

BUDGET TIMING & ADVERTISING

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 budget timing and advertising:

Sec. 2-12. City clerk.

- (1) The Council shall appoint an officer who shall have the title of City Clerk, and who shall give notice of its meetings, shall keep the journal of its proceedings, shall authenticate by his or her signature and record in full in a book kept for that purpose all ordinances and resolutions. A preference in hiring shall be given to those residents of the City who apply for this position.
- (2) He or she shall be responsible for the keeping and maintaining, for public inspection, all records of the City including, but not limited to:
 - (A) All land evidence records of every kind whatsoever;
 - (B) All records of personal property mortgages, attachments, assignments, lis pendens notices, conditional sales, and liens of every kind whatsoever that are now or shall hereafter be required or permitted to be recorded in a public place in charge of or under the control, custody, or supervision of any officer of the City;
 - (C) All records of the probate and municipal courts;
 - (D) All records of licenses issued by the City or by any officer or employee thereof;
 - (E) All records of births, marriages and deaths;
 - (F) All records of removals;
 - (G) All records of trade names;
 - (H) Such other records as shall by ordinance or laws of the state be required to be kept by the City Clerk-
 - (I) All ordinances and resolutions passed by the Council shall be recorded and then transmitted to the Mayor by the end of the following business day.

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- (3) He or she shall issue all marriage licenses, burial permits, and such other licenses or permits as by ordinance or laws of the state shall be required to be issued by the City Clerk, and shall perform such other duties as may be required by ordinance or laws of the state.

Sec. 2-16. Procedure of the council with regard to ordinances.

- (1) *Acts by ordinance.* In addition to such acts of the Council as are required by statute or by this Charter to be by ordinance, every act of the Council establishing a fine or other penalty or providing for the expenditure of funds or for the contracting of indebtedness, shall be by ordinance. The enacting clause of all ordinances shall be, "The Council of the City of East Providence hereby ordains:" All advertising and notice provisions for the passage of all ordinances shall strictly conform to applicable requirements as set forth in Rhode Island General Laws.
- (2) *First reading.* Every ordinance shall be introduced in writing, and after passage on first reading, at least three (3) copies of the ordinance, in the form in which it has been passed on first reading, shall be made available to public inspection at the office of the City Clerk ~~and there shall be published a notice in a newspaper having a general circulation in the city, describing the ordinance in brief and general terms and stating that the ordinance is available for public inspection at the office of the City Clerk, together with the time and place when and where it will be considered for final passage. Said notice shall be published at least one (1) week prior to the second reading.~~
- (3) *Second reading and public hearing.* At the time and place so advertised or noticed, or at any time and place to which such hearing shall from time to time be adjourned, such ordinance shall be read in full and, after such reading, all persons interested shall be given an opportunity to be heard.
- (4) *Further consideration and final passage.* After such hearing, the Council may finally pass such ordinance with or without amendment, ~~except that if it shall make an amendment, it shall not finally pass the ordinance until it shall have caused the amended sections to be published at least once as provided in subsection (2) of this section, together with a notice of the time and place when and where such amended ordinance will be further considered. At the time so advertised or at any time and place to which such meeting shall be adjourned, the amended ordinance shall be read in full and a public hearing thereon shall be held and after such hearing the governing body may finally pass such amended ordinance, or again amend it subject to the same conditions.~~ The second passage of any ordinance pursuant to this Charter shall be final and no further passage shall be required.
- (5) *Publication of ordinances after final passage.* After final passage, there shall be published within three (3) days as in subsection (2) of this section a notice describing the ordinance in brief and general terms and stating that it is available for public inspection in the office of the City Clerk.
- (6) *Date when ordinances go into effect.* Every ordinance, unless it shall specify another date, shall become effective at the expiration of twenty (20) days after such publication following final passage.
- (7) *Emergency ordinance.* In an emergency affecting the public peace, health or safety, the Council by affirmative vote of two-thirds of its members may adopt without a hearing or second reading an emergency ordinance which shall take effect upon its passage.
- (8) *Roll call.* The vote upon any ordinance shall be by roll call and entered on the record of proceedings. A vote by roll call shall be taken on any other matter at the request of any two (2) members.
- (9) Zoning ordinance. Any amendments to the zoning code or the zoning map shall only require a single passage before the Council so long as all other requirements pursuant to State law are met.

Sec. 5-3. Preparation and submission of budget.

The Mayor, at least ~~forty-five~~ ninety (4590) days prior to the beginning of each budget year, shall submit to the Council a budget and an explanatory budget message. For such purpose, at such date as he or she shall determine, he or she, or an officer designated by him or her, shall obtain from the head of each office, department or agency estimates of revenue and expenditure of that office, department or agency, detailed by organization units and character and object of expenditure, and such other supporting data as he or she may request; together with an estimate of all capital projects pending or which such department head believes should be undertaken (a) within the budget year and (b) within the five (5) next succeeding years. In preparing the budget, the Mayor shall review the estimates, shall hold hearings thereon and may revise the estimates, as he or she may deem advisable.

Sec. 5-10. Budget to be public record; copies to be prepared for distribution.

The Mayor's proposed budget and budget message and the City's finally adopted budget and all supporting schedules shall each be a public record posted on the City's website and in the office of the City Clerk open to public inspection by anyone. ~~The Mayor shall cause sufficient copies of the budget and budget message to be prepared for distribution to interested persons.~~

Sec. 5-11. Public hearing on budget; insertion of new items; increase or decrease in items of budget.

- (1) At the meeting of the Council at which the budget and budget message are submitted, the Council shall determine the place and time of the public hearing on the budget, and shall cause to be published a notice of the place and time, ~~not less than seven (7) days after date of publication~~ as set forth in the Rhode Island General Laws, at which the Council will hold a public hearing.
- (2) At the time and place so advertised or noticed, or at any time and place to which such public hearing shall from time to time be adjourned, the Council shall hold a public hearing on the Mayor's proposed budget as submitted, at which all interested persons shall be given an opportunity to be heard, for or against the estimates or any item thereof.
- (3) ~~After~~ Prior to the conclusion of such public hearing, the Council may insert new items or may increase or decrease the items of the budget, except items in proposed expenditures fixed by law or prescribed by subsections (1), (2), (3), (4), (5), (6), (7), (8) and (9) of section 8 of this article. The Council may not vary the titles, descriptions or conditions of administration specified in the budget. Before inserting any additional item or increasing any item of appropriation or capital expenditure, ~~it must cause to be published a notice setting forth the nature of the proposed increases and fixing a place and time, not less than five (5) days after publication, at which~~ the Council will hold a public hearing thereon, and such public hearing shall be advertised and or noticed in conformance with Rhode Island General Laws.

Sec. 5-12. Adoption of budget.

- (1) After such further hearing, the Council may insert the additional item or items, and make the increase or increases, to the amount in each case indicated by the published notice, or to a lesser amount, but where it shall increase the total proposed expenditures, it shall also increase the total anticipated revenue to at least equal such total proposed expenditures.
- (2) The budget shall be adopted by the favorable votes of at least a majority of all the members of the Council.
- (3) The budget shall be finally adopted by the Council not later than ~~seven (7)~~ eleven (11) days before the end of the current fiscal year. Should the Council take no final action on or prior to such day, the Mayor's proposed budget, as submitted, shall be deemed to have been finally adopted by the Council.

(4) If the Mayor vetoes the budget in accordance with Sec. 3-6, the present budget shall continue to be in full force and effect. The Council shall then have fifteen (15) days to pass a budget with four (4) votes which shall not be subject to further veto and shall become the effective budget immediately upon passage. If, after a veto, the Council fails to timely pass a budget with four (4) votes, then the Mayor's proposed budget shall become the effective budget.

Sec. 5-13. Adoption, effective date, certification and filing of budget; copies to be available; expenditures to be appropriated; determination of property tax levy.

- (1) Upon final adoption, the budget shall be in effect for the budget year. A copy of the budget, as finally adopted, shall be certified by the Mayor and City Clerk and filed in the office of the director of finance and posted on the City's website. ~~The budget so certified shall be printed, mimeographed or otherwise reproduced and sufficient copies thereof shall be made available for the use of all offices, departments and agencies and for the use of interested persons and civic organizations.~~
- (2) From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named.
- (3) From the effective date of the budget, the amount stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the city, in the corresponding tax year. A copy of the budget as finally adopted shall be certified by the Mayor and filed by him or her with the officer, board, or commission whose duty it shall be to levy such taxes for the corresponding tax year.

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