

Chapter 2

ADMINISTRATION*

* **Editors Note:** Section 1 of Ord. of June 17, 1991, repealed Ch. 2, §§ 2-1--2-3, 2-3.1, 2-4--2-21, in its entirety. Section 2 of said ordinance added a new Ch. 2, Arts. I--XV. Former Ch. 2 pertained to similar subject matter and derived from Code 1948, Ch. II, §§ 1, 2; Mo. of June 7, 1971; Ord. of July 29, 1969, §§ 1--4; Mo. of June 7, 1971; Ord. of June 21, 1971, §§ 1--5; Ord. of June 9, 1975; Ord. of Jan. 25, 1988; Ord. of Aug. 2, 1988, § 1; and Ord. of April 10, 1989.

Article I. In General

- Sec. 2-1. Town records.
- Sec. 2-2. Records open.
- Sec. 2-3. Seal of the town.
- Sec. 2-4. Coat of arms of the town.
- Sec. 2-5. Executive orders.
- Sec. 2-6. Absence of town administrator.
- Sec. 2-7. Property damage or personal injury.
- Sec. 2-8. Changes to this chapter.
- Secs. 2-9--2-15. Reserved.

Article II. Town Organization

- Sec. 2-16. Town departments.
- Sec. 2-17. Town officers.
- Sec. 2-18. Town personnel.
- Sec. 2-19. Classified town employees.
- Sec. 2-20. Appointment of boards, commissions and committees.
- Sec. 2-20.1. Attendance; dismissal.
- Sec. 2-20.2. Length of service.
- Sec. 2-21. Performance of unassigned functions.
- Sec. 2-22. Town organization chart.
- Secs. 2-23--2-30. Reserved.

Article III. Town Officers and Town Personnel--General

- Sec. 2-31. Personnel records.
- Sec. 2-32. Position descriptions.
- Sec. 2-33. Appointment terms.
- Sec. 2-34. General prohibitions.
- Sec. 2-35. Retirement fund.
- Sec. 2-36. Fire department.
- Sec. 2-37. Exceptions to benefits, pay, working conditions and other policies.
- Secs. 2-38--2-45. Reserved.

Article IV. Town Officers and Town Personnel--Working Conditions

- Sec. 2-46. Hours.
- Sec. 2-47. Overtime.
- Sec. 2-48. Compensatory time.

Sec. 2-49. Management rights.
Secs. 2-50--2-60. Reserved.

Article V. Town Officers and Town Personnel--Benefits

Sec. 2-61. Holidays.
Sec. 2-62. Vacation.
Sec. 2-63. Sick leave.
Sec. 2-64. Military, funeral and jury leave.
Sec. 2-65. Health and life insurance coverage.
Secs. 2-66--2-75. Reserved.

Article VI. Town Officers and Town Personnel--Pay

Sec. 2-76. Pay range.
Sec. 2-77. Longevity.
Sec. 2-78. Pay set by town council.
Secs. 2-79--2-85. Reserved.

Article VII. Appointed Town Officers Serving as Primary Department Heads

Sec. 2-86. General.
Sec. 2-87. Director of finance.
Sec. 2-88. Director of public works.
Sec. 2-89. Director of public safety.
Sec. 2-90. Director of administration.
Secs. 2-91--2-95. Reserved.

Article VIII. Appointed Town Officers Serving as Secondary Department Heads and Division Heads

Sec. 2-96. General.
Sec. 2-97. Town planner.
Sec. 2-98. Chief of police.
Sec. 2-99. Fire chief.
Sec. 2-100. Tax assessor.
Sec. 2-101. Town treasurer.
Sec. 2-102. Town auditor.
Sec. 2-103. Tax collector.
Sec. 2-104. Welfare director.
Sec. 2-105. Administrative services and personnel director.
Sec. 2-106. Building and zoning inspector.
Sec. 2-107. Water and sewer superintendent.
Sec. 2-108. Highway superintendent.
Sec. 2-109. Town engineer.
Sec. 2-110. Parks and recreation director.
Secs. 2-111--2-115. Reserved.

Article IX. Appointed Town Officers Other Than Department and Division Heads

Sec. 2-116. General.
Sec. 2-117. Town solicitor.

Sec. 2-117.1. Assistant solicitor.
Sec. 2-118. School department solicitor.
Sec. 2-119. Judge of probate.
Sec. 2-120. Town sergeant-at-arms.
Sec. 2-121. Town auctioneer.
Sec. 2-122. Sealer of weights and measures.
Sec. 2-123. Town clerk.
Sec. 2-124. Deputy town clerk.
Sec. 2-125. Civil defense director.
Sec. 2-126. Director of the North Smithfield Office of Civil Defense.
Sec. 2-127. Superintendent of schools.
Sec. 2-128. Reserved.
Sec. 2-129. Fire marshal.
Sec. 2-130. Deputy tax assessor.
Sec. 2-131. Zoning officer.
Sec. 2-132. Electrical inspector.
Sec. 2-133. Plumbing inspector/mechanical inspector.
Sec. 2-134. Tree warden.
Sec. 2-135. Administrative assistant.
Sec. 2-136. Veteran's advisor.
Sec. 2-137. Senior citizen advocate.
Sec. 2-138. Environmental advocate.
Sec. 2-139. Parks improvement coordinator.
Secs. 2-140--2-145. Reserved.

Article X. Appointed Town Personnel

Sec. 2-146. General.
Sec. 2-147. School committee clerk.
Sec. 2-148. Special police.
Sec. 2-149. Secretaries to boards, commissions and committees.
Sec. 2-150. Parks maintenance supervisor.
Sec. 2-151. Parks maintenance personnel.
Sec. 2-152. Parks playground supervisors.
Sec. 2-153. Parttime building custodian.
Sec. 2-154. Temporary relief personnel.
Secs. 2-155--2-160. Reserved.

Article XI. Town Boards, Commissions and Committees--General

Sec. 2-161. Powers.
Sec. 2-162. Clerks and secretaries to boards, commissions and committees.
Sec. 2-163. Responsibilities of clerks and secretaries.
Sec. 2-164. Attendance of members.
Sec. 2-165. Notice of appointment.
Sec. 2-166. Meetings posted.
Secs. 2-167--2-170. Reserved.

Article XII. Town Boards

- Sec. 2-171. General.
- Sec. 2-172. Board of assessment review.
- Sec. 2-173. Board of canvassers and registration.
- Sec. 2-174. Board of personnel review. (Town council)
- Sec. 2-175. Board of sewer commissioners. (Town council)
- Sec. 2-176. Board of water commissioners. (Town council)
- Sec. 2-177. Board of license commissioners. (Town council)
- Sec. 2-178. Personnel board.
- Sec. 2-179. Planning board.
- Sec. 2-180. Zoning board. (Town council)
- Sec. 2-181. Zoning board of review.
- Sec. 2-182. Juvenile hearing board.
- Sec. 2-183. Municipal court.
- Secs. 2-184, 2-185. Reserved.

Article XIII. Town Commissions

- Sec. 2-186. General.
- Sec. 2-187. Conservation commission.
- Sec. 2-188. Historic district commission.
- Sec. 2-189. Industrial development commission.
- Sec. 2-190. Parks and recreation commission.
- Sec. 2-191. Public safety commission.
- Sec. 2-192. Sewer commission.
- Sec. 2-193. Reserved.
- Sec. 2-194. School building improvement commission.
- Sec. 2-195. School building task force.
- Sec. 2-196. Asset Management Commission
- Secs. 2-197--2-200. Reserved.

Article XIV. Town Committees

- Sec. 2-201. General.
- Sec. 2-202. Budget committee.
- Sec. 2-203. School committee. (Elected body)
- Sec. 2-204. Ad hoc committees.
- Secs. 2-205--2-210. Reserved.

Article XV. Effective Date of Chapter

- Sec. 2-211. Severance clause.
- Sec. 2-212. Effective date.
- Secs. 2-213--2-220. Reserved.

Article XVI. Administrative Practices and Procedures

- Sec. 2-221. Town administrator--Authority to settle property damage claims.
- Sec. 2-222. Town vehicles.
- Sec. 2-223. Legal fees reimbursement policy.

Sec. 2-224 Collective bargaining agreements and public union agreements

ARTICLE I.

IN GENERAL

Sec. 2-1. Town records.

(a) The town clerk shall be responsible for maintaining the records of the town council, probate court, board of canvassers and the town deeds and any and all other records associated with these areas.

(b) The town clerk shall keep a journal of the acts and proceedings of the council, and shall deliver over all journals, books and papers entrusted to him as such town clerk to his successor in office immediately upon his successor being chosen and qualified according to law.

(c) The clerk shall attest by his signature all records made by him.

(d) All other records of the town will be maintained by the department or agency responsible for matters in that area.

(Ord. of 6-17-91, § 2)

Sec. 2-2. Records open.

(a) Records of the town are open for inspection except for situations where record security and safekeeping dictate that only town officers and employees may access original copies. In such cases, copies will be made available if possible. Fees for copying and administrative costs will be assessed by the town clerk in accordance with Rhode Island General Laws 38-2 et seq. only if a request is received for copies to be taken out of the place of repository.

(b) Disclosure of personnel records, records of confidentiality, investigative and legal matters and police records may be withheld in accordance with Rhode Island General Law 38-2 et seq.

(c) Time of inspection of public records shall be normal office hours. Any question of disclosure that would defeat the lawful purpose for which the records are intended will be decided by the town council.

(Ord. of 6-17-91, § 2)

Charter References: Publicity of records, Art. XVI, § 6.

Sec. 2-3. Seal of the town.

The seal of the town shall state "Town of North Smithfield, State of Rhode Island and Providence Plantations." With the words "Incorporated 1871" in the center.

(Ord. of 6-17-91, § 2)

Sec. 2-4. Coat of arms of the town.

In heraldic terms, the coat of arms of the town shall read: "North Smithfield. Vert a chevron between three smith's hammers argent, on a chief azure an etoile of the second."

(Ord. of 6-17-91, § 2)

Sec. 2-5. Executive orders.

(a) The town administrator may issue executive orders to establish departmental policy, set procedures, provide direction to promulgate regulations for any town department or agency in order to effect the orderly administration of the town government. Such executive orders may not be in conflict with federal or state laws, the Town Charter or this Code.

(b) Executive orders will be effective immediately, but may be overturned by a vote of at least three members of the council at any meeting thereafter. Executive orders shall remain in full force and effect until revoked by the town administrator, overturned by the council, or in conflict with the code due to the passage of an ordinance that runs contrary to it.

(c) Executive orders shall indicate the year of issue and be consecutively numbered beginning with number one. All executive orders which shall become effective shall be listed by number, effective date and title in this section of this chapter which will be updated when other changes are required to the code.

(d) Copies of executive orders shall be forwarded to the town council, the town clerk and any affected department head, division head or agency.
(Ord. of 6-17-91, § 2)

Sec. 2-6. Absence of town administrator.

In the event of absence from town hall of the town administrator due to sickness, leave, vacation or business for a period in excess of two working days and less than 60 working days, the town administrator shall appoint in writing an acting town administrator to carry out his duties. Such appointment will be limited to a primary department head, unless none are available, and a copy will be filed with the town clerk. For absences of 60 days or greater the procedure specified in the Charter, Article V, Section 5 will be followed.
(Ord. of 6-17-91, § 2)

Sec. 2-7. Property damage or personal injury.

Any town officer, town personnel or employee aware that a property damage or personal injury situation has been caused or suffered by the town shall make this fact known to his department head within 24 hours of such knowledge. Department heads will make a verbal report to the town administrator within 24 hours of such knowledge and follow up with a written report within a reasonable time.
(Ord. of 6-17-91, § 2)

Sec. 2-8. Changes to this chapter.

Recommendations for additions to, deletion from or amendment of this chapter may be made by the town council, the town administrator or the director of administration. Recommendations from other than the council or administrator must be made through the director of administration and will become effective after presentation to and approval by the council.
(Ord. of 6-17-91, § 2)

Secs. 2-9--2-15. Reserved.

ARTICLE II.

TOWN ORGANIZATION

Sec. 2-16. Town departments.

(a) Town government will consist of five primary departments; finance, public works, public safety, administration and school. All department heads shall be responsible solely to, and take direction from, the town administrator with the exception of the school department which is responsible to the school committee.

(b) In addition, there will be five secondary departments; planning, police, fire, welfare and water and sewer; and nine divisions; inspection, assessor's, auditor's, treasurer's, tax collector, personnel, highway, engineering and parks. The department and division head of each will be responsible to their primary department head for specific day to day operations and to the town administrator in general.

(Ord. of 6-17-91, § 2)

Sec. 2-17. Town officers.

Town officers are those officials either elected by the qualified voters of the town or those individuals who are appointed by a said elected official. Town officers are vested with certain powers and duties pertaining to the official functions of the town government to be exercised for the public benefit. Town officers are not in the classified service and are limited to those positions identified in this chapter. This does not apply to town personnel as otherwise defined in this chapter.

(Ord. of 6-17-91, § 2)

Sec. 2-18. Town personnel.

Town personnel, as identified in Article X of this chapter, are those individuals who are appointed by the town administrator to perform official functions of town government for the town and/or its agencies. Exceptions to the appointing authority:

- (1) Special police are appointed by the chief of police in accordance with the Charter, Article XI, Section 2;
- (2) The school committee clerk is elected by the school committee in accordance with the Charter, Article XIV, Section 5(1).

Town personnel are not town officers and are not in the classified service.

(Ord. of 6-17-91, § 2)

Sec. 2-19. Classified town employees.

Classified town employees are listed in the Personnel Code, Chapter 13.

(Ord. of 6-17-91, § 2)

Sec. 2-20. Appointment of boards, commissions and committees.

(a) The following boards, commissions and committees are appointed by, responsible to and take direction from the town council:

- (1) Board of assessment review.
- (2) Board of canvassers and registration.
- (3) Planning board.
- (4) Zoning board of review.
- (5) The board of license commissioners.

(b) The following boards and commissions are appointed by, responsible to and take direction from the town administrator.

- (1) Personnel board.
- (2) Conservation commission.
- (3) Industrial development commission.
- (4) Parks and recreation commission.
- (5) Public safety commission.

(c) The town council sits as the following boards:

- (1) Personnel board of review.
- (2) Zoning board.
- (3) The board of sewer commissioners.
- (4) The board of water commissioners.

(Ord. of 6-17-91, § 2)

Sec. 2-20.1. Attendance; dismissal.

(a) All persons appointed to all boards, commissions, committees, etc., either paid or unpaid, are appointed and do accept such appointment with the understanding and agreement that said boards, commissions, committees, etc., are there and in place to assist and do town business. It is, therefore, imperative that each said member exert his or her due diligence to attend the meetings of said respective board, commission, committee, etc.

(b) It shall be the specific duty of each chairperson and the general duty of each member of said boards, commissions, committees, etc., to supervise, control and mandate the attendance of each of its members at its meetings. Any member who has missed three or more meetings in any one-year period shall be subject to a report by the chairperson to the appointing authority concerning said absences. Written notice shall be provided to said member. Said member may be allowed to explain said absences. Said appointing authority may impose such future conditions on future service or may dismiss said member from said board, commission, committee, etc. as it may deem fit.

(Ord. of 3-18-96)

Sec. 2-20.2. Length of service.

No officially appointed board or commission member, whether appointed through the offices of the town administrator or town council, shall be limited in terms of the length of service such member may render on that particular board or commission, excepting only members of the Planning Board and the Zoning Board of Review, who shall be limited in terms of the length of service such member may render on either the Planning Board or the Zoning Board of Review for a total of ten (10) consecutive years; provided, however, that any former member of either the Planning Board or the Zoning Board of Review shall again be eligible for re-appointment to such board after not less than five (5) years shall have elapsed from the end of such ten (10) consecutive year period. This limit is specific to the Planning Board and the Zoning Board of Review and is not a limit of service to the town in other capacities on different boards or commissions. These limits are retroactive to appointments made after December 1, 1995. All other members serving on boards and commissions may serve out their full terms and seek out reappointment without prior year service penalty

Sec. 2-21. Performance of unassigned functions.

Any administrative function of town government, not specifically enumerated in the charter, the code or this chapter, shall be performed by such appropriate department as the town administrator may designate unless specifically overruled by resolution of the council within 60 days of the council being informed that such action was taken.

(Ord. of 6-17-91, § 2)

Sec. 2-22. Town organization chart.

The town organization chart is adopted by reference and is on file in the office of the town clerk.

(Ord. of 6-17-91, § 2)

Secs. 2-23. Reserved

Secs. 2-24. Collective Bargaining Agreements and Public Union Contracts

Pursuant to the Charter, the Town Administrator’s powers and duties include “Negotiate contracts on behalf of the town with the approval of the town council.” (Art. V, Sec. 6(6)). At all times subsequent to the adoption of this Ordinance, prior to the town council approving any collective bargaining agreement or public union contract (collectively referred to herein as “Public Contracts), the town council shall convene and hold a public hearing to detail all significant monetary and non-monetary changes to existing or new Public Contracts. No public hearing shall be scheduled unless and until the Town Administrator shall have submitted a report

detailing the key provisions in the Public Contract under discussion, including any and all changes from the prior Public Contract. Such report shall be in tabular or memorandum form, or a combination of both, whichever will communicate the changes in a clear and complete manner, and shall include a fiscal impact study of the proposed Public Contract by the Finance Director.

Said report of the Town Administrator and Finance Director shall be available to the Public through the Town Clerk's office not less than one week in advance of the public hearing date.

The town council shall be required to hold said public hearing not less than two weeks prior to any vote to ratify the Public Contract.

Although at this time state law prohibits the enforcement of this Ordinance with reference to any Public Contract entered into by the North Smithfield School Committee and/or School Department, those public bodies are urged to follow this procedure as well with a Public Hearing at a Town Council Meeting.

In addition, any organization or group, public or private, that receives at least 50% of its funding through tax appropriations or grants from the Town of North Smithfield and who have employees covered by a Collective Bargaining Agreement or other Public Contract are strongly encouraged to make the details of said proposed contracts public with a Public Hearing before the North Smithfield Town Council before ratification by that organization or group's Executive Board, Board of Directors, or other like kind of Supervisory Committee in a manner consistent with the provisions outlined above.

Code of Ordinances, Part II, Chapter 2, Article XVI, Section 2-224 – Collective Bargaining Agreements and Public Union Contracts

This ordinance shall become effective upon passage and all Ordinances or part of Ordinances inconsistent herewith, are repealed.

Secs. 2-25--2-30. Reserved.

ARTICLE III.

TOWN OFFICERS AND TOWN PERSONNEL--GENERAL

Sec. 2-31. Personnel records.

The personnel director shall have overall responsibility for, and the payroll clerk shall maintain, personnel records for each town officer and each appointed town personnel. These records shall be available only to the officer or personnel concerned, the town administrator or the appointing authority and the director of administration.

(Ord. of 6-17-91, § 2)

Sec. 2-32. Position descriptions.

(a) This chapter identifies all town officers and town personnel positions presently authorized and, in addition, establishes all town officer and town personnel positions which, though not presently authorized, are

listed in the Charter or Code or approved by this chapter. Positions authorized by the town council for which compensation is approved will be listed in the town officer and town personnel pay plan, revised by the council each June.

(b) The official position descriptions for authorized appointed officers and town personnel will be certified by the director of administration and kept on file with the personnel director.
(Ord. of 6-17-91, § 2)

Sec. 2-33. Appointment terms.

(a) Primary department heads, except as indicated below, serve co-terminus with and at the pleasure of the appointing authority since they will be the key instruments in formulating and directing policy to accomplish the goals of the administration.

Exception: The school department, which is in fact headed by the school committee, an elected body.

(b) Secondary department heads and division heads, except as indicated below, shall serve co-terminus with and at the pleasure of the appointing authority.

Exceptions: By Charter, the chief of police serves for an indefinite term as would the fire chief if the town ever creates its own fire department. This appointment shall be for an indefinite term at the pleasure of the appointing authority for the successors to the present incumbents upon passage of this chapter.

(c) All other town officers and town personnel, except as indicated below, shall serve at the pleasure of the appointing authority and are co-terminus with the appointing authority.

Exceptions: By Charter, the town clerk and the deputy town clerk serve for indefinite terms. These appointments shall be for an indefinite term at the pleasure of the appointing authority for the successors to the present incumbents upon passage of this chapter.

(d) Appointed town officers and town personnel may be placed in acting status by the appointing authority for one or more of the following reasons:

- (1) When, due to resignation, death or dismissal of the person appointed, the position becomes vacant, the position may be temporarily filled by another appointee or employee to be designated as "acting . . ." In such case, there is no time limit on the duration of the acting status.
- (2) When due to vacation, leave or sickness, the appointed town officer or personnel will be away from the position, the town administrator may determine that a person should be designated "acting . . ." until the original town officer returns.
- (3) When the appointing authority, upon taking office, would like additional time to fully evaluate the individual in the appointed position, the appointing authority may determine that such person be designated "acting." In such case, the acting status shall be limited to 60 days at which time the appointing authority must either reappoint the individual in the position or appoint someone else.

(e) All appointed town officers and town personnel whose terms expire at midnight on November 30th of a town-wide election year, and who have not been reappointed, shall continue to serve until their successors, permanent or acting, are appointed.

(Ord. of 6-17-91, § 2)

Sec. 2-34. General prohibitions.

(a) No person holding a paid appointed position listed in this chapter shall be a candidate for any elective office unless he first resigns his position with the town.

(b) The right to organize, join or participate in any town bargaining unit is prohibited for persons holding an appointed position listed in this chapter.

(Ord. of 6-17-91, § 2)

Sec. 2-35. Retirement fund.

(a) All fulltime appointed officers and town personnel are required to join the Rhode Island Municipal Employees Retirement System following the first six months with the town.

(b) All appointed officers and town personnel shall accept the rules governing retirement of the Rhode Island Municipal Employees Retirement System.

(c) Elected officers of the town may, at their option, join the Rhode Island Municipal Employees Retirement System.

(Ord. of 6-17-91, § 2)

Sec. 2-36. Fire department.

All fulltime employees of the North Smithfield Volunteer Fire Department and the Primrose Volunteer Fire Department shall be in the police and fire employees State of Rhode Island Retirement System's 20-year Retirement System, cost to be charged to each department, as fulltime employees in the same manner and with the same privileges, conditions, rights and obligations as other town employees.

(Ord. of 6-17-91, § 2)

Sec. 2-37. Exceptions to benefits, pay, working conditions and other policies.

(a) The town administrator may make exceptions to the policies set forth in this chapter on a one time case-by-case basis when the situation warrants. Exceptions regarding working conditions, benefits or other policies between the town and one or more appointed officer or town personnel, that would be made on a continuing basis, must be in writing, be recommended and signed by the town administrator and be approved by the town council. Such approvals shall be made a matter of record in the personnel file of the officer or personnel concerned. In accordance with Article IV, Section 8 of the Charter, all matters involving compensation or vacation time, not specifically covered by or in compliance with the Charter or this chapter, must be approved by the town council.

(b) Special agreements, benefits, pay or other working conditions not listed in this chapter, claimed by

town officers or town personnel to have been granted upon appointment will not be validated or otherwise authorized unless fully documented by the person alleging same. The individual so claiming, must come forward within 60 days of passage of this chapter to show cause to the personnel board of review as to how these special agreements, benefits, pay or working conditions were authorized and why they should continue. The personnel board of review will either reject the claim, and therefore the practice will cease, or they may accept the claim and authorize the special agreements, benefit, pay or working conditions for that individual only but not for the position. In either case a record of the claim and the personnel board of review's decision will be entered into the individual's personnel record.
(Ord. of 6-17-91, § 2)

Secs. 2-38--2-45. Reserved.

ARTICLE IV.

TOWN OFFICERS AND TOWN PERSONNEL--WORKING CONDITIONS

Sec. 2-46. Hours.

(a) Appointed town officers, who are salaried, will be expected to follow the normal work week as set forth in Chapter 13, Personnel, and in addition, said appointed town officers shall work such hours as are necessary to complete their duties over and above said work week. They shall be expected to attend council, board, commission and committee meetings when their presence is necessary or requested. Town officers that are salaried meet the exemption criteria of the Fair Labor Standards Act (as amended) and Title 29, Part 541 and are therefore not eligible for overtime. The town administrator may grant compensatory time off when the situation warrants.

(b) Appointed fulltime town personnel, will follow the normal town hours and work week as set forth in Chapter 13, Personnel, and may receive overtime for hours worked in excess.
(Ord. of 6-17-91, § 2)

Sec. 2-47. Overtime.

Same as is stated for classified employees in Chapter 13, Personnel.
(Ord. of 6-17-91, § 2)

Sec. 2-48. Compensatory time.

Same as is stated for classified employees in Chapter 13, Personnel.
(Ord. of 6-17-91, § 2)

Sec. 2-49. Management rights.

Same as is stated for classified employees in Chapter 13, Personnel.
(Ord. of 6-17-91, § 2)

Secs. 2-50--2-60. Reserved.

ARTICLE V.

TOWN OFFICERS AND TOWN PERSONNEL--BENEFITS

Sec. 2-61. Holidays.

The designated holidays and rules for observing them for fulltime appointed town officers and town personnel will be the same as stated in Chapter 13, Personnel, for classified employees.
(Ord. of 6-17-91, § 2)

Sec. 2-62. Vacation.

(a) All fulltime town officers and town personnel shall follow the same vacation schedule and rules as those stated in Chapter 13 for classified employees except they will be eligible for five days after six months of service. Upon leaving their position, they will be fully compensated for unused vacation time.

(b) Appointed town officers and town personnel coming under the school department will follow the schedule and rules of that department.
(Ord. of 6-17-91, § 2)

Sec. 2-63. Sick leave.

All fulltime town officers and town personnel will be eligible for sick leave. Sick leave will follow the same rules as those stated for classified employees in Chapter 13, Personnel, except that upon leaving their position they will be fully compensated for unused time.
(Ord. of 6-17-91, § 2)

Sec. 2-64. Military, funeral and jury leave.

All town officers and town personnel are eligible for military and funeral leave and all who are fulltime are eligible for jury leave. Military, funeral and jury leave will follow the same rules as those stated for classified employees in Chapter 13, Personnel.
(Ord. of 6-17-91, § 2)

Sec. 2-65. Health and life insurance coverage.

All town officers and town personnel are eligible for health insurance coverage and all who are fulltime are eligible for life insurance. Health and life insurance will follow the same rules as those stated for classified employees in Chapter 13, Personnel.
(Ord. of 6-17-91, § 2)

Secs. 2-66--2-75. Reserved.

ARTICLE VI.

TOWN OFFICERS AND TOWN PERSONNEL--PAY

Sec. 2-76. Pay range.

(a) A pay range for each appointed town officer and town personnel position shall be established no later than January 1992, and updated annually, by the director of administration based on comparable positions in comparable towns. Such pay range shall be presented to the budget committee in March for certification in April, approved by the town council in May and used as a guide in their adoption of town officer and town personnel pay ordinance in June.

(b) In the appointment of new town officers and personnel, the town administrator may determine the starting salary provided that salary is within the pay range for that position.

(c) Compensation for elected town officers will be in accordance with the Charter, Article IV, Section 5 (council), Article V, Section 3 (administrator), and Article XIV, Section 3 (school committee). In addition the following procedures will be followed:

- (1) Each year commencing January 1992, the director of administration shall provide the budget committee with his recommendations for each elected category in North Smithfield.
- (2) The budget committee shall establish the rate of compensation for elected town officers to be used by the town council in setting the rate of compensation in the town officer and town personnel pay ordinance. These established rates shall be submitted to the town council along with the budget committee's recommended budget.
- (3) These rates of compensation shall not be effective until December 1st following the next biennial election.

(Ord. of 6-17-91, § 2)

Sec. 2-77. Longevity.

A longevity incentive shall be paid to fulltime town officers and town personnel on the same basis used for classified employees.

(Ord. of 6-17-91, § 2)

Sec. 2-78. Pay set by town council.

The town council shall establish by ordinance annually, the rate of compensation that may be paid to all town officers and town personnel. This chapter shall be known as the town officer and town personnel pay ordinance and shall be approved in June for implementation the first of the following month.

(Ord. of 6-17-91, § 2)

Secs. 2-79--2-85. Reserved.

ARTICLE VII.

APPOINTED TOWN OFFICERS SERVING AS PRIMARY DEPARTMENT HEADS

Sec. 2-86. General.

(a) Where qualifications, duties, powers, etc., are adequately stated in the Charter or Code, those provisions will be controlling.

(b) Under this article, the various appointed town officers are hereby defined by reference to the Charter and/or the Code.
(Ord. of 6-17-91, § 2)

Sec. 2-87. Director of finance.

(a) See the Charter, Article VII.

(b) The following division heads report to the finance director: town treasurer, town auditor, tax collector, and the tax assessor.
(Ord. of 6-17-91, § 2)

Sec. 2-88. Director of public works.

(a) See the Charter, Article X and Code Chapter 6, Finance and Taxation.

(b) The following secondary department head and division heads report to the public works director: water and sewer superintendent, highway superintendent, town engineer and the parks and recreation director.
(Ord. of 6-17-91, § 2)

Sec. 2-89. Director of public safety.

(a) Pursuant to Article XI, Section 1 of the North Smithfield Home Rule Charter, there is hereby established and confirmed the position of director of public safety who shall be appointed by the town administrator and who shall reside within the Town of North Smithfield, and shall be a citizen of good moral character and background. Such office shall be co-terminus with that of the town administrator and he shall serve at the pleasure of the town administrator and shall receive such compensation as may be determined by the town council.

(b) The following secondary department heads and division head report to the public safety director: chief of police, chief of Primrose Fire Department, chief of North Smithfield Fire Department, and the building and zoning inspector.
(Ord. of 6-17-91, § 2)

Sec. 2-90. Director of administration.

(a) There is hereby created the office of director of administration whose duties shall be performed by the town administrator.

(b) The following secondary department heads and division head report to the director of administration: town planner, director of personnel and director of welfare.
(Ord. of 6-17-91, § 2)

Secs. 2-91--2-95. Reserved.

ARTICLE VIII.

APPOINTED TOWN OFFICERS SERVING AS SECONDARY DEPARTMENT HEADS AND DIVISION HEADS

Sec. 2-96. General.

(a) Where qualifications, duties, powers, etc., are adequately stated in the Charter or Code, those provisions will be controlling.

(b) Under this article, the various town officers are hereby defined by reference to the Charter and/or the Code.
(Ord. of 6-17-91, § 2)

Sec. 2-97. Town planner.

(a) Effective January 1, 1986, there is hereby created in the department of administration, the position of town planner who shall be qualified by virtue of education and experience as a community planner and who shall be appointed by the town administrator. Such office shall be co-terminus with the town administrator or until such time as a successor is appointed and shall receive such compensation as may be determined by the town council. The planning board shall make three recommendations to the town administrator during the selection process. The final appointee shall have the recommendation of the planning board.

(b) Statement of duties, responsibilities, qualifications, work to be performed, etc., as set forth on a job description maintained by the department of administration.

(c) *Additional powers.* The town planner shall work with the building/zoning official and shall have, under the authority of the building/zoning official, the authority to site violations of the North Smithfield Zoning Ordinance, over the signature of the building/zoning official. The town planner shall work as the assistant zoning enforcement official and shall help coordinate said efforts as needed, and/or directed, by the building/zoning official.
(Ord. of 6-17-91, § 2; Ord. of 2-24-98)

Sec. 2-98. Chief of police.

(a) See the Charter, Article XI, Section 2.

(b) The following town officers and town personnel report to the police chief: special police (when assigned).
(Ord. of 6-17-91, § 2)

Sec. 2-99. Fire chief.

(a) See the Charter, Article XI, Section 3.

(b) At present the Primrose and North Smithfield Fire Companies are privately owned and their services are contracted for by the town.
(Ord. of 6-17-91, § 2)

Sec. 2-100. Tax assessor.

(a) See the Charter, Article VII, Section 4.

(b) The following town officers report to the tax assessor: deputy tax assessor (when assigned).
(Ord. of 6-17-91, § 2)

Sec. 2-101. Town treasurer.

(a) See the Charter, Article VII, Section 2.

(b) At present the town treasurer is a collateral duty of the finance director and is noncompensated.
(Ord. of 6-17-91, § 2)

Sec. 2-102. Town auditor.

(a) See the Charter, Article VII, Section 2.

(b) At present the town auditor is a collateral duty of the finance director and is noncompensated.
(Ord. of 6-17-91, § 2)

Sec. 2-103. Tax collector.

(a) See the Charter, Article VII, Section 2.

(b) At present the tax collector is a collateral duty of the finance director and is noncompensated.
(Ord. of 6-17-91, § 2)

Sec. 2-104. Welfare director.

(a) See the Charter, Article XV, Section 5.

(b) At present the welfare director is assigned as collateral duty to a town officer or employee and is noncompensated.
(Ord. of 6-17-91, § 2)

Sec. 2-105. Administrative services and personnel director.

(a) There is hereby created the office of administrative services and personnel director who shall be appointed by and serve at the pleasure of the town administrator. Compensation for the position will be determined by the town council. When possible, the administrative services and personnel director will be trained and skilled in personnel administration with knowledge of and interest in public personnel administration as well as administrative experience and will carry out the following duties:

- (1) Shall maintain a roster of classified personnel seniority by position and class title.
- (2) Shall keep on file copies of the current position classification plan, classified pay plan, classified pay ordinance, town officer and town personnel pay ordinance and the official copy of the position descriptions for all authorized classified employees, appointed town officers and personnel.
- (3) Shall ensure that the personnel records of all town officers, personnel or employees, maintained by the payroll office, are correct and up-to-date.
- (4) Shall serve as the equal employment assistant to ensure the personnel policies established by the Charter, Code, town administrator and applicable federal and state laws and policies are followed.
- (5) Shall be available to receive the concerns and complaints of town officers, personnel and employees.
- (6) Shall act as a coordinator, as necessary, to the personnel board.
- (7) Shall be the town's grant writer and will work in conjunction with other municipal employees who are similarly acting as grant writers by virtue of their position.
- (8) Shall be the town's recycling coordinator.
- (9) Shall be the coordinator of the town's website.
- (10) Shall perform such other duties as required or directed by the town administrator.

(Ord. of 6-17-91, § 2; Ord. of 6-4-01)

Sec. 2-106. Building and zoning inspector.

(a) See the Charter, Article XI, Section 4 and Code, Chapter 4, Buildings and Structures, Chapter 11, Occupational and Licenses Regulations, Chapter 14, Streets and Sidewalks, and Appendix A, Zoning.

(b) The following town officers report to the building and zoning inspector: zoning officer, electrical inspector and plumbing inspector.

Sec. 2-107. Water and sewer superintendent.

(a) See the Charter, Article X and Code, Chapter 8, Health and Sanitation.

(b) There is hereby created the position of water and sewer superintendent who shall be recommended by the director of public works and appointed by the town administrator. The water and sewer superintendent shall be qualified by education and/or experience to oversee the water and sewer services to the town along with the construction, reconstruction, repair, maintenance and operations related to such service. He shall be responsible to and take direction from the director of public works and shall receive compensation as may be determined by the town council.

(c) There is hereby created a position of assistant water and wastewater superintendent who shall be recommended by the water and sewer superintendent and appointed by the town administrator. The assistant water and wastewater superintendent shall be qualified by education and/or experience to oversee the water and wastewater services to the town along with construction, reconstruction, repair, maintenance and operations related to such services. The assistant water and wastewater superintendent shall be responsible to and take direction from the water and sewer superintendent and shall receive compensation as may be determined by the town council.

(Ord. of 11-24-97)

Sec. 2-108. Highway superintendent.

(a) See the Charter, Article X.

Sec. 2-109. Town engineer.

(a) See the Charter, Article X.

(b) At present the town engineer is a collateral duty of the public works director and is noncompensated.

Sec. 2-110. Parks and recreation director.

(a) See the Charter, Article X and Code, Chapter 12 1/2, Parks and Recreation.

(b) Pursuant to Article X, Section 2(4) of the Charter there is hereby created the division of parks and recreation to be headed by a division head known as the director of parks and recreation herein defined.

(c) There is hereby created the position of director of parks and recreation who shall be recommended by the director of public works and appointed by the town administrator. The director of parks and recreation shall oversee the operation and management of public parks and other recreational properties and equipment within the town, except those under the jurisdiction of the school department. He shall be responsible to and take direction from the director of public works and shall receive compensation as may be determined by the town council.

(d) The following town personnel report to the director of parks and recreation: parks maintenance

supervisor, parks maintenance personnel, parks playground supervisors.
(Ord. of 6-17-91, § 2)

Secs. 2-111--2-115. Reserved.

ARTICLE IX.

APPOINTED TOWN OFFICERS OTHER THAN DEPARTMENT AND DIVISION HEADS

Sec. 2-116. General.

(a) Where qualifications, duties, powers, etc., are adequately stated in the Charter or Code, those provisions will be controlling.

(b) Under this article, the various appointed town officers are hereby defined by reference to the Charter and/or the Code.
(Ord. of 6-17-91, § 2)

Sec. 2-117. Town solicitor.

See the Charter, Article VI.

Sec. 2-117.1. Assistant solicitor.

(a) There is hereby created the position of assistant solicitor. Said assistant solicitor shall serve under the supervision and control of the town solicitor. The primary duties shall be the prosecution of all police department matters and such other duties as the town council and town solicitor shall from time to time direct.

(b) The assistant solicitor shall be appointed by the town council for a term concurrent with the town solicitor. The town council shall also determine the assistant solicitor's compensation.

(c) The assistant solicitor need not devote full time to said duties.
(Ord. of 3-18-96)

Sec. 2-118. School department solicitor.

See the Charter, Article VI 1/2.
(Ord. of 6-17-91, § 2)

Sec. 2-119. Judge of probate.

(a) See the Charter, Article IV, Section 11.

(b) The judge of probate is responsible to and takes direction from the town council.
(Ord. of 6-17-91, § 2)

Sec. 2-120. Town sergeant-at-arms.

(a) See the Charter, Article XV, Section 1.

(b) The town sergeant-at-arms is responsible to and takes direction from the town council.
(Ord. of 6-17-91, § 2)

Sec. 2-121. Town auctioneer.

(a) See the Charter, Article XV, Section 2.

(b) The town auctioneer is responsible to and takes direction from the director of finance.
(Ord. of 6-17-91, § 2)

Sec. 2-122. Sealer of weights and measures.

(a) See the Charter, Article XV, Section 3.

(b) The sealer of weights and measures is responsible to and takes direction from the director of administration and shall receive compensation as may be determined by the town council.
(Ord. of 6-17-91, § 2)

Sec. 2-123. Town clerk.

(a) See the Charter, Article IX.

(b) The town clerk is responsible to the town council for matters pertaining to the council, probate court, financial town meeting and board of canvassers, and to the town administrator for all other matters within the clerk's purview.
(Ord. of 6-17-91, § 2)

Sec. 2-124. Deputy town clerk.

(a) See the Charter, Article IX.

(b) The deputy town clerk shall fill in in the absence of the town clerk.
(Ord. of 6-17-91, § 2)

Sec. 2-125. Civil defense director.

(a) See the Code, Chapter 5, Civil Defense.

(b) The civil defense director is technically not a town officer. The position of civil defense director is established by Rhode Island General Laws (State Emergency Defense Act) which directs that the mayor or town administrator shall be the civil defense director. It is therefore a collateral duty that goes with the position of town administrator. This position is noncompensated.

(Ord. of 6-17-91, § 2)

Sec. 2-126. Director of the North Smithfield Office of Civil Defense.

(a) See the Charter, Article XV, Section 4 and the Code, Chapter 5, Civil Defense.

(b) The director of the North Smithfield Office of Civil Defense is responsible to and takes direction from the town administrator when the latter is acting in his collateral capacity as civil defense director. This position is noncompensated.

(Ord. of 6-17-91, § 2)

Sec. 2-127. Superintendent of schools.

See the Charter, Article XIV, Section 5(3).

(Ord. of 6-17-91, § 2)

Sec. 2-128. Reserved.

Sec. 2-129. Fire marshal.

(a) See the Code, Chapter 7, Fire Protection and Prevention.

(b) At present the position of fire marshal comes under the fire companies which are privately owned and whose services are contracted for by the town.

(Ord. of 6-17-91, § 2)

Sec. 2-130. Deputy tax assessor.

There is hereby created a temporary fulltime position of deputy tax assessor who shall be recommended by the tax assessor and appointed by and serve at the pleasure of the town administrator. The deputy tax assessor will be responsible to and work under the direction of the tax assessor. Upon the recommendation of the town administrator and approval of the town council, this position may be filled on a temporary basis for a period not to exceed one year prior to commencement of re-evaluation or six months following completion of re-evaluation. The deputy tax assessor shall receive compensation as determined by the town council and may be paid from the re-evaluation account if so ordained by the council.

(Ord. of 6-17-91, § 2)

Sec. 2-131. Zoning officer.

Within the framework of the Charter, Article XI, Section 4, there is hereby created the position of part-time zoning officer who shall be appointed by and serve at the pleasure of the town administrator. The zoning officer shall be responsible to and work under the direction of the building and zoning inspector and shall receive compensation as may be determined by the town council.

(Ord. of 6-17-91, § 2)

Sec. 2-132. Electrical inspector.

Within the framework of the Charter, Article XI, Section 4, there is hereby created the position of part-time electric inspector who shall be appointed by and serve at the pleasure of the town administrator. The electrical inspector is directly responsible to and takes direction from the building and zoning inspector and performs inspection of new and old electrical installations throughout the town. This position requires a qualified licensed (preferably master) electrician with thorough knowledge of the local and state building code regulations relative to commercial and residential electrical installations. He shall receive compensation as may be determined by the town council.
(Ord. of 6-17-91, § 2)

Sec. 2-133. Plumbing inspector/mechanical inspector.

Within the framework of the Charter, Article XI, Section 4, and the Code, Chapter 8, Article III there are hereby created the positions of part-time plumbing inspector and part-time mechanical inspector who shall be appointed by and serve at the pleasure of the town administrator and both shall receive compensation as may be determined by the town council.

- (1) The plumbing inspector is directly responsible to and takes direction from the building and zoning inspector and performs inspections of new and old plumbing, gas appliances, domestic drainage systems and sewer ventilation systems throughout the town. This position requires a qualified licensed (preferably master) plumber with a thorough knowledge of the local and state building code regulations relative to commercial and residential plumbing, gas, drainage, sewage and water system installations.
- (2) The mechanical inspector is directly responsible to and takes direction from the building and zoning inspector and performs inspections of the installation of new and repair of old mechanical systems, including but not limited to, heating and air conditioning systems. This position requires a qualified licensed (preferably master) professional with a thorough knowledge of the local and state building code regulations relative to commercial and residential mechanical systems such as heating and air conditioning systems.

(Ord. of 6-17-91, § 2; Ord. of 3-16-92)

Sec. 2-134. Tree warden.

Within the framework of Rhode Island General Laws 2-14-2, there is hereby created the position of tree warden who shall be appointed by, serve co-terminus with and at the pleasure of the town council. The tree warden is responsible to and takes direction from the director of public works. He shall receive compensation as may be determined by the town council.
(Ord. of 6-17-91, § 2)

Sec. 2-135. Administrative assistant.

(a) There is hereby created the position of administrative assistant who shall be appointed by, serve co-terminus with and at the pleasure of the town administrator. The administrative assistant shall be the personal secretary to the town administrator and in that capacity shall be responsible to and take direction from the town administrator. In addition, the administrative assistant will be in charge of all secretaries employed by the town or

appointed by a town officer, and will assign or reassign them to departments, boards, committees and commissions, as needs determine, or pool them for administrative projects that may occur throughout the year. In this capacity the administrative assistant will be responsible to the director of administration. The administrative assistant shall receive compensation as may be determined by the town council.

(b) There is hereby created the position of police administrative assistant, who shall serve co-terminus with and at the pleasure of the town administrator. The police administrative assistant shall be the aide to the chief of police, maintain all confidential memos, personnel records and all records pertinent to the police department, must attend all meetings of the public safety commission and take minutes for that commission and for such other duties as may be determined by chief of police and/or his designee. Said position shall be appointed by the town administrator upon recommendation of the chief of police. Said hours to be determined by the chief of police. Said position shall receive compensation as may be determined by the town council.
(Ord. of 6-17-91, § 2; Ord. of 8-26-96)

Sec. 2-136. Veteran's advisor.

There is hereby created the position of veteran's advisor who shall be appointed by, serve co-terminus with and at the pleasure of the town council. The veteran's advisor is responsible to and takes direction from the director of administration. He will be versed in matters relating to veteran's rights and benefits, will be a qualified veteran himself and will assist any veteran residents of the town in any and all matters relating to veterans. He shall receive compensation as may be determined by the town council.
(Ord. of 6-17-91, § 2)

Sec. 2-137. Senior citizen advocate.

There is hereby created the position of senior citizen advocate who shall be appointed by the town administrator, with the town council's approval and shall serve co-terminus with and at the pleasure of the town administrator. The senior citizen advocate is responsible to and takes direction from the director of administration and shall be well-versed in governmental agencies and general matters that deal with the rights of senior citizens. He shall be available to assist senior citizen residents of the town. The senior citizen advocate shall be a noncompensated position.
(Ord. of 6-17-91, § 2)

Sec. 2-138. Environmental advocate.

(a) *Position created, etc.:* Pursuant to General Laws 45-51, there is hereby established the position of environmental advocate, appointed by the town administrator. Such appointment will be co-terminus with that of the town administrator and be subject to confirmation by the town council and receive such compensation as may be determined by that body. Such position may be filled by a present town officer duly qualified and capable of carrying out the duties enumerated below.

(b) *The environmental advocate shall:*

- (1) Receive complaints from residents or businesses within the municipality regarding safety of drinking water, water quality, or clean air, or other pollutants affecting the environment.

- (2) Investigate any complaints as may be requested by a state regulatory agency.
- (3) Prepare a report with an appraisal of the validity of the clean air or water problem, the responsible parties, the remedial action required, and identification of the state agency with jurisdiction over the problem and submit the report to the town council and office of town administrator.
- (4) Serve as liaison for the town with all agencies charged under state law with enforcement of all laws and regulations pertaining to air and water quality as set forth in subdivision (c) of this section.
- (5) Serve as advocate for the municipality and its residents before the agency under whose jurisdiction the problem falls, with the objective of securing remedial action.
- (6) Assist the office of solicitor in taking legal action to secure court orders requiring the responsible state agency to take remedial action when the action has been unduly delayed or neglected by the agency.
- (7) Conduct public information activities to inform the community of the availability of the services of the advocate.

(c) *Training and education:* The advocate shall have formal training and/or education in the areas of air pollution, water quality control, or the maintenance of the purity of drinking water supplies and/or have familiarity with laws, rules and regulations relating thereto or such qualifications as approved by the council, or the advocate may be an attorney or solicitor of the municipality who shall not be required to have such training or expertise.

(Ord. of 6-17-91, § 2)

Sec. 2-139. Parks improvement coordinator.

Within the division of parks and recreation there is hereby established the position of island improvement coordinator, to be appointed by the town council and whose duties shall be as follows:

- (1) To organize and coordinate traffic island and pocket park improvement, beautification and clean-up programs throughout the town;
- (2) To solicit contributions in money and in kind for the preservation and improvement of traffic islands and pocket parks.
- (3) Any such contributions in money shall be deposited in the general fund, in a separate account entitled "Island Improvement Fund", and shall be expended with the concurrence of the island improvement coordinator and the town administrator. Any dispute regarding any expenditure of funds shall be resolved by the town council.
- (4) The island improvement coordinator shall receive no compensation and his/her term shall be co-terminus with the town council.

(Ord. of 7-19-04)

Secs. 2-140--2-145. Reserved.

ARTICLE X.

APPOINTED TOWN PERSONNEL

Sec. 2-146. General.

(a) Where qualifications, duties, powers, etc., are adequately stated in the Charter or Code, those provisions will be controlling.

(b) Under this article, the various appointed town personnel are hereby defined by reference to the Charter and/or the Code.
(Ord. of 6-17-91, § 2)

Sec. 2-147. School committee clerk.

(a) See the Charter, Article XIV, Section 5(1).

(b) The school committee clerk is appointed by, responsible to, takes direction from and is compensated by the school committee.
(Ord. of 6-17-91, § 2)

Sec. 2-148. Special police.

(a) See the Charter, Article XI, Section 2.

(b) Special police shall be appointed by, responsible to and take direction from the chief of police. Special police shall receive compensation as may be determined by the town council.
(Ord. of 6-17-91, § 2)

Sec. 2-149. Secretaries to boards, commissions and committees.

There is hereby created the position(s) of part-time secretary to boards, commissions and committees, authorized to be compensated by the town in Article XI of this chapter, who shall be appointed by and serve at the pleasure of the town administrator. Such part-time secretaries shall be responsible to and take directions from the administrative assistant and the chairman of the respective board, commission or committee to which assigned, and shall receive compensation as may be determined by the town council.
(Ord. of 6-17-91, § 2)

Sec. 2-150. Parks maintenance supervisor.

There is hereby created a fulltime position of parks maintenance supervisor who shall be appointed by and serve at the pleasure of the town administrator with a recommendation from the director of public works. The parks maintenance supervisor position shall be responsible to and take direction from the director of parks and recreation for parks and all other matters as directed. The parks maintenance supervisor shall receive

compensation as determined by the town council.
(Ord. of 6-17-91, § 2; Amend. of 8-22-94)

Sec. 2-151. Parks maintenance personnel.

There is hereby created the temporary fulltime seasonal position of parks maintenance personnel who shall be appointed by and serve at the pleasure of the town administrator with a recommendation from the director of public works. The parks maintenance personnel position shall be filled in the spring of each year for a period less than six months and shall be responsible to and take direction from the parks maintenance supervisor specifically and the director of parks and recreation in general. Parks maintenance personnel shall receive compensation as determined by the town council.

(Ord. of 6-17-91, § 2)

Sec. 2-152. Parks playground supervisors.

There is hereby created the temporary fulltime seasonal position of parks playground supervisor who shall be appointed by and serve at the pleasure of the town administrator with a recommendation from the director of parks and recreation. The parks supervisor position shall be filled in June of each year for a period less than four months and shall be responsible to and take direction from the director of parks and recreation. Parks supervisors shall receive compensation as determined by the town council.

(Ord. of 6-17-91, § 2)

Sec. 2-153. Part-time building custodian.

There is hereby created the position of part-time building custodian who shall be appointed by and serve at the pleasure of the town administrator with a recommendation from the director of public works. The part-time building custodian shall be responsible to and take direction specifically from the senior town officer or his designee, in the building to which the custodian is assigned and in general from the director of public works. The part-time building custodian shall receive compensation as determined by the town council.

(Ord. of 6-17-91, § 2)

Sec. 2-154. Temporary relief personnel.

(a) The town administrator may appoint temporary relief personnel to perform duties normally performed by subordinate appointed town officers, town personnel or classified employees under the following conditions:

- (1) When such normal officer, personnel or employee is out on sick leave for an anticipated extended length of time.
- (2) When such normal officer, personnel or employee is on extended emergency leave or leave of absence.
- (3) To augment the highway department for snow removal or natural disaster.
- (4) To augment a 24 hour, seven-day week rotation in order to reduce overtime costs.

(b) The department head requesting temporary relief personnel must show justification, give an estimate of the appointment duration, have concurrence from the director of finance that funds are available and present his request to the town administrator.

(c) Temporary relief personnel shall complete necessary tax information, and if required a hold harmless form, prior to commencing work.

(d) Temporary relief personnel shall serve at the pleasure of the appointing authority and shall be responsible to and take direction from whomever the appointing authority directs.

(e) Compensation for temporary relief personnel shall come from within the requesting department's approved budget.
(Ord. of 6-17-91, § 2)

Secs. 2-155--2-160. Reserved.

ARTICLE XI.

TOWN BOARDS, COMMISSIONS AND COMMITTEES--GENERAL

Sec. 2-161. Powers.

With the exception of the personnel board of review, zoning board and the school committee, no board, commission or committee shall have any executive or legislative powers but shall, with the exception of the zoning board of review, only be empowered to investigate and report on any matter properly brought before it and make a recommendation thereon to the council which shall, as a whole, make a determination. The zoning board of review shall conduct hearings and make decisions not subject to review by, or appeal to, the town council. No matter referred to a board, commission or committee by the council may be held by it without report for more than 90 days. Any matter so referred must be acted on by the council at its next meeting after the matter was reported back. Boards, commissions and committees may only take action on matters for which the Charter, Code or town council has so empowered them.
(Ord. of 6-17-91, § 2)

Sec. 2-162. Clerks and secretaries to boards, commissions and committees.

(a) Those boards, commissions and committees which are required by law to, or which by the dictates of prudent judgment should, maintain an accurate record of their proceedings shall have a clerk or secretary to record their minutes. After approval by the chairman, these records shall be delivered to the town hall and filed with the town clerk.

(b) The town clerk by Charter shall be the clerk of the board of canvassers and registration, the personnel board of review and the zoning board at no additional compensation.

(c) The school committee clerk shall by Charter be the clerk of the school committee and shall be compensated from school department funds.

(d) The town administrator shall appoint a secretary to the planning board, the zoning board of review, the sewer commission and the water commission (when authorized) to be compensated from budgeted town or other funds.

(e) All other boards, commissions and committees are required to elect one of their members as secretary upon organizing.
(Ord. of 6-17-91, § 2)

Sec. 2-163. Responsibilities of clerks and secretaries.

All secretaries and clerks to boards, commissions and committees shall be responsible for:

- (1) The posting and distribution to members of dates, times and meeting agendas and other information.

Exception: The police department will make distribution to the town council for matters pertaining to the boards they sit on, in addition to town council meetings and hearings.

- (2) Advertising when necessary.
- (3) Preparing minutes of each meeting containing the substantive discussions and actions taken or recommended.
- (4) Upon approval of minutes, a copy of said minutes shall be filed in the town clerk's office with a copy to the appointing authority.

- (5) Securing the meeting space and confirming other required arrangements.
(Ord. of 6-17-91, § 2)

Sec. 2-164. Attendance of members.

The appointing authority may remove any board, commission or committee member, upon recommendation of said board, commission or committee, who has failed to attend such meetings.
(Ord. of 6-17-91, § 2)

Sec. 2-165. Notice of appointment.

(a) Whenever the town administrator or town council appoints a member to any board, commission, committee or agency, a written notice of the appointment with the term thereof shall be filed with the town clerk by the appointing authority. The town clerk shall maintain a register of all members and appointees of all town boards, commissions, committees and agencies, including name, address, phone number, date of appointment and date of expiration of term for each appointee; and such register shall be maintained in the town clerk's office and available to the public for a fee to be determined by the town clerk. The town clerk shall notify the appointing authority and the appointee in writing at least 30 days prior to the expiration of the appointee's term.

(b) All appointments to boards, commissions and committees are for terms as listed. Any member whose term has expired and has not been reappointed shall continue to serve until his successor is appointed.

(c) Reserved.

(d) All appointees shall be residents of the town, and shall not have been convicted of a felony; provided further that no appointee to the juvenile hearing board shall have been convicted of any felony or misdemeanor.

(Ord. of 6-17-91, § 2; Ord. of 3-20-02; Ord. of 5-19-03)

Sec. 2-166. Meetings posted.

Meetings of all town boards, commissions and committees shall be posted in accordance with the open meeting law.

(Ord. of 6-17-91, § 2)

Secs. 2-167--2-170. Reserved.

ARTICLE XII.

TOWN BOARDS

Sec. 2-171. General.

Since appointment, terms, duties, etc., of the boards listed below are adequately stated in the Charter or Code only the primary reference will follow the board's title.

(Ord. of 6-17-91, § 2)

Sec. 2-172. Board of assessment review.

See the Charter, Article VII, Section 5 and Code Chapter 6, Finance and Taxation, sections 6-20--6-26.
(Ord. of 6-17-91, § 2)

Sec. 2-173. Board of canvassers and registration.

See the Charter, Article II, Sections 1--10.
(Ord. of 6-17-91, § 2)

Sec. 2-174. Board of personnel review. (Town council)

See the Charter, Article IV, Section 8(9) and Article XIII, Sections 10, 11 and 12.
(Ord. of 6-17-91, § 2)

Sec. 2-175. Board of sewer commissioners. (Town council)

See the Code, Chapter 8, Health and Sanitation.

Sec. 2-176. Board of water commissioners. (Town council)

See the Code, Chapter 8, Health and Sanitation.
(Ord. of 6-17-91, § 2)

Sec. 2-177. Board of license commissioners. (Town council)

See the Charter, Article IV, Section 8(18).
(Ord. of 6-17-91, § 2)

Sec. 2-178. Personnel board.

See the Charter, Article XIII and Code, Chapter 13, Personnel, sections 13-26--13-35.
(Ord. of 6-17-91, § 2)

Sec. 2-179. Planning board.

See the Charter, Article XII, Sections 1--3.
(Ord. of 6-17-91, § 2)

Sec. 2-180. Zoning board. (Town council)

Charter, Article IV, Section 8(16) and Code, Chapter 4, Buildings and Structures, section 4-2.
(Ord. of 6-17-91, § 2)

Sec. 2-181. Zoning board of review.

See the Charter, Article XII, Section 4 and Code, Appendix A, Zoning, Sections 8--10.
(Ord. of 6-17-91, § 2)

Sec. 2-182. Juvenile hearing board.

(a) *Establishment.* Pursuant to Chapter 45-2 of the General Laws of Rhode Island, a juvenile hearing board is hereby established in the Town of North Smithfield for the purpose of hearing all first time misdemeanor offenses and truancy cases with respect to persons under the age of 18 who are charged with violating the laws of the State of Rhode Island or the Town of North Smithfield. Said board shall be called the North Smithfield Juvenile Hearing Board.

(b) *Membership*

- (1) The membership of the North Smithfield Juvenile Hearing Board (the board) shall consist of seven electors of the Town of North Smithfield over the age of 18 years.
- (2) Members of the board shall be appointed for three-year terms as follows: five members by a vote of the town council and two members appointed by the town administrator with town council

approval, except that the initial appointments shall be staggered with two members appointed for one year, two members appointed for two years and three members appointed for three years.

- (3) In the initial appointment, each town council member shall appoint one board member and the town administrator shall appoint two members. In the years when there are two appointments, one of the two members shall be appointed by the town administrator.
 - (4) Appointed members of the said board shall be eligible for reappointment, and upon expiration of their term shall continue to serve until replaced or otherwise reappointed. In the event of a vacancy on the board, interim appointments of appointed members may be made by the town administrator to complete the unexpired term of the vacant position, with approval of the town council.
 - (5) Members of the board are subject to removal pursuant to the Charter and Ordinance provisions of the Town of North Smithfield.
- (c) *Referral to the board.*
- (1) Persons who are under the age of 18 years may be referred to the board, which shall have concurrent jurisdiction with the Rhode Island family court if the alleged offense is one which, if committed by an adult, would be a misdemeanor, provided, however, that the requirement shall not apply in the case of any person;
 - a. Who shall have twice previously been referred to the board or have been once previously referred and refused or failed to abide by the sanctions imposed or make the restitution recommended; and
 - b. At the time of the alleged commission of such offense shall be within the custody and control of the family court, not to include guardianship matters.
 - (2) No referral to the board shall be made until such person, together with his/her legal guardian(s) and/or legal representative, shall have in writing waived such person's right to a hearing in the family court with respect to the offense charged, has admitted to the alleged offense, and shall have agreed to abide by the decision of the board.
- (d) *Duties of the board.*
- (1) The board shall be authorized to hear all first time misdemeanor offenses and truancy cases, and to recommend sanctions other than incarceration. The sanctions imposed by the board shall not exceed six months, and may consist of, but not be limited to:
 - a. Community service
 - b. Referral to counseling services
 - c. Reasonable curfews

d. Reasonable restitution

- (2) In any such proceedings, the board, prior to imposing sanctions, shall request the juvenile offender and his/her parents or legal guardians to agree to the sanctions imposed, the amount of restitution and the manner of making the same. In ordering restitution, the board shall take into account the juvenile offender's ability to pay and the amount of actual damage caused as a result of the commission of such offense.

(e) *Meetings and notice.* The North Smithfield Juvenile Hearing Board shall meet not less than once each month. It shall give written notice of matters to be heard before it to the chief of police, the juvenile officer and juvenile offender and his/her parents. This notice shall be no less than seven days prior to the date of the hearing.

- (1) In its notice to the juvenile, the hearing board will advise the juvenile of the time and place of the hearing, the nature of the offense and the right to counsel before the board.
- (2) A majority of the members of the board shall constitute a quorum and proceedings shall be closed to the public, except that the juvenile hearing board may, with the consent of such juvenile and their legal guardians, transact its business in public.
- (3) The juvenile hearing board shall elect one of its members as its chairperson and one as its vice-chairperson. In the absence of the chairperson, the vice-chairperson shall be the presiding officer. A majority of the members present shall be required to take action.
- (4) Board proceedings shall be closed to the public, and the provisions of chapters 42-46 of the Rhode Island general laws shall not apply to such proceedings. All records or proceedings, including records concerning the arrest, apprehension or detention of any juvenile offender, shall be withheld from public inspection but such records shall be available to the parent, legal guardian(s), or attorney of the juvenile for inspection. All records of board action shall be destroyed when the juvenile turns eighteen.
- (5) A juvenile hearing board shall have the power, from time to time, to draft rules governing its proceeding or to amend or repeal any rules therefore adopted. The board shall compile a progress report yearly and shall forward said report to the town administrator, town council and the chief judge of the Rhode Island Family Court.

(Ord. of 10-3-05)

Sec. 2-183. Municipal court.

(A) *Creation of Municipal Court.*

Pursuant to the authority granted to the Council by the provisions of R.I.G.L. § 45-2-59, the Council hereby establishes a municipal court to be known as the North Smithfield Municipal Court.

(B) *Jurisdiction.*

The Municipal Court shall have the following jurisdiction notwithstanding any other provisions of the general laws of the State of Rhode Island to hear and determine:

(1) Causes involving violation of offenses enumerated in R.I.G.L. § 45-2-59 or in R.I.G.L. § 8-18-1 *et seq.* (the State and Municipal Court Compact);

(2) Causes involving violation of any ordinance of the town, including minimum housing;

(3) Any violation of the provisions of R.I.G.L. § 45-24.3-1 *et seq.*, the Housing Maintenance and Occupancy Code.

(C) *Equity jurisdiction.*

With respect to violations of either municipal ordinances dealing with minimum housing or R.I.G.L. § 45-24.3-1 *et seq.*, dealing with housing maintenance and occupancy, the Municipal Court in furtherance of its jurisdiction shall have the power to proceed according to equity to:

(1) Restrain, prevent, enjoin, abate or correct a violation;

(2) Order the repair, vacation, or demolition of any dwelling existing in violation;

(3) Otherwise compel compliance with all the provisions of the town's ordinances and R.I.G.L. § 45-24.3-1 *et seq.*

(D) *Oaths, etc.*

The Municipal Court shall have the power to (i) administer oaths, (ii) compel the attendance of witnesses, (iii) punish persons for contempt, and (iv) execute search warrants to the same extent the search warrants could be executed by a judge of the Rhode Island District Court. The Municipal Court shall have a seal which shall be approved by the Council.

(E) *Penalties.*

(1) The court in addition to its equity power shall have the right to impose a sentence not to exceed thirty (30) days in jail, or impose a fine not in excess of five hundred dollars (\$500), or both.

(2) Each day's failure to comply with any provision of any municipal ordinance, including but not limited to the minimum housing ordinance, shall be considered a separate offense.

(F) *Appeals.*

(1) Any defendant found guilty of any offense, excluding violations of the minimum housing ordinances or R.I.G.L. § 45-24.3-1 *et seq.*, the Housing Maintenance and Occupancy Code, may within seven (7) days of the conviction file an appeal from such conviction to the Rhode Island Superior Court for the County of Providence and be entitled in said court to a trial *de novo*.

(2) Any defendant found guilty of any violation of a minimum housing ordinance or R.I.G.L. § 45-24.3-1 *et seq.*, the Housing Maintenance and Occupancy Code, may within seven (7) days of the conviction file an appeal from such conviction to the Sixth Division of the Rhode Island District Court and be entitled in said court to a trial *de novo* in accordance with R.I.G.L. § 8-8-3(a)(4) and R.I.G.L. § 8-8-3.2.

(3) Any defendant found guilty of any traffic offense for which the Municipal Court shares concurrent jurisdiction with the Rhode Island Traffic Tribunal, as further set forth in R.I.G.L. § 8-18-3, or any successor statute as amended from time to time, may within ten (10) days of the conviction file an appeal from such conviction pursuant to R.I.G.L. § 31-41.1-8, or any successor statute, to the appeals panel of the Rhode Island Traffic Tribunal.

(G) Appointment, terms, qualifications of judge.

(1) The Council shall appoint a judge for the Municipal Court. The term of the appointment shall be for two years. The initial appointment shall be for a term terminating December 1, 2010. Each subsequent appointment shall terminate on December 1 of each even-numbered year. A judge shall hold office until his successor is appointed and qualified.

(2) A person appointed as judge of the court shall be a lawyer admitted to practice before the Supreme Court of the State of Rhode Island, shall be in good standing with such court, and shall have not less than five years experience in the active practice of law.

(H) Municipal court clerk, appointment, terms, qualifications and duties.

(1) The Council shall appoint the clerk of the Municipal Court, and such other administrators and clerical assistants as the Council may deem necessary for the Municipal Court to carry out its duties.

(2) The clerk, administrators and clerical assistants shall serve a term of office concurrent with that of the judge of the court and until their successors are appointed and qualified.

(3) The clerk, administrators and clerical assistants shall be under the direct supervision of the Town Administrator or his/her designee.

(4) The clerk shall keep a regular docket of all cases disposed of, shall record the judgments, orders, and sentences of such court, and shall furnish certified copies thereof when required, for which the clerk shall charge the same fees as are by law allowed the clerks of the Rhode Island Superior Court, and shall perform other court-related duties as assigned by the Town Administrator. The clerk's office shall be open to the public during such hours as the Town Administrator shall determine.

(I) Witness, issuance of writs and subpoenas.

The Municipal Court shall have the power to issue warrants, writs or summonses for witnesses or parties, and compel their attendance, and to punish for contempt by fine or imprisonment. The Municipal Court may also issue writs of *habeas corpus ad testificandum*, upon continuance of any complaint or proceeding before it, may take recognizance to the state, with surety or sureties in such sum as the Municipal Court shall deem proper, with the condition to appear before the Municipal Court and make further answer to such complaint or proceeding, in the meantime to keep the peace and in want thereof, may commit such party to the state adult correctional institutions until such recognizance shall be given or such party be lawfully discharged therefrom.

(J) Financial audits and oversight.

The Council shall cause to be carried out an annual administrative review and an annual financial audit of the court.

(K) Sessions, time and place.

The Municipal Court shall be considered to be in session at all times, and at such place or places in the town as the Municipal Court, or judge holding Municipal Court, shall appoint; subject, however, to the provision that regular court sessions shall be held at such times and places as determined by the Council.

(L) Court costs.

Costs assessed by the municipal court shall be fifty dollars (\$50) for misdemeanors and ordinance violations (excluding parking), and costs for traffic violations (including parking) shall be thirty-five dollars (\$35), or as otherwise specified by R.I.G.L. §8-18-4(h), or any successor statute. The payment of such costs shall be part of the sentence to the extent they would be in the Rhode Island District Court, the Rhode Island Traffic Tribunal, the Rhode Island Administrative Adjudication Court, or any successor thereto. If a payment for any fine assessed in the Municipal Court for any violation is attempted with a check written against insufficient funds, then an additional penalty not to exceed twenty-five dollars (\$25), or as otherwise specified by R.I.G.L. §8-18-4(i), or any successor statute, may be added to the amount due.

(M) Operating budget.

An operating budget shall be established by the Council prior to June 30 of each fiscal year for the next fiscal year beginning July 1 through June 30.

(N) Charter provisions.

The provisions of the Charter and ordinances of the town shall apply to the Municipal Court to the extent that such provisions are not inconsistent with the laws of the state.

(O) Compensation of judge, court clerk, administrators and clerical assistants.

Compensation and benefits (if any) of the judge of the Municipal Court, the prosecutor, the clerk, the court administrators and clerical assistants shall be established by the Council.

(P) Acting judge, acting clerk.

In case of sickness, absence, or other disability or ineligibility of the Municipal Court judge or the clerk, the Council may, by resolution, appoint an acting Municipal Court judge, or an acting clerk, respectively, for the term of such sickness, absence, disability or ineligibility of the Municipal Court judge or clerk, respectively, at the same compensation as the Municipal Court judge and clerk then receives. An acting Municipal Court judge or clerk shall perform all duties as Municipal Court judge or clerk, respectively, and, in the performance of such duties, shall have the same effect as if performed by the Municipal Court judge, or the clerk, respectively. On an emergency basis the Town Administrator may appoint an acting clerk.

(Q) Autonomy.

The affairs of the Municipal Court shall not be subject to supervision by the Council or any other town agencies or officials, except as otherwise provided in this chapter.

Secs. 2-184, 2-185. Reserved.

ARTICLE XIII.

TOWN COMMISSIONS

Sec. 2-186. General.

Where appointments, terms, duties, etc., of the commissions are adequately stated in the Charter or Code only the primary reference will follow the commissions' title. In those cases where the commission was previously referenced in this ordinance or is now being created, the previous reference or words creating will be stated here.

(Ord. of 6-17-91, § 2)

Sec. 2-187. Conservation commission.

(a) See the Charter, Article XV, Section 8.

(b) Created, purpose, duties, powers. There is created a conservation commission, the purpose of which is to promote and develop the natural resources, to protect the watershed resources and to preserve natural esthetic areas of the town. Such commission shall conduct research into its local land areas and shall seek to coordinate the activities of unofficial bodies organized for similar purposes and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its work. It shall make and keep an index of all open spaces within the town publicly or privately owned including open marshlands, swamps and other wetlands for the purpose of obtaining information on the proper use of such areas. It may recommend to municipal councils, boards or agencies a program for the better promotion, development, utilization or preservation of open areas, streams, shores, wooded areas, roadsides, swamps, marshlands and natural esthetic areas. It shall keep accurate records of its meetings and actions, and shall file an annual report with the town council. It shall have the power to appoint, subject to any personnel procurement program ordained by the town, clerks, and other employees it may from time to time require.

(c) Members. The conservation commission shall consist of seven members appointed by the town administrator with the approval of the town council. The members of such commission shall be appointed for three-year terms, except the initial appointments of the members shall be as follows: Two members for one year; two members for two years; one member for three years; one member for four years; and one member for five years. At the first meeting of the commission, the members shall elect a chairman, a vice-chairman, and shall organize such subcommittees as they shall deem necessary for the performance of their duties. In the event of a vacancy, interim appointments may be made by the appointing authority to complete the unexpired term of such position. Duly incorporated and existing wildlife, conservation, sportsmen's, horticultural or like organizations may present to the appointing authority a list of qualified citizens, from which lists the appointing authority must select at least three members of the commission and from which lists the appointing authority may select the remainder.

(d) Finances. The conservation commission may receive gifts of funds, lands, buildings or other properties in the name of the municipality and may also acquire by gift, purchase, grant, bequest, devise, lease or otherwise the fee in such lands or water rights or any lease interest, development right, easement, covenant or other contractual right, including conveyances, and thereafter shall manage the same in accordance with the purposes set forth above. However, nothing herein shall be construed to deny to the people access to said lands for all legitimate purposes or to restrict free access to said lands, or to any other land held by or for the town for recreation purposes.

(e) Meetings and records open. All meetings of the conservation commission shall be open to the public and any person or his duly constituted representative shall be entitled to appear and be heard on any matter

before the commission before it reaches its decision. All records of the proceedings, resolutions and actions shall be open to public view.
(Ord. of 6-17-91, § 2)

Sec. 2-188. Historic district commission.

See Chapter 9 of the Code.
(Ord. of 6-17-91, § 2)

Sec. 2-189. Industrial development commission.

(a) *Created.* Pursuant to Article XV, Section 9, of the Town Home Rule Charter, there is hereby established in the town an industrial development commission.

(b) *Organization.* The industrial development commission shall be composed of five members, residents of the town sympathetic toward industrial development within the town, appointed by the town administrator with the approval of the town council, each to hold office for the term of five years; provided, however, that the original selection shall be made for terms of one, two, three, four, and five years, respectively.

In addition there shall be two alternate members who shall each be appointed for a term of one year and shall sit as an active member upon the request of the chairman when and if a member of the commission is unable to serve at any meeting.

(c) *Powers and duties.* Said commission shall organize at its first meeting held after appointments each year by electing a chairperson and adopting its rules of procedure.

The commission shall have the power to promote and encourage the location and development of new business in the town as well as the maintenance and expansion of existing business and for that purpose shall cooperate with the state, other local agencies and individuals whether in the town or in other municipalities.

(d) *Compensation.* Said commission shall serve without pay.

(e) *Annual reports.* The commission shall submit a report of its activities annually to the town administrator.

(Ord. of 6-17-91, § 2)

Sec. 2-190. Parks and recreation commission.

(a) See the Charter, Article X, Section 2(4).

(b) *Created, purpose, duties.* There is created a commission of parks and recreation, the purpose of which is to promote and coordinate the needs of the multiple recreational organizations in North Smithfield. Such commission shall assist in the administration and development of parks and recreational facilities and programs within the Town for all the residents of the Town. The commission may recommend to municipal councils, boards and/or agencies any programs it determines to be in furtherance of, and improvements to recreational

opportunities for the Town.

(c) Membership. The commission of parks and recreation shall be comprised of seven voting members who shall be residents of the Town and three ex officio non-voting members who need not be residents of the Town. The members of the commission shall be appointed for terms to be co-terminus with that of the town administrator. The commission shall specifically include the following as members, all of whom shall be appointed by the town administrator with the approval of the town council:

(1) Seven voting members who shall be residents of the Town;

(2) The director of public works, ex officio, who shall be a non-voting member of the commission and need not be a resident of the Town;

(3) The parks and recreation coordinator, ex officio, who shall be a non-voting member of the commission and need not be a resident of the Town; and

(4) A school department employee who has active involvement with school athletic programs and school athletic field use, who is recommended by the superintendent of schools, who shall be a non-voting member of the commission and need not be a resident of the Town.

(d) Meetings and records open. All meetings of the commission shall be open to the public and any person shall be entitled to appear and be heard on any meeting before the commission. (Ord. of 6-7-91, § 2; Ord. of 3-18-96; Ord. of 1-3-00; Ord. of 2-19-2019)

Sec. 2-191. Public safety commission.

(a) *Public safety commission created, etc.* There is hereby created a public safety commission consisting of three members who shall be appointed by the town council for three-year terms, except that the initial appointments shall be one member for one year, one member for two years and one member for three years. The commission shall be composed of members who are residents of the Town of North Smithfield who are of good moral character. Said commission members shall serve without pay.

(1) The town administrator, in the capacity as public safety director, or any person appointed by the town administrator to the position of said public safety director, may sit as an ex-officio member of said commission, but shall have no vote on said commission.

(2) The town administrator may, by written request and with the exception of a budget recommendation, ask the town council to vote to request the commission to review areas of public safety as the town administrator may deem necessary.

(b) *Purpose; authority.* The commission hereby created shall have the purpose of reviewing, upon request and vote of the town council only, the various departments of the town concerned with public safety (including, but not limited to, the police, civil preparedness and any other departments either within municipal control or under contract with the town dealing with the health, safety and welfare of the inhabitants of the town) for the following purposes:

- (1) Budget requests and/or contracts relating to the aforementioned departments.
- (2) Long range planning in the area of public safety.
- (3) Rules and regulations concerning the operation of the various public safety departments.
- (4) Such other public safety matters as the town council may from time to time request be reviewed.
- (c) *Procedures:*
 - (1) The commission shall meet only at such times as are necessary to conduct those reviews as directed by the town council, but may meet as often as the commission needs to complete the town council's request.
 - (2) The commission shall prepare a written report to the town council of the results of its review. The commission may include in its findings such recommendations as it feels are relevant. Nothing, however, shall be construed to restrict or prevent the town council from acting or not acting on any ordinance or resolution contrary to or in the absence of a recommendation of the commission.

(Ord. of 6-17-91, § 2; Ord. of 1-25-93; Ord. of 11-20-95; Ord. of 11-28-97)

Sec. 2-192. Sewer commission.

See the Charter, Article XV, Section 10 and Code, Chapter 8, Health and Sanitation.
(Ord. of 6-17-91, § 2)

Sec. 2-193. Reserved.

Sec. 2-194. Public Building Improvement Commission.

(a) *Creation, general purpose.* Here created is the Public Building Improvement Commission for the Town of North Smithfield for the general purpose of overseeing implementation of the public facilities improvement plan dated October 6, 2014, as accepted and approved by the North Smithfield Town Council and North Smithfield School Committee, and as thereafter approved by the electors of the town by vote on November 4, 2014. The commission shall have no executive or legislative powers, and shall report its recommendations to the town council, to whom it shall serve an advisory capacity.

The commission shall be authorized until the completion of the project (implementation of the public facilities improvement plan), and the execution of all documentation necessary for state reimbursement, and in any event the commission shall expire as of one year following the issuance of a certificate of substantial completion issued by the architect, or at the expiration of the warranty period, whichever is later.

(b) *Membership.* The commission shall be comprised of at least seven voting members who shall be residents of the town and two non-voting members who need not be residents of the Town who are of good character. Members shall serve without compensation, but the reasonable expenses of the commission or its members may be authorized by the town council with prior approval.

There shall be a clerk/secretary of the commission who shall be compensated by funds appropriated by the council, and who shall serve to take minutes and perform administrative tasks for the commission, including but not limited to the taking of notes and minutes of the activities of the commission, prepare communications with the construction manager and others and facilitate compliance with open meetings and other procedures. Minutes shall be filed by the commission with the town clerk (for distribution to the town council) and with the school committee.

The commission shall specifically include the following as members, all of whom shall be appointed by the town council:

- (1) A member of the school building task force, appointed by the town council;
 - (2) A member of the present town council, appointed by the town council. This member may be re-appointed by the town council whether or not he or she is re-elected as a council member, for purposes of continuity of membership on the commission.
 - (3) A member of the present school committee. This member shall be approved by a vote of the school committee. This member may be re-approved by the school committee, whether or not he or she is re-elected as a school committee member, for purposes of continuity of membership on the commission.
 - (4) The superintendent of schools, ex-officio. The superintendent shall be a non-voting member.
 - (5) The town police chief, ex-officio. The chief shall be a non-voting member.
 - (6) All four other members shall be appointed by the council. Priority should be considered toward those who have specific skills and qualifications that would assist the commission in its tasks, such as those in the professional, educational, building trades, finance, business, design, architecture, engineering or the like. All of the above members are full voting members, except for the limitation relating to the school superintendent and police chief.
 - (7) Non-voting, ex-officio, voluntary members, with whom the commission may consult shall include the town administrator, the high school principal, the elementary school principal, the school department director of facilities, all of whose attendance is not mandatory but who should be available on request by the commission.
 - (8) The commission shall appoint a chairperson, a vice chairperson or a co-chairperson, and a secretary who shall coordinate and supervise the activities of the clerk, and assist the clerk where necessary.
 - (9) The terms of all members shall be concomitant with the terms of the council that elected them. Initial members shall serve until re-appointments are designated following the next regular town election. Members shall serve until a successor is appointed.
- (c) *Purposes and authority.*

- (1) The commission shall be responsible for overseeing the project *with the assistance of the Clerk of the Works (if applicable)* and advising the Town Council on the implementation of public facilities improvement plan, and to prepare such recommendations and advice for action by the council, which, however, shall be non-binding on the town council, and which recommendations shall include:
 - a. The retention of a program manager/design builder and other contractors and subcontractors in accordance with the funds allocated by the town and in accordance with law, including bidding processes. In addition, the commission may retain construction law legal counsel to represent the town and the commission with the prior approval of the town council.
 - b. Review and make recommendations relating to plans, specifications, and designs;
 - c. Review and make recommendations relating to estimates, bids, bonds, budgets and contracts;
 - d. Review and make recommendations relating to permits, applications, licenses, construction schedules;
 - e. Oversight of construction and completion;
 - f. Application for and administration of the process for state reimbursement as administered by the department of education;
 - g. Consultation with the school committee for educational specifications that affect construction design and engineering, however, the school committee, upon the non-binding recommendation of the superintendent, shall have final authority to approve such specifications in accordance with Title 16 of the R.I. General Laws;
 - h. Any other matter as may be directed by the town council relating to the public facilities improvement.
- (2) All contracts, and modifications to contracts, or change orders, must be authorized by the Town Council. It is expected that the commission and its chair(s) would be the first and readily accessible line of communication from the construction manager through to the town council during the course of the project.
- (3) All monetary decisions of the commission shall be referred for approval to the Town Council. The commission shall report its activities to the town council at least once every other month, as well as at such other times as it or the council deems appropriate. The minutes of the commission shall be referred to the council for review upon their adoption and approval by the commission.
- (4) Notwithstanding the above, all major decisions concerning construction and design shall be referred for approval to the Town Council. However, less significant decisions concerning

construction and design necessary for the efficient and timely progress of the project may be authorized by the commission, subject to reporting such decisions at the very next council meeting. The council and the commission shall meet periodically, either at town council meetings, or otherwise, to come to a working understanding as to those issues that may fall within this latter category. It is anticipated that the progress of the commission would be a standing agenda item at each town council meeting so that the council can be best prepared to respond to the needs of the commission in an expedited fashion. The council shall retain the authority to overrule, revoke, or restrict the commission's authority in this regard at any time. This provision is not intended to modify those requirements of the charter with respect to the necessity of council approval of contractual obligations on behalf of the town.

(d) *Meetings.*

(1) Meetings of the commission shall be in compliance with the open meetings act, and its records open in compliance with the state public records acts. The meetings shall be open for public comment addressed to the commission at each meeting.

(2) The commission may organize such subcommittees as it deems necessary to affect its purpose, which subcommittees shall act in compliance with the open meetings laws.

(Ord. of 12-15-14)

Sec. 2-195. School building task force.

(a) *Creation, general purpose.* Here created is the school building task force, which, with prior town council approval, may be aided by the assistance of an architect:

(1) To review;

a. The March 2009 NESDEC report [updated projections, etc.];

b. Master plan depth of already completed building and site condition analysis;

c. The most recent "existing conditions" report that is part of the school district Five Year Capital Improvement Plan dated November 2008;

d. Options already proposed;

e. Other options to be considered; and,

f. Educational programming, recommendations, etc.

(2) To propose a recommendation to address the next phase of school buildings needs on or before January 19, 2010.

(b) *Membership.* The task force shall be comprised of eight voting members who shall be residents of the town (with exception below) who are of good character. Members shall serve without compensation, but the

reasonable expenses of the task force or its members may be authorized by the town council with prior approval.

There shall be a clerk of the task force who may be compensated by funds appropriated by the council, and who shall serve to take minutes and perform administrative tasks for the task force.

This school building task force should begin their work as soon as possible after approval of task force members with the intention of providing a recommendation(s) to the school committee and town council to consider implementation for the 2010 -- 2011 school year.

The task force shall have no executive or legislative powers, and shall report its recommendations to the town council, to whom it shall serve an advisory capacity.

The task force shall remain in place through the time of recommendations, and the execution of all documentation necessary for state reimbursement, and in any event the task force shall expire no later than 18 months from approval of its membership.

The task force shall specifically include the following as members, all of whom shall be appointed by the town council:

- (1) A member of the present town council. This member shall be appointed by the town council.
- (2) A member of the present school committee. This member shall be approved by a vote of the school committee.
- (3) The superintendent of schools, ex-officio. The superintendent shall be a voting member for all matters with the exception of the payment of invoices, and need not be a resident of the town.
- (4) All five other members shall be appointed by the council with a recommendation from the above mentioned members. Priority should be considered toward those who have specific skills and qualifications that would assist the task force in its tasks, such as those in the professional, educational, building trades, finance, business, design, architecture, engineering or the like.

Non-voting, ex-officio, voluntary members, with whom the task force may consult shall include the school department director of facilities and school administrators, all of whose attendance is not mandatory but who shall be available on request by the task force.

The task force shall appoint a chairperson, a vice chairperson or a co-chairperson, and a secretary who shall take notes of the activities of the task force, develop minutes, and facilitate compliance with open meetings and other procedures. Minutes shall be filed by the task force with the town clerk upon their adoption and approval by the task force for distribution to the town council and the school committee.

Members shall serve until a successor is appointed.

(c) *Meetings.*

- (1) Meetings of the task force shall be in compliance with the open meetings act, and its records open

in compliance with the state public records acts. The meetings shall be open for public comment addressed to the commission at each meeting.

- (2) All major decisions of the task force shall be referred for approval to the town council. The task force shall report of its activities to the town council at least once every other month, as well as at such other times as it or the council deems appropriate.
- (3) The task force may organize such subcommittees as it deems necessary to affect its purpose, which subcommittees shall act in compliance with the open meetings laws.

(Ord. of 5-18-09)

Sec. 2-196. Asset Management Commission

(a) *Commission established.* Pursuant to Article XV Sec. 11 of the Town Home Rule Charter, the Town Council hereby establishes the terms and membership of the Asset Management Commission.

(b) *Membership.* The Asset Management Commission shall consist of five members, appointed by the Town Council from among the qualified voters of the Town, each to serve a term of five years, except that the terms shall be arranged so that the term of one member shall expire each year. In the event that a Commission member shall have missed three consecutive meetings without consent of the Commission Chair, then his or her membership shall expire forthwith. In the event of a vacancy on the Commission for any reason, the Town Council shall make an interim appointment for the remainder of the unexpired term. Members shall be eligible for reappointment. The qualifications of members shall include, but not be limited to, experience in construction and facilities management, architectural and civil engineering, real estate and finance.

(c) *Organization.* The Commission shall organize annually and, by election, shall select from its members a Chair, Vice Chair and Secretary and may adopt any rules of procedure deemed necessary for the proper discharge of its duties. The Commission shall hold its regular meetings on a monthly basis, and special meetings may be scheduled at the direction of the Chair. All meetings of the Commission shall be conducted in accordance with the Rhode Island Open Meetings Act. *See G.L. § 42-46-1 et seq.*

(d) *Quorum.* Three members of the Commission shall constitute a quorum, and no vacancy in the membership shall impair the right of a quorum to exercise all the rights and perform all the duties of the Commission.

(e) *Duties and purposes.* The general duties and purposes of the Asset Management Commission are as follows:

1. Compile an inventory of all land, vehicles and buildings owned by the Town.
2. Assess the condition of all buildings and establish and prioritize the need for major repairs or renovations.

3. Prepare and present to the Town Council a list of Town-owned property that could be sold or transferred. The Commission shall identify and recommend sites to be acquired for projects identified on the priority list.
4. Prepare with input from all departments of Town government a list of projected capital expenditures for five- and ten-year periods; prioritize the list and recommend sources of funding. The Commission shall annually report to the Town Administrator and Town Council its recommendations.
5. Conduct the initial review of any project for which a Town department seeks funding, including planning, cost estimates for the project, and future operating costs associated with the project. This initial review shall be done by the Commission with assistance of the department making the request. Any building committee designated to build the project shall include representatives from the Asset Management Commission. All building committees shall be appointed by the Town Council.
6. The Commission, on request of the Town Council, may perform other specified tasks. The Town Administrator shall provide necessary resources to the Commission to carry out its responsibilities.
(Ord. of 1/28/2019)

Secs. 2-197--2-200. Reserved

ARTICLE XIV.

TOWN COMMITTEES

Sec. 2-201. General.

Where appointments, terms, duties, etc., of the committee listed below are adequately stated in the Charter only the primary reference will follow the committee's title. In those cases where a committee is now being created, the words so creating will be stated here.
(Ord. of 6-17-91, § 2)

Sec. 2-202. Budget committee.

See the Charter, Articles III and VIII.
(Ord. of 6-17-91, § 2)

Sec. 2-203. School committee. (Elected body)

See the Charter, Article XIV.
(Ord. of 6-17-91, § 2)

Sec. 2-204. Ad hoc committees.

(a) The town council may create ad hoc committees in accordance with the Charter, Article IV, Section 8(22).

(b) The town administrator may create ad hoc committees to investigate and report on any matter referred to them and make recommendations thereon. Such committees shall serve co-terminus with and at the pleasure of the administrator and have no executive or legislative powers.
(Ord. of 6-17-91, § 2)

Secs. 2-205--2-210. Reserved.

ARTICLE XV.

EFFECTIVE DATE OF CHAPTER

Sec. 2-211. Severance clause.

(a) If any section, clause, provision or portion of this chapter shall be held to be inconsistent with the rules and regulations of the Home Rule Charter, such decision shall not affect any other section, clause, provision or portion of this chapter.

(b) If any section, clause, provision or portion of this chapter shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this chapter.
(Ord. of 6-17-91, § 2)

Sec. 2-212. Effective date.

This chapter shall take effect on the day following its passage by the council.
(Ord. of 6-17-91, § 2)

Secs. 2-213--2-220. Reserved.

ARTICLE XVI.

ADMINISTRATIVE PRACTICES AND PROCEDURES*

* **Editor's Note:** Ord. of July 19, 2004, §§ 10-1, 10-3, respectively, did not specify manner of codification hence inclusion of these provisions as Art. XVI, §§ 2-220, 2-221 was at the discretion of the editor.

Sec. 2-221. Town administrator--Authority to settle property damage claims.

(a) In the event that the Town of North Smithfield, its employees, vehicles, equipment or the like negligently cause property damage within the town, and said damage can be repaired utilizing town equipment and resources, said damage may be corrected by the town.

(b) Notwithstanding the provisions of G. L. (1956) 45-15-5, Said claims may be addressed as follows:

- (1) Upon written notice, the town administrator shall determine the town's responsibility for the alleged damage, and shall obtain from the director of public works his estimate of cost to the town for repair.
- (2)
 - a. If the director of public works certifies that the cost of repair to the town is less than \$1,000.00, the town administrator may, in his/her discretion, direct that the corrective work be performed, utilizing town employees, equipment, and resources.
 - b. The town administrator shall notify the town council, at its next regularly scheduled meeting, of the claim, the certification of work, and the town administrator's authorization for repair.
 - c. If the director of public works certifies that the cost of repairs to the town exceeds \$1,000.00, then the claim shall be forwarded to the town council, with all supporting documentation, for consideration at its next regularly scheduled meeting.
 - d. In the event that the town administrator or the town council, as the case may be, finds that the town is not responsible and denies the claim, then in such event the provisions of G.L. (1956) § 45-15-5 shall prevail.

(Ord. of 7-19-04, § 10-1)

Sec. 2-222. Town vehicles.

(a) *Business use.* Town vehicles shall be used for town business travel only. Occasional use for professional association activities, courses, or seminars is permissible, with the approval of the town administrator. Transportation of personal property or passengers not associated with departmental business is prohibited. Town vehicles may only be driven by an elected town official, other town officials, appointed department directors or employees with a valid driver's license and shall be driven in a safe, courteous, and legal manner. At the end of each workday the vehicle shall be parked at a town facility unless commuter use is authorized. During a vacation or extended absence in excess of three (3) days, the vehicle shall be parked at a town facility for use by elected town officials, other town officials, appointed department directors or employees. Any employee seeking use of a Town-owned vehicle must have the approval of the department director.

(b) *Commuter use.* Vehicles may be used for commuting purposes by town elected officials, other town officials, appointed department directors or employees who are regularly on emergency call for the purpose of traveling to and from the employee's residence and returning to the work site to perform emergency, repair, or supervisory services. Vehicles belong to the town and should be used in a manner consistent with town purposes.

(c) *Commuting approval.* Use of the town vehicles for commuting purposes must be authorized by the town administrator and can be approved only for the reasons stated in subsection (b) of this section. "Commuting" is taking employer- provided vehicle(s) to or from work site and the employee's residence. Commuting is considered a *de minimus* fringe benefit as defined by the United States Internal Revenue Service code.

(d) *Marking of vehicles.* Town vehicles, other than the town administrator's vehicle and police

vehicles, shall generally be marked in a uniform manner identifying the town and the department and /or the town seal and registered.

(e) *Vehicle Travel and Fuel Log.* Any elected town official, other town official, appointed department director or employee, except a sworn police officer or truck driver for the department of public works authorized to use a town vehicle, shall maintain a written vehicle travel and fuel log providing the date, destination, business purpose, starting odometer reading, ending odometer reading, miles traveled, and date and amount of refueling. The vehicle travel and fuel log shall be submitted once a month at the end of the month for approval by the town administrator and retained by the town finance director subject to review by the town council. All travel and fuel logs shall be subject to Town Council review. Any elected town official, other town official, appointed department director or employee who fails to perform his duty under the aforesaid provisions may be subject to disciplinary action including suspension or termination of town vehicle privileges and/or suspension or termination of employment. All elected town officials, other town officials, appointed department directors or employees who fail to comply with the aforesaid provisions may be subject to suspension or termination of town vehicle privileges by a majority vote of the Town Council.

(f) This ordinance shall not apply when the use of a town vehicle is granted pursuant to a contract approved by the Town Council.
(Ord. of 7-19-04, § 10-3; 3-21-16; 12-4-17)

Sec. 2-223. Legal fees reimbursement policy.

(a) This legal fees reimbursement policy applies to all town council members, the administrator, employees, paid and volunteer board and commission members, the solicitor and the assistant solicitor (each a "covered person") of the Town of North Smithfield (the "town") at any time when (a) notice of any and all legal claims or lawsuits (individually and/or collectively, a "claim") is received by a covered person for any covered act (as such term is defined herein below) or (b) a claim is threatened and/or filed against a covered person for any covered act if, and only if, said covered act occurred in the performance of the covered person's duties on behalf of the town. No legal fees incurred by a covered person shall be reimbursed pursuant to this policy for any act or omission occurring outside the scope of the covered person's duties on behalf of the town.

(b) Within ten days of the receipt of any notice or threat, and/or the filing of any claim, a covered person shall provide written notice to the town council and to the town solicitor of such notice, threat, or filing. The town solicitor shall then investigate the facts surrounding such claim.

(c) If the town solicitor determines that the claim may be defended at no cost to the covered person by either (a) the town solicitor and/or the assistant town solicitor or (b) the Rhode Island Interlocal Risk Management Trust, then such determination shall be conclusive, and the covered person shall be deemed to be ineligible pursuant to this policy for the reimbursement of any legal fees or expenses incurred by the covered person if such covered person chooses to retain private legal counsel ("private counsel") to assist and/or defend the covered person against the claim.

(d) If the town solicitor determines for any and all reasons that the claim may not be defended with reference to the covered person by either (a) the town solicitor and/or the assistant town solicitor or (b) the Rhode Island Interlocal Risk Management Trust (the "trust"), then such determination shall be conclusive, and the covered person shall be deemed to be eligible pursuant to this policy for the reimbursement of any legal fees or

expenses incurred by the covered person if such covered person chooses to retain private counsel to assist and/or defend the covered person against the claim; provided, however, that no such legal fees or expenses incurred by the covered person in connection with any private counsel retained by the covered person to assist and/or defend the covered person against the claim shall be eligible for reimbursement hereunder unless and until such private counsel and such covered person enter into a written contract for fees and expenses related to legal services provided to the covered person relating to the claim, and the terms and provisions of such written contract relating to hourly rates and expenses are equal to or less than the hourly rates and expenses then paid by the town to the town solicitor and/or the assistant town solicitor for similar services.

(e) If the claim is made against the town solicitor, then each and every reference in subsections (a)--(d) herein above to "town solicitor" shall be deemed to mean "assistant town solicitor". If the claim is made against both the town solicitor and the assistant town solicitor, then the town council may by simple majority vote determine to retain special counsel to provide advice to the town council, and under such circumstances, each and every reference in subsections (a)--(d) herein above to "town solicitor" shall be deemed to mean "special counsel".

(f) Legal fees reimbursement process.

(1) *Definitions.* As used herein, the following terms shall have the following respective meanings:

Covered act means any act or omission of a covered person in the covered person's official capacity with the town and while serving as such or while serving at the request of the town as a member of the governing body, officer, employee or agent of another entity.

Councilor means any member of the North Smithfield Town Council.

Excluded claim has the meaning set forth herein below.

Expenses means any reasonable expenses incurred by the covered person in connection with the defense of any claim made against the covered person for covered acts including, without being limited to, legal, accounting or investigative fees and expenses of bonds necessary to pursue an appeal of an adverse judgment.

Proceeding means any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative.

(2) *Indemnification.* Subject to the exclusions herein after set forth, the town agrees that it will indemnify the covered person against and hold the covered person harmless from any expenses.

(3) *Advance payment of expenses.* By the adoption of this policy, the town agrees that it will pay the expenses of the covered person in advance of the final disposition of any proceeding except to the extent that the defense of a claim against the covered person is undertaken pursuant to subsection (d) herein above. The advance payment of expenses will be subject to the covered person's first agreeing in writing with the town to repay the sums paid by the town hereunder if it is thereafter determined that the proceeding involved an excluded claim or that the covered person was otherwise not entitled to indemnity under this policy.

- (4) *Exclusions.* The town will not be liable to pay any expenses (an "excluded claim"):
- a. For which payment is actually made to or on behalf of the covered person under any insurance policy as may be maintained by the town with the trust, or otherwise (except for any excess beyond the amount covered by such insurance);
 - b. For which the covered person is otherwise indemnified or reimbursed under any insurance policy as may be maintained by the covered person, or otherwise;
 - c. With respect to a proceeding in which a final judgment or other final adjudication determines that the covered person is liable to the town for: (i) a breach of the covered person's duty of loyalty to the town; (ii) acts or omissions not in good faith or which involve intentional misconduct or knowing violation of law; or (iii) any transaction from which the covered person derived an improper personal benefit;
 - d. If a final judgment or other final adjudication determines that such payment is unlawful.
- (5) *Notice to town; insurance.* Within ten days after receipt by the covered person of notice of the commencement of or the threat of commencement of any proceeding, the covered person will, if indemnification with respect thereto may be sought from the town under this policy, notify the town (as set forth in subsection (b) herein above) of the commencement thereof. If, at the time of the receipt of such notice, the town has any insurance in effect, whether with the trust or otherwise, the town will give prompt notice of the commencement of such proceeding to the trust or other insurer in accordance with the procedures set forth in the policy or policies in favor of the covered person. The town will thereafter take all necessary or desirable action to cause the trust or such other insurer to pay, on behalf of the covered person, all expenses payable as a result of such proceeding in accordance with the terms of such policies.
- (6) *Indemnification procedures.*
- a. Payments on account of the town's indemnity against expenses will be subject to the town's first determining that the expenses result from a claim which is not an excluded claim. Such a determination shall be made pursuant to the terms and provisions set forth in subsection (d) herein above.

The determination required by this subparagraph a. will be made within 60 days of the covered person's written request for payment of an expense, and if it is determined that the expense is not an excluded claim, then payment will be made forthwith thereafter.

- b. Payment of a covered person's expenses in advance of the final disposition of any proceeding will be made within 60 days of the covered person's written request therefore. From time to time prior to the payment of expenses the town may, but is not required to, determine (in accordance with subparagraph a., above) whether the expenses claimed may reasonably be expected, upon final disposition of the proceeding, to constitute an excluded claim. If such a determination is pending, payment of the covered person's expenses may be delayed up to an additional 90 days after the covered person's written request therefore,

and if it is determined that the expenses are not an excluded claim, payment will be made forthwith thereafter.

- (7) *Rights not exclusive.* The rights provided hereunder will not be deemed exclusive of any other rights to which the covered person may be entitled under the laws of the United States of America or the State of Rhode Island, the Town's Charter or Code of Ordinances, the vote of the councilors, or otherwise, both as to action in the covered person's official capacity and as to action in any other capacity while holding such office, and shall continue after the covered person ceases to serve the town in an official capacity.
- (8) *Enforcement.*
- a. The covered person's right to indemnification hereunder will be enforceable by the covered person in any court of competent jurisdiction.
 - b. In the event that any action is instituted by the covered person under this policy to enforce or interpret any of the terms of this policy, the covered person will be entitled to be paid all court costs and expenses, including reasonable attorneys' fees, incurred by the covered person with respect to such action, unless the court determines that the material assertion or assertions made by the covered person as a basis for such action was or were erroneous.
- (9) *Severability.* If any provision of this policy is determined by a court to require the town to perform or to fail to perform an act which is in violation of applicable law, this article shall be limited or modified in its application to the minimum extent necessary to avoid a violation of law, and, as so limited or modified, this policy shall be enforceable in accordance with its terms.
- (10) *Amendment.* No amendment of this policy shall be effective as to a covered person without his or her written consent.

(Ord. of 9-21-09)

Sec. 2-224. Collective Bargaining Agreements and Public Union Contracts

Pursuant to the Charter, the Town Administrator's powers and duties include "Negotiate contracts on behalf of the town with the approval of the town council." (Art. V, Sec. 6(6)). At all times subsequent to the adoption of this Ordinance, prior to the town council approving any collective bargaining agreement or public union contract (collectively referred to herein as "Public Contracts), the town council shall convene and hold a public hearing to detail all significant monetary and non-monetary changes to existing or new Public Contracts. No public hearing shall be scheduled unless and until the Town Administrator shall have submitted a report detailing the key provisions in the Public Contract under discussion, including any and all changes from the prior Public Contract. Such report shall be in tabular or memorandum form, or a combination of both, whichever will communicate the changes in a clear and complete manner, and shall include a fiscal impact study of the proposed Public Contract by the Finance Director.

Said report of the Town Administrator and Finance Director shall be available to the Public through the Town Clerk's office not less than one week in advance of the public hearing date.

The town council shall be required to hold said public hearing not less than two weeks prior to any vote to ratify the Public Contract.

Although at this time state law prohibits the enforcement of this Ordinance with reference to any Public Contract entered into by the North Smithfield School Committee and/or School Department, those public bodies are urged to follow this procedure as well with a Public Hearing at a Town Council Meeting.

In addition, any organization or group, public or private, that receives at least 50% of its funding through tax appropriations or grants from the Town of North Smithfield and who have employees covered by a Collective Bargaining Agreement or other Public Contract are strongly encouraged to make the details of said proposed contracts public with a Public Hearing before the North Smithfield Town Council before ratification by that organization or group's Executive Board, Board of Directors, or other like kind of Supervisory Committee in a manner consistent with the provisions outlined above.

Code of Ordinances, Part II, Chapter 2, Article XVI, Section 2-224 – Collective Bargaining Agreements and Public Union Contracts