

**STATE QUESTIONS**

**1. TRANSPORTATION BONDS**  
**\$87,215,000**  
 (Chapter 100 - Public Laws 2008)

Approval of this question will authorize the State of Rhode Island to issue general obligation bonds, refunding bonds, and temporary notes in an amount not to exceed \$80,000,000 to match federal funds and provide direct funding for improvements to the state's highways, roads and bridges; \$3,570,000 to provide funding for commuter rail, and \$3,645,000 to purchase and/or rehabilitate buses for the Rhode Island Public Transit Authority's bus fleet.

Question 1      **APPROVE** ←

Question 1      **REJECT** ←

**2. OPEN SPACE AND RECREATIONAL DEVELOPMENT BONDS**  
**\$2,500,000**  
 (Chapters 378/469 - Public Laws 2008)

Approval of this question will authorize the State of Rhode Island to issue general obligation bonds, refunding bonds, and temporary notes in an amount not to exceed \$2,500,000 to be used by the Department of Environmental Management to purchase or otherwise permanently protect through the purchase of the title, development rights, conservation easements and public recreation easements, greenways and other open space, recreation lands, agriculture lands, forested lands and state parks.

Question 2      **APPROVE** ←

Question 2      **REJECT** ←

**LOCAL QUESTIONS**

**QUESTIONS 3 - 33**  
**AMENDMENTS TO SMITHFIELD HOME RULE CHARTER**  
 (Resolution of the Town Council adopted on July 8, 2008)

**3. C-2.02 Town Council**

Shall the provision that relates to Town Council, Composition, Selection, Term be changed from two (2) year terms to four (4) year staggered terms to read as follows: "There shall be a Town Council of five (5) members with four (4) year staggered terms elected by the voters of the Town at-large. The regular election of the Council members shall be held on the first Tuesday next after the first Monday in November every two (2) years beginning in 1994. The terms of the Council members shall begin on the first Monday following the certification of their election. For the 2010 election, the two highest vote getters will serve 4 years, the next three vote getters will serve 2 years, thereafter, or until their successors have been elected and qualified."

Question 3      **APPROVE** ←

Question 3      **REJECT** ←

**4. C-2.06 (c) Prohibitions (Town Council)**

Shall the provision that relates to Prohibitions on the Town Council be changed to distinguish between inquiries and investigations to read as follows: "(c) Interference with Administration. Except for the purpose of inquiries, and investigations under § C-2.09, the Council or its members shall deal with Town officers and employees who are subject to the direction and supervision of the Town Manager solely through the Town Manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately."

Question 4      **APPROVE** ←

Question 4      **REJECT** ←

**5. C-2.08 Judge of Qualifications**

Shall the provision that relates to Judge of Qualifications (Town Council) be changed to include due process provisions as follows: "A member charged with conduct constituting grounds for forfeiture of office shall be entitled upon request to the following:  
 1.) A public hearing  
 2.) A statement of the specific charge or charges setting forth the conduct that constitutes grounds for the forfeiture of his office;  
 3.) The right to be represented by an attorney at his/her expense;  
 4.) An opportunity to present witnesses;  
 5.) The right to cross examine witnesses;  
 6.) The right to present evidence.  
 The notice of the public hearing shall be published in one (1) or more newspapers of general circulation in the Town at least one (1) week in advance of the public hearing. Decisions by the Council shall be subject to judicial review.

If the charges of conduct constituting grounds for forfeiture of office shall be upheld by the Council, the member charged shall not participate in Council matters during the time the matter is under judicial review."

Question 5      **APPROVE** ←

Question 5      **REJECT** ←

**LOCAL QUESTIONS**

**6. C-2.10 Independent Audit**

Shall the provision requiring the annual designation of an audit firm be changed to read as follows: "The Council shall require competitive bids and designate such accountant or firm annually, but the designation for any particular fiscal year shall be made no later than 180 (one hundred eighty) days prior to the subsequent fiscal year."

Question 6      **APPROVE** ←

Question 6      **REJECT** ←

**7. C-2.12 Action Requiring an Ordinance**

Shall the following sections of C-2.12, Actions Requiring an Ordinance, be eliminated for the following reasons:  
 (3) Levy Taxes - ( Done by Resolution according to actual practice).  
 (4) Grant, renew or extend a franchise (Under R.I. Law local communities do not have this authority).  
 (7) That portion of subsection (7) that requires an Ordinance to convey or lease personal property. (The Town has an established procedure to handle personal property).

Question 7      **APPROVE** ←

Question 7      **REJECT** ←

**8. C-2.13 Ordinances in General**

Shall the following language be added to subsection (d) "Publish": "or as required by state law" (This would ensure compliance with State law).

Question 8      **APPROVE** ←

Question 8      **REJECT** ←

**9. C-2.15 Codes of Technical Regulations**

Shall Section C-2.15 be eliminated as under Rhode Island Law there are no Technical Regulations that can be adopted by Cities and Towns.

Question 9      **APPROVE** ←

Question 9      **REJECT** ←

**10. C-2.16 Authentication and Recording; Codification; Printing -Section 3**

Shall the requirement that the codification of all Town Ordinances and Resolutions having the force and effect of Law be changed from every ten (10) years to every five (5) years.

Question 10      **APPROVE** ←

Question 10      **REJECT** ←

**LOCAL QUESTIONS CONTINUED ON SEPARATE BALLOT**

SMITHFIELD

**VOTE BOTH FRONT AND BACK OF BALLOT**



MAIL VOTER

OFFICIAL ELECTION BALLOT
STATE OF RHODE ISLAND
TOWN OF SMITHFIELD
TUESDAY, NOVEMBER 4, 2008



Precinct ID 3101
Congressional District 1
Representative District 44
Voting District 1
Senate District 22

129

216

1. To vote: Complete the arrow(s) pointing to your choice(s) with a single bold line, like this

LOCAL QUESTIONS

11. C-3.04 Power and Duties of Town Manager

Shall the following section be added to the Powers and Duties of the Town Manager: "(12) All contracts for municipal employment shall be approved by the Town Council and shall comply with the provisions that certain appointees serve at the pleasure of the Town Manager."

Question 11 APPROVE

Question 11 REJECT

12. C-4.02 Board of Assessment Review

Shall Sections (3) and (4) be repealed as not conforming to state law, and the following Section (c) be added to comply with state law: "(c) Appeals to the Board of Assessment Review. Appeals to the local tax board of review are to be filed not more than thirty (30) days after the assessor renders a decision and notifies the taxpayer, or if the assessor does not render a decision within forty-five (45) days of the filing of the appeal, not more than ninety (90) days after the expiration of the forty-five (45) day period. The local tax board of review shall, within ninety (90) days of the filing of the appeal, hear the appeal and render a decision within thirty (30) days of the date that the hearing was held. Provided, that a city or town may request and receive an extension from the director of the Rhode Island Department of Administration.

Judicial Appeal. Any taxpayer may appeal the decision of the Board of Assessment Review in accordance with R.I.G.L. 44-5-26."

Question 12 APPROVE

Question 12 REJECT

13. C-4.16 Capital Projects Committee

Shall section C-4.16, Capital Projects Committee, be repealed and replaced with an Asset Management Committee that will have the following functions: The Commission will be appointed by the Town Council. Members shall have qualifications that include experience in construction facilities management, architectural and civil engineering, real estate and finance. Amongst the duties of the Commission are to inventory all land and facilities owned by the Town and evaluate them, establish and prioritize the need for renovations, prepare a list of capital projects for ten (10) year periods and play an advisory role in all requests for capital projects.

Question 13 APPROVE

Question 13 REJECT

LOCAL QUESTIONS

14. C-4.18 Creation of Department, Offices, Boards, Commissions or Agencies

Shall Section C-4.18 be changed to allow greater flexibility in use of Town resources to read as follows: C-4.18 Creation of Departments, Offices, Boards, Commissions, or Agencies "The Town Council in order to make efficient use of Town resources may by ordinance establish Town departments, offices, boards, commissions or agencies in addition to those created by this Charter including reassigning functions assigned by this Charter to a particular department, office, board, commission or agency. The Town Council may by ordinance contract with any private or public entity, or combination of entities, to perform a function or functions assigned in this Charter to a particular department, office, board, commission or agency."

Question 14 APPROVE

Question 14 REJECT

15. C-4.20 Personnel System

Shall Section C-4.20 Personnel System be repealed and a new section establishing a Personnel Board, the purpose of which is to ensure that only prequalified applicants are eligible for appointment for employment in the Town. A description of the duties of the Personnel Board is as follows: An appointed Personnel Board that provides a job classification and pay plan to apply equally to all town employees, establish a testing system that provides for a qualified list for all town positions from which appointing authorities can make a selection. The job classification plan, and the pay plan must be approved by the Town Council through passage of an Ordinance.

Question 15 APPROVE

Question 15 REJECT

16. C-5.01 Fiscal Year

Shall the following language be added to C-5.01 to allow the Council to change the fiscal year in the event the State changes its fiscal year: "or such other dates set by the Town Council by Ordinance".

Question 16 APPROVE

Question 16 REJECT

LOCAL QUESTIONS

17. C-5.02 Submission of Budget and Budget Message

Shall Section C-5.02 Submission of Budget and Budget Message be changed to allow the Town Manager to have additional time to prepare and submit the budget to read as follows: "On or before the second (2nd) Thursday in April of each year, the Town Manager shall submit to the Town Council a budget for the ensuing fiscal year and an accompanying message. All departments, officials and agencies of the Town, including the School Committee, shall submit to the Town Manager and make available to the Council no later than the fourth (4th) Thursday of February of each year, estimates of operating expenditures for the fiscal year beginning on the subsequent July 1st (first)."

Question 17 APPROVE

Question 17 REJECT

18. C-5.06 Adoption - Financial Town Meeting

Shall the date of the Financial Town Meeting be changed from the second Thursday in May to the second Thursday in June to coincide with the proposed changes in C-5.02. Also shall the language regarding consideration of the budget be amended to reflect actual practice that takes place on the budget proposed by the Town Council.

Question 18 APPROVE

Question 18 REJECT

19. C-5.07 Reserve Funds

Shall the provision of C-5.07 Reserve Funds be changed from five percent (5%) to eight percent (8%) in one-quarter of one percent (1/4 of 1%) increments as recommended by both the Town and State auditors.

Question 19 APPROVE

Question 19 REJECT

20. C-5.08 Appropriations and Revenue Ordinances

Shall the title to this section be changed to "Appropriations and Revenue Resolutions" and the language in this section be changed to substitute the word 'Resolutions' in place of 'Ordinances' to reflect actual practice.

Question 20 APPROVE

Question 20 REJECT

LOCAL QUESTIONS CONTINUED ON BACK

VOTE BOTH FRONT AND BACK OF BALLOT

**LOCAL QUESTIONS**

**21. C-5.09 Amendments After Adoption**  
 Shall Section (a) Supplemental Appropriations, be repealed as being in conflict with Section C-5.07 Reserve Funds.

Question 21      **APPROVE** ←

Question 21      **REJECT** ←

**22. C-5.11 Administration of the Budget**  
 Shall the word 'Ordinance' be repealed and the word 'Resolution' substituted therefor to reflect actual practice.

Question 22      **APPROVE** ←

Question 22      **REJECT** ←

**23. C-5.17 Banking**  
 Shall the following language be added to this Section to ensure compliance with State law: "or as otherwise provided by State Law".

Question 23      **APPROVE** ←

Question 23      **REJECT** ←

**24. C-5.18 Purchasing**  
 Shall language be added ensuring compliance with competitive bidding requirements and shall the following language be added to this Section: "that all competitive bidding comply with the state law and contracts entered into without complying with the purchasing provisions of the Charter or rules and regulations made thereunder are voidable by vote of the Town Council."

Question 24      **APPROVE** ←

Question 24      **REJECT** ←

**25. C-6.05 Vacancies (School Committee)**  
 Shall language requiring vacancies on the School Committee be filled within thirty (30) days be added to this Section.

Question 25      **APPROVE** ←

Question 25      **REJECT** ←

**26. C-8.02 Commencement of Proceedings, Petitioner's Committee, Affidavit**  
 Shall the following language be added to this Section, the purpose of which is to impose a time limit on the return of initiative and referendum petitions: "Any such petition issued by the Clerk shall be filed with the Clerk within ninety (90) days of issuance."

Question 26      **APPROVE** ←

Question 26      **REJECT** ←

**LOCAL QUESTIONS**

**27. C-8.03 Petitions**  
 Shall C-8.03 (b) be amended to require that signatures be followed by the printed name and address of the person signing, to read as follows: "Each signature shall be executed in ink or indelible pencil and shall be followed by the printed name and address of the person signing."

Question 27      **APPROVE** ←

Question 27      **REJECT** ←

**28. C-10.02 Municipal Court**  
 Shall C-10.02, Municipal Court, be changed as proposed to comply with state law.

Question 28      **APPROVE** ←

Question 28      **REJECT** ←

**29. C-11.02 Charter Review Commission**  
 Shall this provision be changed to require that members of a Charter Review Commission be appointed no later than the first month of the fifth year after the previous election proposing charter revisions.

Question 29      **APPROVE** ←

Question 29      **REJECT** ←

**30. C-12.04 Dual Office Holding**  
 Shall the following language be added to section of the Charter: "However an appointed member of a permanent committee, board or commission shall not be prohibited from serving on ad hoc committees, boards or commissions."

Question 30      **APPROVE** ←

Question 30      **REJECT** ←

**31. C-12.06 Availability of Town Budget**  
 Shall C-12.06 be changed to eliminate the requirement that the Town budget book be mailed to all resident households to read as follows: "The Town Clerk's Office and the local libraries will make available a limited number of copies of the Town budget book to all residents at least ten (10) days prior to the public hearing on the budget as prescribed in C-5.05 of Article V of this Charter. The Town Budget will also be available on the Town's web site in its entirety."

Question 31      **APPROVE** ←

Question 31      **REJECT** ←

**32. C-12.07 Technical Changes**  
 Shall the Charter be amended by adding the following Section C-12.07 Technical Changes: "The Town Clerk with the approval of the Town Solicitor may make technical and grammatical changes to the Charter provided they do not affect the substance of the Charter."

Question 32      **APPROVE** ←

Question 32      **REJECT** ←

**LOCAL QUESTIONS**

**33. C-13**  
 Shall the transition provisions contained in C-13.01, 13.02, 13.03, 13.04 and 13.05 be repealed as they are no longer applicable and the following substituted therefor:

**C-13.01 Separability**  
 "If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby."

Question 33      **APPROVE** ←

Question 33      **REJECT** ←

**VOTE BOTH FRONT AND BACK OF BALLOT**

