular business hours to the extent that their services may be necessary for the complete discharge of their duties. The Town Council, upon recommendation of the Town Manager, shall determine which employees of the Town shall not be required to devote their full time to their duties, except as provided by the Charter.

1280 - Inventory of Town Property and Equipment.

At the end of every fiscal year, each department head in the Town shall prepare an inventory of all town property and equipment under his or her jurisdiction to be submitted to the Town Manager for transmission to the Town Council. The inventories shall be public records with copies available for public inspection at the Town Hall.

1281 - Disposition of Surplus Equipment.

Disposition of surplus equipment shall be in accordance with town ordinances and policies.

1290 - Public Access to Records.

All records and accounts of every office, department, board, commission or committee of the Town, shall be open to any person at all reasonable times and under regulations established by the Town Council by ordinance, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish and except as otherwise provided by this Charter or by laws of the State. Any person inspecting public records shall be permitted to make copies and abstracts thereof, at their cost.

1300 - SCHOOL DEPARTMENT

1301 - Establishment of a School District.

The Town of Hopkinton reserves the right to establish its own school district as per Chapter 16 of the Rhode Island General Laws.

1400 - FINANCIAL PROVISIONS

1410 - Fiscal Year.

The fiscal year of the Town government shall begin on the first day of July and shall end on the last day of June of the next year. The fiscal year shall also constitute the budget and accounting year.

1420 - Annual Audit.

Within three (3) months after the beginning of each fiscal year, the Town Council by resolution shall arrange for an independent detailed audit of the books, accounts and other evidence of financial transactions of the Town as of the close of the preceding fiscal year. This audit shall be conducted either by state auditors or by a certified public accountant holding a certificate from the State and having no personal interest in the financial transactions of the Town without regard to requirements for competitive bidding. Such examinations shall conform with generally accepted auditing standards and shall include all procedures necessary for the auditors to express an informed opinion of the financial practices and accounts. A copy of the audit report shall be filed with the Town Clerk and shall be a public record.

1430 - Borrowing in Anticipation of Taxes.

Borrowing in anticipation of taxes shall require the approval of the Financial Town Meeting in accordance with state law.

1440 - Issuance of Bonds.

The qualified electors of the Town may at an annual or special Financial Town Meeting authorize the borrowing of money and the issuance of bonds or notes pursuant to the statutes now or hereafter in effect.

1450 - Competitive Bidding.

Before the Town makes any purchase of or contracts for supplies, material or equipment, ample opportunity shall be given for competitive bidding under such rules and regulations and with such exceptions as the Town Council may prescribe by ordinance.

1460 - Contracts and Expenditures Prohibited.

No office, department or agency, during any budget year, shall expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, for any purpose, in excess of the amounts appropriated for that general classification of expenditures except as provided for in section 1470 of this Charter. Any contract, verbal or written, made in violation of this Charter shall be null and void. Nothing contained in this section shall prevent the making of contracts or the

spending of money for capital improvements to be financed in whole or in part by the issuance of bonds or notes or from the Capital Expenditure Funds nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made.

1470 - Transfer of Appropriations.

The Town Manager may at any time authorize the transfer of any unencumbered appropriation balance or portion thereof from one classification of expenditure to another within the same department, office or agency or board or commission, provided that the existence of the balance proposed to be transferred is certified in writing by the Town Treasurer.

All general fund appropriations except for capital improvements and restricted accounts shall lapse at the end of the budget year to the extent that they have not been expended and the balance thereof shall revert to the general fund consistent with State Law and Town Ordinance.

1480 - Fees Paid to the Town.

All fees received in accordance with provisions of any State law or Town ordinance by any officer or employee shall belong to the Town and shall be paid to the Town Treasurer.

1481 - Administration and Disposition of Trust Property.

Gifts of Property held by the Town shall be administered, held and disposed of in the name and on behalf of the Town, by the body entrusted with its administration, or if none is specified, then by the Council, in accordance with the terms of the gift and the laws of the State with respect to property held in charitable trusts.

1490 - Budget Preparation.

1. The Town Manager shall prepare a budget based on the submissions of Department Heads, Boards, Commissions and Outside Agencies and on the recommendations of the Finance Board.
2. The Town Manager shall submit the proposed budget together with the Finance Board's recommendations to the Town Council.
3. The Town Council may revise the budget as submission by the Town Manager and shall adopt a recommended budget to the voters at a Financial Town Meeting after a public hearing.

1491 - Public Hearing on Recommended Budget.

The Town Council shall hold a public hearing on the recommended budget at least thirty (30) days prior to the Financial Town Meeting and the Town Clerk shall prepare sufficient copies of the budget to be available for public distribution prior to the hearing. The budget copies made available shall include final

audited figures for the previous three years.

1492 - Publication of Budget.

A copy of the budget, as finally adopted by Financial Town Meeting, shall be certified by the Town Clerk and filed in the Office of the Town Treasurer. Sufficient copies of the budget shall be made available by the Town Clerk for the use of all offices, departments and agencies and for the use of interested persons.

ARTICLE II. - THE ELECTORATE

2100 - ELECTIONS

2110 - 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.

2120 - Election Laws and Conduct of Elections.

The provisions of the Constitution and the General Laws of the State now or hereafter in effect pertaining to elections, general, special and primary, and all special acts pertaining to elections in the Town now or hereafter in effect shall govern all Town elections so far as they may be applicable, excepting those provisions which are inconsistent with the provisions of this Charter.

2130 - Elected Officials.

Town Council members, School Committee members, Town Clerk, Moderator, Town Sergeant, Director of Public Welfare, District Moderators and District Clerks will be elected.

2200 - BOARD OF CANVASSERS

There shall be a canvassing authority appointed by the Town Council as provided by the Constitution and laws of the State. This canvassing authority shall be known as the Board of Canvassers and shall be vested with all the powers and duties now or hereafter vested by law in the canvassing authority or Board of Canvassers of the Town. All members of this authority or board now in office shall continue in their positions as members until the expiration of the terms for which they were appointed.

2300 - FINANCIAL TOWN ASSEMBLY/REFERENDUM

2310 - Time and Purpose.

The electors of the Town qualified to vote upon a proposition to impose a tax or for the expenditure of money shall assemble each year on the first Tuesday in May at 7:30 p.m. to receive and discuss the proposed budget and warrant items from the Council in advance of a referendum by the electors qualified to vote upon a proposition to impose a tax for the expenditure of money. The referendum shall be held on the second Tuesday in June from 7 a.m. to 9 p.m. The Town Council shall submit a proposed budget to the Town Clerk at least 30 days before the Financial Town Assembly. The Town Clerk will publish the proposed budget 30 days before the Financial Town Assembly in a local newspaper having a general circulation in the Town of Hopkinton.

(Amd. of 11-7-06)

2311 - Notice.

A. Financial Town Assembly.

1. The Town Clerk shall cause electors of the Town to be notified of every Financial Town Assembly in accordance with the terms of this Charter and with the laws of the state.
2. At least seven (7) days prior to the Financial Town Assembly, the Town Clerk shall publish all proposed warrant items in a local newspaper having general circulation in the Town of Hopkinton.
3. If the attendance for the Financial Town Assembly exceeds the legal capacity of the site, the Moderator shall adjourn the meeting for one week and the Town Council shall select another site, in or out of the Town of Hopkinton, of sufficient capacity.

B. Financial Referendum.

1. The Town Clerk shall cause electors of the Town to be notified of every Financial Referendum in accordance with the terms of this Charter and with the laws of the state.
2. At least seven (7) days prior to the Financial Referendum, the Town Clerk shall publish the proposed budget and accompanying warrant items in a local newspaper having a general circulation in the Town of Hopkinton and post the warrant questions to be voted on in all voting districts. The Town Clerk shall also publish the total expenditure of an alternate budget pursuant to section 2370, in the event the proposed budget is defeated.
3. The Town Clerk, after consultation with the Council, shall determine how many polling places should be used for the Financial Referendum.

(Amd. of 11-7-06)

2312 - Subjects Requiring Special Notice.

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

(Amd. of 11-7-06)

2313 - Special Financial Town Meetings.

A special Financial Town Meeting to impose a tax for the expenditure of money shall be called by the Town Clerk upon the resolution of the Town Council or whenever four hundred (400) of the qualified electors of the Town shall make a request in writing for the calling of a special Financial Town Meeting and direct the same to the Town Clerk. Special Town Meetings will be held without an accompanying referendum and the Moderator shall preside over such meetings pursuant to section 2331 and a majority vote of the qualified electors present at the meeting shall be sufficient to allow any proposed motions to carry. A quorum of twenty-five (25) qualified electors constitutes a special Financial Town Meeting.

(Amd. of 11-7-06)

2314 - Restriction of Special Financial Meetings.

A special Financial Town Meeting shall only be called in the case of an emergency involving the health, welfare and/or safety of the public. Four (4) of the Town Council members must approve of such a meeting if any subject proposed to be considered has been acted upon by a Financial Town Referendum or a special Financial Town Meeting within six (6) months previous to the time of such proposed call.

(Amd. of 11-7-06)

2315 - Warrant Items.

- A. No proposition for the expenditure of money, other than the proposed budget presented by the Council, nor any other proposal to add, reduce or eliminate a municipal budget item in the budget shall be acted upon at the Financial Town Assembly and Referendum unless it shall have been presented by a petition signed by at least two hundred (200) of the electors qualified to vote in the Financial Town Assembly and Referendum. All proposed warrant items must be filed with the Town Clerk no later than twenty-two (22) days after the submission of the proposed budget to the Town Clerk by the Town Council. The call of the Financial Town Assembly shall include notice of the propositions and the recommendations of the Council.
- B. The Town Clerk has until five (5) business days from deadline for the submission of warrant items to certify that sufficient valid signatures have been presented to qualify those warrant items proposed by electors to be considered at the Town Financial Assembly the first Tuesday in May.

- C. The electors who offer the warrant initiatives shall be given time at the Financial Town Assembly to explain their proposals.
- D. If there is a conflict between warrant items, the moderator of the Financial Town Assembly shall call for votes to determine which of the conflicting petitions for warrant items shall appear on the Financial Referendum ballot. The warrant item that receives the larger number of votes between conflicting warrant items shall be adopted by the Financial Town Assembly.
- E. The Town Treasurer shall, as part of all presentations in this process, provide an estimate of the tax rate implication of the municipal budget, the school budget and each warrant item.
- F. The Town Council shall adopt the proposed budget and all adopted warrant items for the Financial Referendum on the second Tuesday in June by the Wednesday next following the second Tuesday in May.
- G. For special financial Town Meetings, petitions for expenditures by electors to appear as warrant items must be filed with the Town Clerk no later than ten (10) days before the special Financial Town Meeting.

(Amd. of 11-7-06)

2320 - Powers of the Electors.

The electors of the Financial Town Assembly and Referendum and special Financial Town Meetings shall have and exercise all powers granted Financial Town Meetings/Referendums by the laws of the state.

(Amd. of 11-7-06)

2330 - Moderator.

A Moderator shall be elected at the regular election of the Town officers to serve at such Town Financial Assemblies and special Financial Town Meetings as occur during his or her term of office. He or she shall serve for a term of two (2) years and until a successor is elected and qualified. The Moderator shall be an elector of the Town qualified to vote in the Financial Town Assemblies and Referendums. If the office of Moderator is vacant, or if he or she is absent, the Town Council shall appoint a Moderator. In the case of a vacancy the appointed Moderator shall serve for the duration of the un-expired term. In the case of an absence he or she shall serve for the duration of such absence.

(Amd. of 11-7-06)

2331 - Duties and Powers of Moderator.

- A. The Moderator shall preside over all the Financial Town Assemblies and special Financial Town Meetings and, subject to the provisions of the Charter and applicable law, shall have the power to regulate and manage the business of each meeting and to maintain peace and good order during

the meeting. The Moderator, after consultation with the Town Council, shall prescribe the rules governing the conduct of any Financial Town Assembly or special Financial Town Meeting, provided however that any such rules shall not be inconsistent with the provisions of the Charter. The Moderator has all the powers provided by the laws of the State and this charter.

B. The Moderator also shall have the authority to call for votes to determine which of conflicting written warrant petitions shall appear on the Financial Referendum ballot.

(Amd. of 11-7-06)

2340 - Meeting Procedures.

The conduct of any Financial Town Assembly or special Financial Town Meeting, not otherwise covered by provisions of the Charter or the Moderator's prescribed rules, shall be governed by Roberts Rules of Order. The Town Clerk shall arrange the order of business at regular meetings so that the consideration of a proposed budget and capital expenditure items shall be the last item of business, except the regular and standard tax votes, and except otherwise provided by law. The Town Clerk shall immediately prior to each Financial Town Assembly or special Financial Town Meeting provide a written agenda for all interested electors of those items of business to be considered in the order in which they will be considered.

(Amd. of 11-7-06)

2341 - Quorum.

At a Financial Town Assembly, in which voting must occur to determine which of conflicting warrant items will appear on the Financial Town Referendum ballot, at least twenty-five (25) electors shall be necessary to constitute a quorum. Any questions shall be decided by a majority vote of the qualified electors present and voting. No quorum shall be necessary at a Financial Town Assembly at which no conflicting warrant items are presented.

(Amd. of 11-7-06)

2342 - Voting.

The Moderator, on a motion duly made and seconded relative to any business properly 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.

(Amd. of 11-7-06)

2343 - Vote by Ballot.

At the Financial Town Assembly or a special Financial Town Meeting, the voting on conflicting warrant items shall be taken by ballot upon the request of twenty percent (20%) of the qualified electors.

(Amd. of 11-7-06)

2344 - Balloting on Capital Schools Issues.

Balloting on appropriations for the construction of schools, the issuance of bonds for schools and on appropriations for the purchase of land for school purposes shall be in accordance with the Town Charter and State Law.

(Amd. of 11-7-06)

2350 - Record of Proceedings.

A copy of the record of the proceedings and of ballots cast at any Financial Town Assembly/Referendum duly certified by the Town Clerk shall be evidence of any act or vote of the electors of the Town in the Financial Town Assembly/Referendum process.

(Amd. of 11-7-06)

2360 - Recessed Assemblies and Meetings.

The Moderator may declare a recess of any duly called and held Financial Town Assembly or special Financial Town Meeting for a period not to exceed one (1) hour. Every Financial Town Assembly or special Financial Town Meeting shall be recessed by the Moderator no later than 11:00 p.m. unless extended to midnight by a vote of the majority of the qualified electors present and voting. Any unfinished business shall be referred to a recessed meeting to be held within ten (10) days, the precise date and time to be determined by vote of the majority of the qualified electors present and voting.

(Amd. of 11-7-06)

2370 - Rejection of Proposed Budgets.

If the proposed budget is rejected by the voters in the Financial Referendum, the Council may accept a flat municipal budget, identical to the approved municipal budget for the current fiscal year. The total budget will thus include the Chariho school budget as approved at the most recent Chariho Financial District Meeting, the previous years approved municipal budget and all approved warrant items. Until the budget is finalized, the Town of Hopkinton 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. An approved budget will be amended by all approved warrant items.

(Amd. of 11-7-06)

2380 - Setting the Tax Levy.

Within fourteen (14) days after the Financial Town Referendum the Town Council shall, based on the budget and warrants approved by the electors, set the tax levy for the coming fiscal year. It shall also adopt appropriate financial resolutions, including authorizing the Town to borrow money in anticipation of taxes.

(Amd. of 11-7-06)

ARTICLE III. - THE LEGISLATURE

3100 - TOWN COUNCIL

3110 - Organization of the Town Council.

- A. The Town Council shall consist of five (5) council members elected from the Town at large.
- B. The Town Clerk shall be the presiding officer of the Council until a president of the Council is elected.
- C. The Town Council shall elect from within its own membership a president and vice president at its first meeting after all five (5) council members have been certified by the Board of Canvassers.
- D. The Council President shall preside at meetings of the Council and shall be recognized as head of Town government.
- E. The Council Vice President shall assume the duties of the Council President in the absence, disability, removal or resignation of the Council President.
- F. Each council member has one (1) vote. The presiding officer, with the exception of the Town Clerk, shall not be deprived of his or her vote on any question.

3112 - Non-Interference.

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 Town Clerk 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 or Town Clerk, and neither the Town Council nor any member thereof shall give orders to any subordinates of the Town Manager or Town Clerk either publicly or privately.

3120 - Qualifications.

Members of the Town Council shall be qualified electors of the Town.

3130 - Prohibitions.

No council member shall be appointed to any paid town office, position or employment during the current term of his or her office and for a period of one (1) year after the expiration of the term for which he or she was elected or appointed to the Town Council.

3140 - Meetings.

- A. The first meeting of each elected Town Council shall be held on the second Monday following the certification of all five (5) duly elected members. Thereafter the Town Council will meet not less than twice each month.
- B. A special meeting of the Town Council may be called by the Town Clerk at the request of the Council President or a majority of the members of the Town Council. 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 which has been stated.

3141 - Quorum and Voting.

A Town Council quorum shall be a majority of its members. A majority of the members present at any legal meeting may determine any matter legally before the Town Council provided that final passage of ordinances or amendments to ordinances shall require the affirmative vote of the majority of its members.

3150 - Compensation.

Each member of the Town Council shall receive such individual compensation for the performance of his or her duties or for the expenses of his or her office as may be fixed from time to time by the Financial Town Meeting.

3160 - Vacancies.

- A. Any vacancy in the membership of the Town Council which occurs one (1) year or less prior to the time for holding of a regular Town election shall be filled by the Town Council for the un-expired term within fifteen (15) days from the date on which the vacancy occurred.
- B. If a vacancy in the Town Council shall occur more than one (1) year prior to the time for holding a regular Town Election, the Town Council shall within thirty (30) days after the vacancy occurs call a special election for the purpose of filling such vacancy.

3170 - Powers and Duties.

All legislative powers of the Town shall be vested in the Town Council except those delegated within this Charter. The Town Council may enact, repeal or amend ordinances relating to the Town's property, affairs and government subject to the provisions of the State Constitution and laws enacted by the General Assembly in conformity with the powers reserved to the General Assembly. The Town Council may exercise all additional powers and authority that are consistent with this Charter, and which have been granted to it by this Charter, the Constitution or laws of the State or by the Financial Town meeting. Without limiting the generality of the foregoing, the Town Council has and exercises the following specific powers:

- A. To enact, amend or repeal ordinances for the preservation of the public peace, the health, safety, comfort and welfare of the inhabitants of the Town and for the protection of persons and property.
- B. To provide reasonable penalties for the violation of any ordinance in accordance with State Law.
- C. To amend, after notice as prescribed by statute and public hearing, the Zoning Ordinance.
- D. To adopt rules governing the conduct of its meetings and to appoint regular, standing or special committees.
- E. To appoint or terminate the Town Manager.
- F. In the event that the Town Manager is at any time absent or unable to perform the duties of his or her office for a period in excess of thirty-five (35) consecutive days or in the event that the Town Manager resigns or is removed from office, or if for any other reason a vacancy exists, to designate an officer of the Town, other than a Town Council member, or at the discretion of the Town Council, a qualified person not employed by the Town, to serve as Town Manager with all the powers and duties of the Town Manager until his or her absence or disability terminates or until a successor to the Town Manager has assumed the duties of the office.
- G. To appoint members of boards and commissions and the like as may be required under the terms of this Charter, ordinances of the Town or the laws of the State.
- H. To provide by ordinance a personnel classification system consistent with State Laws and the provisions of his Charter and which shall further include, but not be limited to a description of the duties and responsibilities of, and requirements for appointment to, every authorized position in Town service, including most particularly education and experience. .
- I. To determine the salary of the Town Manager and the compensation of all officers and employees of the Town.
- J. To provide rules and regulations with respect to vacations of the Town Manager, department heads and employees.
- K.

To fix the amount of the official bonds of all officers of the Town as required by law and this Charter, the premiums of such bonds to be paid by the Town.

- L. To appoint a Town Solicitor who shall serve at the pleasure of the Town Council.
 - 1.) The Town Solicitor shall be an attorney-at-law, who has been admitted to the practice of law in this State for at least four (4) years prior to the appointment.
 - 2.) The Town Solicitor shall be the legal advisor of and the attorney and counsel for the Town of Hopkinton, The Town Council and all Boards, Commissions, Departments and Officers, thereof.
- M. To take any action necessary to give effect to any vote of the Financial Town Meeting authorizing the issuance of bonds for any purpose and to complete all the details of the bond transaction in accordance with the laws of the State.
- N. To provide for the audit at any time of the accounts of the Town or any of its departments and to provide for an annual audit as herein prescribed #1420.
- O. The Town Council shall administer the Town through the Town Manager.
- P. Acceptance of Gifts: The Town Council is authorized to accept gifts of any property, real or personal, on behalf of the Town if the Town Council deems it for the best interests of the Town. All monies given for a particular purpose and accepted on behalf of the Town by the Town Council may, by resolution, be deposited to the General Fund or a special fund and be appropriated for such purposes by the Town Council without being included in the annual budget.
- Q. To grant, revoke or suspend such licenses or permits as the Town Council may require by ordinance or resolution or as may be required or permitted by the Laws of the State and this Charter or any amendment thereof.
- R. The Town Council shall act as the Board of License Commissioners.
- S. To authorize the retention of and appointment of Special Counsel for any Board, Commission, Department or Office.
- T. To appoint a Probate Court Judge to serve for a term of office concurrent with that of the Town Council, or until a qualified successor is appointed. The qualifications for the Probate Court Judge shall be the same as those set forth in this charter for the Town Solicitor. The Town Solicitor may temporarily perform the duties of the Probate Court Judge in his or her absence.

(Amd. of 11-7-06)

3210 - Proposal of Ordinances.

Every proposed ordinance and all amendments to ordinances shall be filed with the Town Clerk by a member of the Town Council not later than four (4) business days prior to the date of the meeting at which it is to be introduced. The Clerk shall immediately post one (1) copy of the ordinance in some conspicuous place accessible to the public in the Town Hall and shall provide each member of the Town Council with a copy.

3211 - Public Hearings.

Every ordinance, other than an emergency ordinance, shall be read and explained by its sponsor at the meeting at which it is introduced and then referred to a subsequent regular or special meeting for hearing. A public hearing shall be held by the Town Council at that regular or special meeting or any adjournment thereof, and no action shall be taken on the ordinance until the next regular or special Town Council meeting held after the conclusion of the hearing.

3212 - Advertising Hearings.

Every hearing on an ordinance or amendment to an ordinance, other than an emergency ordinance, shall be advertised by publication by the Town Clerk of a notice in a newspaper of general circulation within the Town once at least five (5) days before the date of hearing. The notice shall set forth the date, time and place of hearing and either the text of the proposed ordinance or amendment or a digest thereof certified by the Town Solicitor to the Town Clerk as containing an adequate disclosure of the substance of the ordinance or amendment.

3220 - Emergency Ordinances.

In an emergency affecting the public peace, health, safety, comfort or welfare of the inhabitants of the Town and for the protection of persons and property, the Town Council, without hearing, by an affirmative vote of three (3) members may adopt, on the day of its introduction, an ordinance containing a declaration of emergency which shall take effect upon its passage. No zoning ordinance or ordinance granting a franchise or creating a personnel classification system or amendment of any of the same shall be passed as an emergency ordinance. The nature of the emergency shall be specifically stated in the ordinance, and such declaration shall be conclusive as to the existence of such an emergency. Every emergency ordinance shall automatically stand repealed as of the sixty-first (61st) day following the date on which it was adopted; but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists.

3230 - Ordinance Enacting Clause.

The enacting clause of all ordinances shall be: "The Town Council of the Town of Hopkinton hereby ordains."

3300 - CODIFICATION OF ORDINANCES

The Town Council within seven (7) years following the effective date of this Charter and every tenth year thereafter, shall arrange for a revision or codification of the ordinances of the Town which it deems appropriate to continue in effect. The Town Solicitor shall supervise the publication of the aforementioned revision or codification of ordinances and may, with the Town Council's authorization, contract for the services of persons or organizations experienced in the revision and codification of ordinances and statutes. Copies of said revision or codification of ordinances shall be made available to the public at a nominal cost to be set by the Town Council.

3400 - INITIATIVE AND REFERENDUM

3410 - General Authority.

- A. *Initiative.* The qualified electors of the Town 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 or reject it at a Town election. These initiatives may not pertain to the budget or capital program or any ordinance relating to the appropriation of money, levy of taxes or salaries of Town officers or employees.
- B. *Referendum.* The qualified electors of the Town 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 approve or reject it at a Town election. Such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes.

3411 - Commencement of Proceedings.

Any five (5) qualified electors of the Town may commence initiative or referendum proceedings by filing with the Town Clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing 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 the petitioners' committee.

3412 - Petitions.

- A. *Number of Signatures.* Initiative petitions for purposes of proposing ordinances to the Town Council must be signed by electors equal in number to five percent (5%) of the total number of electors. If a proposed ordinance so initiated is not adopted by the Town Council without change of substance, it shall then be submitted to the registered electors of the Town at a Town election as hereinafter provided, but only if petitions proposing the ordinance have been signed (either before or after presentation to the Town Council) by electors equal in number to ten percent (10%) of the total number of electors. Referendum petitions must be signed by electors equal in number to five percent (5%) of the total number of electors. If an ordinance so required to be reconsidered by the Town Council is not repealed by the Town Council, the proposal to repeal the same shall then be submitted to the registered electors of the Town at a Town election as provided, but only if petitions proposing the reconsideration have been signed (either before or after reconsideration by the Town Council) by electors equal in number to ten percent (10%) of the total number of electors.
- B. *Rules.* To be counted as a signer of a petition, the signer must be a qualified registered voter of the Town at the time the petition is presented to the Town Clerk. The term "the total number of electors" as used herein means the total number of qualified registered electors of the Town at the most recent regular Town election. The Board of Canvassers has the authority to issue further rules not inconsistent with these provisions regulating the form and content of petitions, the form of evidence to be required with respect to the circulation and signature of petitions and other procedural matters which reasonably should be regulated with respect to initiative and referendum petitions. The Town Clerk shall make all determinations as to the sufficiency of petitions, the validity of signatures and the like, subject to the right of the petitioners' committee to appeal the same to the Board of Canvassers whose determination shall be final and binding on all parties.
- C. *Procedure as to Valid Petitions.* When an initiative or referendum petition has been finally determined sufficient, the Town Council shall promptly consider the proposed initiative ordinance or reconsider the referred ordinance, in both cases in the same manner as provided for adoption of an ordinance proposed by a member of the Town Council, including public hearing. If the Town Council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within sixty (60) days after the date of public hearing and if by the expiration of that period valid petitions signed by the requisite number of electors are on file with the Town Clerk, it shall submit the proposal or referred ordinance to the electors of the Town.

The vote of the Town on a proposed or referred ordinance shall be held not less than thirty (30) days and not more than one (1) year from the date of a final Town Council vote thereon. If no regular Town election is to be held within the period prescribed in this subsection, the Town Council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the Town Council may at its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls and the Town Hall.

3414 - Withdrawal of Petitions.

- A. 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 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 has no further force or effect and all proceedings thereon shall be terminated.
- B. If an initiative or referendum petition bearing the signatures of at least five percent (5%) of the total number of electors has not been submitted to the Town Clerk within 120 days after the receipt of petition blanks by the petitioners' committee, then the initiative or referendum petition shall be considered withdrawn and has no further force or effect and all proceedings thereon shall be terminated.

3415 - Results of Election.

- A. *Initiative.* If a majority of the qualified electors voting on a proposed initiative ordinance votes in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Town Council, provided, however, any initiative ordinance enacted under this Charter may not be repealed by the Town Council 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.

ARTICLE IV. - ADMINISTRATION

4000 - TOWN MANAGER

4010 - Appointment.

The Town Manager shall be appointed by a majority vote of all Town Council members.

4020 - Qualifications, Appointment, Term of Office.

The Town Manager shall be chosen by the Town Council solely on the basis of his or her executive and administrative qualifications with special reference to his or her actual experience in or knowledge of accepted practice in respect to the duties of his or her office as hereinafter set forth. At the time of his or her appointment the Town Manager need not be a resident of the Town or State, but within one (1) year shall establish and maintain a residence within a radius not further than fifty (50) miles from Hopkinton. The Town Manager will serve at the pleasure of the Town Council and will be chosen 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 misdemeanor or 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 4040.
- (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.
 - d. Recognize that the chief function of local government at all times is to service the best interests of all 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 communications 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 impartiality govern individual's decisions, pertaining to appointments, pay adjustments, promotions and discipline.
- l. Seek no favor; believe that professional aggrandizement or profits secured by confidential information or by misuse of public time is dishonest.
- m. At all times 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; and further to 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 Council shall appoint the Town Manager by a super majority vote of four (4) Town Council members. The Town Manager shall be given an initial employment contract not to exceed three (3) years, renewable at the Town Council's discretion by a majority vote for terms not to exceed three (3) years.

(Amd. of 11-7-06)

4030 - Removal.

The Town Council may remove the Town Manager at its discretion by a vote of four (4) members of the Town Council, with or without a hearing, as the Town Council in its discretion determines. There shall be no right of appeal from the decision of the Town Council. The Town Council shall specify the reason for which they have terminated the Town Manager in a public session, unless the Town Manager requests that such disclosure be withheld.

(Amd. of 11-7-06)

4040 - Powers and Duties.

The Town Manager shall be the chief administrative officer of the Town. He or she shall be responsible to the Town Council for the proper administration of all affairs of the Town and to that end has power and shall be required to:

- A. Appoint and, when necessary for the good of the service, suspend or remove all officers, including department heads and employees of the Town, in the manner prescribed by this Charter or law or personnel ordinance. With the consent of the Town Council he or she may head one or more departments. All appointments shall be made solely on the basis of qualifications and experience, with special reference to actual experience in or knowledge of accepted practice in respect to the duties of the position in question, all as set forth in the Town personnel ordinance adopted by the Town Council pursuant to section 3170-H of this Charter.
- B. Prepare the budget annually, present it to the Finance Board for review, and submit it to the Town Council for its consideration, together with a message describing its important features, and be responsible for its administration after adoption.
- C. Prepare and submit to the Town Council as of the end of the fiscal year a complete report on the finances and the administrative affairs of the Town for the preceding year.
- D. Keep the Town Council advised of the financial condition and future needs of the Town and make such recommendations as he or she may deem desirable.
- E. Recommend to the Town Council a standard pay schedule for each appointive office and position in the Town service, including minimum, intermediate and maximum rates.
- F. Recommend to the Town Council adoption of such measures as he or she may deem necessary or expedient for the health, safety or welfare of the Town or for the improvement of administrative services.
- G. Along with either a Town Council member or the Council's nominee, negotiate contracts on behalf of the Town and present said contracts to the Town Council for ratification. With Town Council approval, the Town Manager will be empowered to engage a professional labor lawyer. Upon said ratification, the Town Manager shall be empowered to execute said contracts. Section 4040 Q. of this Charter is the only exception to this provision.
- H. See that the terms and conditions imposed in favor of the Town in any contract or franchise are faithfully kept and performed and where ordinances have conflicting enforcement, to insure that the enforcement, which best promotes public safety and welfare is properly acted upon.
- I. See that all laws and ordinances are duly enforced and that all privileges granted by the Town are faithfully preserved.
- J.

Be responsible for the care and preservation of property and equipment of the Town, and the overseeing of the Town's capital assets and inventory, prepare a capital spending Plan for the Town.

- K. Attend all meetings of the Town Council unless excused.
- L. Investigate the affairs of the Town or any department or division thereof and all complaints in relation to matters concerning the administration of the government of the Town and services maintained by the public utilities in the Town.
- M. Be responsible for the conduct and performance of all administrative functions and services which are not imposed by this Charter, by Town ordinance or by law upon some other officer.
- N. Coordinate the activities of all boards, commissions and committees as may be required by the Town Council.
- O. Perform such other duties as may be required by the Town Council or as are specified in this Charter.
- P. Be informed about current federal funding or grants, and prepare and/or supervise all applications for federal funding and/or federal grants for which the Council might apply.
- Q. Act as purchasing agent for the town on contracts and or purchases not exceeding Five Thousand Dollars (\$5,000.00). In this capacity, he or she may delegate authority to departmental subordinates. Contracts and or purchases exceeding Five Thousand Dollars (\$5,000.00) will require the approval of the Town Council.

(Amd. of 11-7-06)

4050 - Assignment of Duties.

The Town Manager may assign the duties of two or more administrative officers to one person or divide the duties of any office among two or more persons.

4051 - Town Manager Appointments.

The Town Manager shall appoint the Chief of Police, Director of Public Works, Animal Control Officer, Treasurer/Finance Director, Recreation Director, Grant Administrator *, Purchasing Agent *, Tax Collector, Tax Assessor, Town Planner, Building/Zoning Inspector, in a manner prescribed under section 4040-A of this charter. *May be Town Manager.

4100 - TOWN CLERK

4110 - Town Clerk.

There shall be an Office of Town Clerk which will be headed by the Town Clerk who shall be elected.

4111 - Powers and Duties of the Town Clerk.

The Town Clerk may serve as or may assign to another: the Clerk of the Financial Town Meeting, Clerk of the Town Council, Clerk of the Probate Court, Clerk of the Zoning Board, Clerk of Planning Board, Clerk of the Board of Canvassers, and the Recorder of Deeds. It shall be the duty of the Town Clerk to:

- A. Make a permanent record of all proceedings and certify by signature all actions of the aforesaid bodies.
- B. Be custodian of the Town Seal and of the official documents and records of the Town.
- C. 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.
- D. Issue birth certificates, marriage licenses, death certificates, and such other licenses and permits as are required by ordinance and laws to be issued by the Town Clerk.
- E. Perform such other duties as may be prescribed by this Charter, State law, or Town Ordinance pertaining to Town Clerks.

4120 - Deputy Town Clerk.

There shall also be a Deputy Town Clerk appointed by the Town Clerk. 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.

4200 - FINANCE

4210 - Department of Finance.

There shall be a Department of Finance, which shall include the Town Treasurer, a Tax Collector and Tax Assessor. All shall be appointed by the Town Manager.

4211 - Town Treasurer.

The Town Treasurer has all the powers, rights and duties prescribed under the laws of the State of Rhode Island.

4240 - Tax Collector.

There shall be in the Department of Finance a Town Tax Collector.

4241 - Duties of Tax Collector.

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

4250 - Delinquent Installments.

No amounts received for taxes shall be applied to any current installment until all previous installments of taxes have been paid.

Pursuant to and in accordance with the State Laws, and Town Ordinances the Tax Collector shall conduct annually a sale of properties upon which taxes remain unpaid.

4260 - Tax Assessor.

There shall be in the Department of Finance a Town Tax Assessor. 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 in the manner provided by law and ordinance.

4262 - Board of Assessment Review.

There shall be a Board of Assessment Review which shall consist of three (3) members, no more than two (2) of whom shall be from the same political party at any one time and two (2) alternates who shall not be members of the same political party. Each member shall serve a three (3) year term and the terms shall be on a staggered basis. The alternates shall serve one (1) year terms. The appointments shall be made by the Town Council for a term of three (3) years. Any vacancy shall be filled by the Town Council for the un-expired term.

4263 - 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 or her assessed valuation as determined by the Tax Assessor. The Board of Assessment Review shall keep an accurate record of its proceedings which shall be available for public inspection.

4264 - Correction.

If it appears that the valuation of any property has been erroneously or incorrectly assessed, the Board of Assessment Review has authority to order a correction. Such determination shall be certified by the Board to the Tax Assessor whose duty it shall be to make the correction in valuation as the Board has

determined. If the tax roll has been certified by the Tax Assessor, he 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.

4265 - Procedure.

The Board of Assessment Review has the authority to adopt rules and regulations as to the procedure in presenting, considering and disposing of complaints or appeals and may hold hearings, administer oaths and receive testimony and exhibits.

4266 - Rights 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.

4267 - Tax Revaluation Survey.

The Town shall provide for an evaluation of all property subject to taxation in accordance with the laws of this State.

4300 - PUBLIC WORKS

4310 - Public Works Department.

There shall be a Department of Public Works, which shall include a Highway Supervisor and a Building Zoning Official who shall be appointed by the Town Manager.

4311 - Duties.

- A. The Highway Supervisor shall supervise and maintain all public roads of the Town, except as otherwise provided herein, including but not limited to: roads and highway structures, storm systems. Supervise the performance of all Highway Department Workers, Tree Warden, Fence Viewer, and Sealer of Weights and Measures.
- B. The office of the building inspector and Zoning Official will issue building permits, enforce building construction, land and building use, Town Zoning Laws sanitation regulations in accordance with applicable laws and ordinances.
- C. Perform such other duties as required by this Charter or by law or ordinance.

4400 - PUBLIC SAFETY

4410 - Permanent Police Department.

4411 - Organization.

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 be determined by the Town Manager and by contract. Said Chief, subordinate officers and patrolmen, subject to such probationary requirements as may be set forth, by Town Ordinance or Contract shall constitute the permanent Police Department of the Town of Hopkinton.

4412 - Appointment of the Chief of Police.

The Chief of Police shall be hired by the Town Manager in the manner prescribed in Section 4040- A of this Charter.

4413 - Qualifications of the Police Chief.

The Chief of Police shall have a minimum of a Bachelor's degree, 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.

4414 - Appointment and Promotion of Subordinate Officers.

All Police Officers on the 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 by Ordinance or Contract.

4415 - Non-Interference with the Chief of Police.

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

4416 - Animal Control.

There shall be within the Police Department an Animal Control Office.

4500 - DEPARTMENT OF RECREATION

There shall be a Department of Recreation headed by a director, appointed by the Town Manager which shall plan for and operate Town recreational programs and facilities.

4600 - TOWN PLANNER

There shall be a Town Planner appointed by the Town Manager who shall assist, as appropriate, the Town Manager, Town Council and relevant boards and commissions in the development, amendment and interpretation of the Town Comprehensive Plan, Zoning and Groundwater Ordinances and Subdivision Regulations; and to act as professional staff to The Planning Board, Conservation Commission, Zoning Board of Review and Zoning Ordinance Review Committee.

4900 - ADDITIONAL DEPARTMENTS OR OFFICIALS

The Town Council may create, abolish, or change by ordinance such other departments, offices, and agencies of the Town as required and shall define their powers and duties. The head of each new department, office or agency so established shall be appointed by the Town Manager.

ARTICLE V. - BOARDS AND COMMISSIONS

5100 - TOWN PLANNING BOARD

5110 - Membership and Organization.

There shall be a Town Planning Board which shall consist of five (5) regular members and two (2) alternate members appointed by the Town Council each for a term of three (3) years. Terms of Planning Board Members shall be staggered so no more than one third of the terms expire in any year. Any vacancy during the un-expired term of an appointed member shall be filled by the Town Council for the remainder of the term. The Conservation Commission may appoint an ex-officio representative to the Planning Board, but will not vote and will not be counted for the purpose of establishing a quorum.

5111 - General Powers and Duties.

The Town Planning Board shall have such powers and perform such functions as are granted or assigned to it by the laws of the State and ordinances of the Town.

5112 - Specific Powers.

The powers of the Town Planning Board shall include but not be limited to the following:

A.

It shall have made available to it the advice and services from of the Public Works Department staff to assist the Town Planning Board in the performance of its functions.

- B. It may request additional assistance for special survey work from the Town Manager who may at their discretion provide services or make departmental staff available to The Town Planning Board for such purposes.
- C. Within its budget appropriation, it may contract with qualified consultants for such Services as it may require.
- D. It has the right to require all Town officials and officers, departments, boards and Commissions to submit such data as is available and which would assist the Town Planning Board in the performance of its duties.

5113 - Specific Duties.

The duties of the Town Planning Board shall include but not be limited to the following:

- A. The Town Planning Board shall serve as the prime advisory body for the Town on all matters pertaining to planning and development of the Town. It shall keep itself informed of the plans of the State, adjoining municipalities and the School Committee that will affect the development of the Town.
- B. The Town Planning Board shall be responsible for the Comprehensive Plan for the development and improvement of the Town. It shall continuously collect and maintain data concerning present and projected land use. It shall continuously review the existing Comprehensive plan A public hearing shall be held prior to the adoption of an amendment to the Comprehensive Plan either by the Town Planning Board or the Town Council.
- C. The Town Planning Board shall file an opinion with the Town Council on all proposed amendments to the zoning ordinance, giving due consideration to the relationship of such amendments to the Comprehensive Plan, and shall recommend to the Town Council, amendments to the zoning ordinance wherever there is a proposed ma major change in or extension of land use, transportation routes, public facilities, or public utility systems. At least once every two (2) years the Town Planning Board shall review the zoning ordinance and the Comprehensive Plan and make recommendations to the Town Council concerning revisions.
- D. The Town Planning Board shall review all applications for platting and subdivision of land within the Town.
- E. The Town Planning Board shall report annually to the Town Council at the end of the fiscal year, summarizing the work of the preceding year and recommending plans for future development of the Town.
- F. The Planning Board shall keep accurate minutes of all meetings.

5200 - ZONING BOARD OF REVIEW

5210 - Organization.

There shall be a Zoning Board of Review which shall consist of five (5) regular members and two (2) alternates to be appointed by the Town Council. Each member shall serve a five (5) year term and the terms shall be on a staggered basis. The alternates shall serve one (1) year terms. Any vacancy during the unexpired term of a member or an alternate shall be filled by the Town Council for the remainder of the term. The Town Zoning official shall serve as professional staff to the board.

5211 - Powers and Duties.

- A. The Zoning Board of Review has those powers and duties as shall be set forth in the General Laws and Public Laws of the State of Rhode Island and ordinances of the Town.
- B. The Zoning Board of Review shall keep accurate minutes of all meetings and votes.

5700 - ADVISORY BOARDS OR COMMISSIONS

The Town Council shall create or abolish by ordinance advisory boards or commissions as may be required by law or may from time to time be deemed necessary by the Town Council. The members of such commissions or boards shall be appointed by the Town Council.

5800 - OTHER BOARDS, COMMISSIONS AND ORDINANCES

Refer to the Town of Hopkinton's current Code of Ordinances regarding information on Boards, Commissions or Ordinances not covered by this Charter.