

Town Council Meeting
August 1, 2016
6:30 pm

TOWN COUNCIL MEETING

Present: Councilman McGee, Vice President Carlson, Councilman Laboissonniere, President Shibley, Town Solicitor Gorham, Town Manager Waters

Pledge of Allegiance
Review of Emergency Evacuation Plan

Resolution approving recommendations of the Charter Review Commission and requesting the Coventry Board of Canvassers to place changes on the ballot for November 8, 2016

Manager Waters explained that this resolution is a result of the meeting on July 25, 2016 after discussion and modifications to the proposed charter changes. The questions on this resolution will be presented on the ballot, verbatim language, with explanations.

Solicitor Gorham stated that because two of the sections, 3.16 and 9.20-27, were quite lengthy, he omitted the actual language of those sections and thought we would accomplish the same with just the explanations. The explanations will be on the ballot; this resolution contains the ballot wording. As far as Section 9.20-27, eliminating the Personnel Board, most of the purpose for which it was created is already served by state and federal law, it is an advisory board to the Town Manager. We are not going to print the actual language on the ballot for those two sections, just the explanations.

With regard to Section 3.16 (Ordinances), Vice-President Carlson requested the words "in the town" be added to "newspaper of general circulation", so it would read "... to be published in a newspaper of general circulation **in the town**...". She also requested the words "or more" be added to read "...full text to be published on the town's website and in two **or more** conspicuous locations...". (See explanation below)

Explanation: Section 3.16 Ordinances This amendment will allow a summary instead of the full text of a proposed ordinance or amendment to be published in a newspaper of general circulation in the town, but will require the full text to be published on the town's website and in two or more conspicuous locations in town, before enactment. All other safeguards, including at least two town council meetings, before action on any ordinance or amendment, and a full public hearing, will be required before passage. This change is being proposed to save taxpayer dollars on the high costs associated with publishing an ordinance.

Mrs. Carlson asked whether the state could change the town's wording on the amendments. Solicitor Gorham responded that they cannot. If the amendments are approved by the people, it is then sent to the General Assembly, and if the General Assembly agrees to your amendments, you have gone as high as you can go.

Chairman of the Charter Review Commission, Ken Jackson, would like to see the actual wording of sections 3.16 and 9.20-27 posted at each election site, so that the people will have the opportunity to see what these sections really said.

RESOLUTION
OF THE
TOWN COUNCIL
NO. 84-16-4798

Whereas the purpose of this Resolution is to present Charter Amendment Ballot Questions to be approved by Town Council for the November 8, 2016 General Election Ballot/ Referendum as provided in Coventry Home Rule Charter section 15.20, and

Whereas pursuant Charter section 15.20 the Town Council at its meeting of July 25, 2016 carefully examined and approved certain of the charter changes recommended in the Report of the Charter Review Commission for presentation on the ballot in conformity with section 15.20, and

Whereas in order to be placed on the ballot for the November 8, 2016 General Election in conformity with section 15.20, it "shall be sufficient" to prepare, as to those changes to be placed on the ballot for approval, a "digest or description thereof, or any question, or statement, which substantially expresses the purposes or identifies the subject matter to be voted upon....."

Whereas section 15.20 further provides that “The Town Council shall approve the statement of the question as it shall appear upon the ballot...”

NOW THEREFORE, be it resolved that the Town Council in accordance with section 15.20 of the Coventry Home Rule Charter, does hereby approve, and Resolve and Order that the Town Clerk present the following charter changes to the Coventry Board of Canvassers and the Rhode Island Secretary of State, and to otherwise undertake all steps necessary to present the following proposed changes to said Home Rule Charter, with the following explanations, to appear on the ballot as local referenda in the November 8, 2016 General Election, in substantially the following form:

➤ Shall section 2.03 be amended as follows:

Section 2.03. Elections; recall:

(b) Recall.

The recall petition, as it pertains to a town-wide office holder, shall be signed by at least ~~thirty (30)~~ **twenty (20)** percent of the registered voters of the town and, in addition, by at least twenty (20) percent of the registered voters in each Town Council district for certification purposes. In regard to a district office holder, the recall petition shall be signed by at least ~~thirty (30)~~ **twenty (20)** percent of the registered voters of said district for certification purposes.

***Explanation:** Charter section 2.03 (b) Recall. This amendment will reduce the percentage of signatures from thirty 30 percent (30%) to twenty percent (20%) of registered voters needed to recall a town council or school committee member.*

Approve _____

Reject _____

➤ Shall section 3.16 be amended as follows:

Section 3.16 Ordinances

Amending sections (b), (c) and (g) [amend each section, in accordance with the explanation below]

***Explanation:** Section 3.16 Ordinances This amendment will allow a summary instead of the full text of a proposed ordinance or amendment to be published in a newspaper of general circulation **in the town**, but will require the full text to be published on the town’s website and in two **or more** conspicuous locations in town, before enactment. All other safeguards, including at least two town council meetings, before action on any ordinance or amendment, and a full public hearing, will be required before passage. This change is being proposed to save taxpayer dollars on the high costs associated with publishing an ordinance.*

Approve _____

Reject _____

➤ Shall section 4.10 be amended as follows:

Section 4.10 Forfeiture of office

(NEW Section)

A School Committee member shall forfeit office if the member (1) lacks, at any time during the term of office, any qualifications for the office prescribed by this Charter, or by law; (2) violates any express provision of this Charter; or (3) is convicted of a crime involving moral turpitude.

***Explanation:** This amendment would add a section (4.10) requiring forfeiture of office by any member of the school committee who (1) lacks, at any time during the term of office, any qualifications for the office prescribed by this Charter, or by law; (2) violates any express provision of this Charter; or (3) is convicted of a crime involving moral turpitude. It is identical to section 3.10 which already applies the same standard to town council members.*

Approve _____

Reject _____

➤ Shall section 7.04 be amended as follows:

Section 7.04 Written opinions and opinions expressed during town council meetings

All written opinions of the Town Solicitor furnished to the Town Council, the Town Manager, and all departments, offices and agencies of the town shall be filed with the Town Clerk and shall become a public record. **All unwritten opinions of the solicitor expressed during any town council meeting shall be recorded in the town council minutes as such.**

Explanation: *This Amendment will require that all unwritten opinions of the solicitor expressed during any town council meeting shall be recorded in the town council minutes as such.*

Approve _____

Reject _____

➤ Shall section 8.19 be amended as follows:

Section 8.19 Amendments after adoption

~~(f) Limitations: Referendum a- Approval by Electors. Capital improvement programs or projects not subject to the provisions of Section 8.55, with an anticipated total cost for such program or project in excess of one hundred thousand dollars (\$100,000.00) shall not be initiated before referendum approval by the electors. **Nothing in this section shall prevent the making of contracts or spending of money for capital improvement projects or other projects, provided that any payments from the Town's general funds or property taxes must be approved annually by the electors at an annual or special financial town meeting. This section shall not apply to projects which have been approved by the electors in accordance with Section 8.55 of this Charter.**~~

Explanation *This amendment would eliminate the need for an all-day referendum for capital improvement programs, if the program(s) has already been approved by the voters at the annual financial town meeting.*

Approve _____

Reject _____

➤ Shall sections 9.20-27 be amended as follows:

Sections 9.20-27 providing for a "Personnel board" [Delete all sections, eliminating board]

Explanation: *This amendment would eliminate the personnel board from the charter. Current federal & state laws adequately protect employees from unfair employment practices by town government. The personnel board has proven to be cumbersome and expensive, even though its role is purely advisory to the town manager.*

Approve _____

Reject _____

I hereby certify that the foregoing Resolution was adopted by the Honorable Town Council of the Town of Coventry at a regular meeting held on the 1st day of August, 2016.

Attest:

/s/ Cheryl A. George
Town Clerk

/s/ Glenford Shibley
President, Town Council

A motion was made by Vice-President Carlson seconded by Councilman Laboissonniere to approve resolution as amended. All voted aye.

Public Comment

Ken Jackson, 2799 Harkney Hill Road, would like to get some press out on these questions. It would be good to get everyone to understand what we are trying to do, I don't think the people understood it last time.

Nancy Sullivan, 6 White Oak Court, reminded Council that per policy set by the Citizens Advisory Committee, a final copy of the approved and rejected changes of the Town Council needs to be signed by the Council president and a copy of the changes as written by the Town Solicitor also needs to be approved with the signature from the Charter Review Chairperson.

Ketih Taylor, 1 Haywood Road, a candidate for District 5 Town Council seat, stated that if the Council appoints a candidate to the District 5 seat now, it is only fair that the remaining two candidates, Ms. Bacon and myself, have an equal playing field, and are able to share the same information as the person appointed, including executive sessions.

A motion was made by Councilman McGee seconded by Vice-President Carlson to adjourn. All voted aye.

Town Clerk