

APPOINTMENTS

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

RESOLUTION NO.

RESOLUTION ESTABLISHING THE LANGUAGE OF PROPOSED AMENDMENTS TO THE EAST PROVIDENCE CITY CHARTER AS WILL BE VOTED ON AT THE SUBSEQUENT CHARTER REFERENDUM

WHEREAS, the Home Rule Charter for the City of East Providence was originally adopted by the Town of East Providence in September 1954; and

WHEREAS, Article XIII, Sec. 8 of the Rhode Island Constitution allows for the legislative body of any city or town to propose amendments to the Charter, which amendments shall be submitted for approval to the qualified electors of the City at a general or special election; and

WHEREAS, the City Council desires to amend the City Charter as follows with regard to appointments:

Sec. 2-13. Planning board.

The Council shall provide by ordinance for the appointment of a planning board whose members shall be qualified electors of the City. The planning board shall consist of seven (7) members. ~~Five (5) members~~ to be appointed by the ~~Council and two (2) by the~~ Mayor, ~~subject to Council approval~~, at least one (1) member to be a resident of each ward in the City. The planning board shall serve in an advisory capacity to the several officers, departments and agencies of the City and shall make studies of the resources and needs of the City with reference to its growth and development.

Sec. 2-14. Zoning board.

The Council shall provide by ordinance for the appointment of a zoning board whose members shall be qualified electors of the City. The zoning board shall consist of five (5) members ~~to be appointed by the Council~~ and two (2) alternates to be appointed by the Mayor, subject to Council approval, at least one (1) standing member to be a resident of each ward in the City. Alternates shall not reside in the same ward. The zoning board shall have power to hear and determine appeals from original actions on requests for building permits and to allow exceptions to or variations from the zoning regulations in certain classes of cases or situations as may be provided by ordinance.

Sec. 4-12. Board of assessment review.

- (1) There shall be a board of assessment review whose members shall be qualified electors of the city. The board of assessment review shall consist of five (5) members appointed by the ~~Mayor, subject to Council approval~~, at least one (1) member to be a resident of each ward in the City. The members first appointed shall serve for terms of two [2], ~~and four [4] and six [6]~~ years respectively, and thereafter one member shall be appointed in each second year for a term ~~of six [6] years~~. Two (2) additional members shall be appointed for terms of office to conclude in the first and second years thereafter in

which there are no members whose terms expire respectively. Thereafter one (1) member shall be appointed in each year, with the exception of the year in which no member's term expires, ~~for a term of six [6] years from the date of expiration of the term for which his or her predecessor was appointed, except that a person appointed to fill a vacancy occurring prior to the expiration of such term shall be appointed for the remainder of the term.~~ Each member of the board shall hold office until his or her successor is appointed and qualified. Two (2) alternate members shall be appointed by the Mayor, subject to Council approval.

- (2) The board of assessment review shall hear and consider the appeal of any property owner concerning the amount of his or her assessed valuation as determined by the City Assessor. The assessor shall attend all hearings of the board of review in order to explain his or her valuations, but shall have no vote. The board shall keep an accurate record of its proceedings which shall be available for public inspection. If it shall appear that the valuation of any property has been incorrectly or inequitably assessed, the board shall have power to change the assessment.
- (3) The Council shall provide by ordinance for the organization and procedure of the board of assessment review and for the manner of receiving, considering, and disposing of appeals.
- (4) The taking of an appeal to the board of assessment review, or any action thereon, shall not be construed to limit or restrict the right of any taxpayer to apply to a court of competent jurisdiction for relief from any assessed valuation or tax originally determined by the assessor.

ADDITIONAL APPOINTMENTS

Sec. 14-1. Probate court.

- (1) The powers and duties of a probate court for the City shall be exercised and performed by a judge of probate.
- (2) The judge of probate and an associate judge of probate shall be attorneys-at-law in good standing who have been admitted to the practice of law in this state. A preference in hiring shall be given to those residents of the City who apply for these positions.
- (3) The Mayor, subject to Council approval, shall appoint a judge of probate and the Council shall appoint an associate judge of probate each to serve for a term of office concurrent with that of the Council and until their respective successors are appointed and qualified.
- (4) In the absence, disability or disqualification of the judge of probate so that he or she is unable to perform his or her duties, the associate judge of probate shall serve as acting judge of probate and when so serving shall have and exercise all the powers and duties of the judge of probate.

Sec. 14-2. Municipal court.

- (1) The powers and duties of a municipal court for the City shall be exercised and performed by a municipal court judge.
- (2) The municipal court judge and an associate municipal court judge shall be attorneys-at-law in good standing who have been admitted to the practice of law in this state. A preference in hiring shall be given to those residents of the City who apply for these positions.
- (3) The Mayor, subject to Council approval, shall appoint a municipal court judge and the Council shall appoint an associate municipal court judge each to serve for a term of office concurrent with that of the Council and until their respective successors are appointed and qualified.

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- (4) In the absence, disability or disqualification of the municipal court judge, so that he or she is unable to perform his or her duties, the associate municipal court judge shall serve as acting municipal court judge and when so serving shall have and exercise all the powers and duties of the municipal court judge.

NOW, THEREFORE, BE IT RESOLVED that these proposed Charter amendments be summarized on the ballot in the next special election.

BE IT FURTHER RESOLVED that the ballot question expressly state that these amendments shall become effective upon passage without further action insofar as the Rhode Island Constitution's Home Rule Charter provisions allow.

Adopted by the City Council:

Attest:

City Clerk of East Providence, Rhode Island