

NEWPORT CHARTER

CHARTER*

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*Editor's note—The Charter of the City of Newport, Rhode Island, was approved by the voters on November 4, 1952. Chapter III (Elections) became effective on such date. All other provisions became effective on November 1, 1953. Years appearing in parentheses indicate that the section was enacted, amended or repealed in the year indicated.

At the direction of the City, per email of Sept. 28, 2015, the City of Newport Charter has been revised to reflect gender neutrality.

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determine policies, and appoint the City Manager, who shall execute the laws and administer the government of the City.

SECTION 1-2. POWERS OF CITY.

All powers of the City shall be exercised in the manner prescribed by this Charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance or resolutions of the Council. The City also shall have all the powers granted to the City by the laws of this State together with all the implied powers necessary to carry into execution all the powers granted. The City may acquire property within or without its corporate limits for any City purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interests may require; and, except as prohibited by the Constitution of this State or restricted by this Charter, the City shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The enumeration of particular powers by this Charter shall not be deemed to be exclusive, and in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the City shall have and may exercise all powers which, under the Constitution of this State, it would be competent for this Charter specifically to enumerate.

SECTION 1-3. EXISTING ORDINANCES, RESOLUTIONS, RULES AND REGULATIONS TO CONTINUE IN EFFECT.

Except insofar as they are inconsistent with this Charter, all the ordinances, rules, resolutions and regulations heretofore made by the representative Council or the Board of Aldermen, or any board or commission, shall continue in effect until superseded by action of the Council.

SECTION 1-4. SAVING CLAUSE.

All laws relating to the City of Newport are hereby superseded to the extent that the same are inconsistent with the provisions of this Charter, except such laws that are enacted in accordance with powers reserved to the General Assembly by the Constitution of the State.

CHAPTER II. THE COUNCIL.

SECTION 2-1. THE COUNCIL.

There shall be a Council which shall consist of seven Councilors, one from each of the three wards of the City who shall be elected solely by the qualified electors within their respective wards, and four from the City at large to be elected at large by the qualified electors of the City.

(As amended by Sec. 1, Chapter 242, P.L. 1970; Sec. 1, Chapter 38, P.L. 2003)

SECTION 2-2. TERMS OF OFFICE.

The terms of office of the members of the Council shall be for two years and shall begin on the first day of December next following their election.

(As amended by Sec. 2, Chapter 269, P.L. 1984; Amd. of 11-4-2014.)

SECTION 2-3. VACANCIES.

Any vacancies arising from death, resignation or any reason in the membership of the Council shall be filled by four affirmative votes of the remaining members of the Council within thirty (30) days after the Council learns of the vacancy or, in the event of a tie vote or inability to elect, the vacancy shall be filled as soon thereafter as possible by a majority vote of all the remaining members of the Council; provided, however, the Council shall provide for the public solicitation of applicants.

The Council shall fill any vacancy arising from death, resignation or any reason in the membership of the School Committee within thirty (30) days after learning of the vacancy or as soon thereafter as may be possible by a majority vote of all members of the Council; provided, however, the Council shall provide for the public solicitation of applicants. Any person appointed to fill a vacancy on the School Committee by the Council shall serve only until a person is elected and qualified at the next City election under this Charter.

(As amended by Chapter 170, P.L. 1963; Sec. 1, Chapter 518, P.L. 1986; Sec. 1, Chapter 40, P.L. 2009; Amd. of 11-4-2014.)

SECTION 2-4. COUNCIL COMPENSATION.

Each member of the Council may receive such compensation as established by ordinance. Such compensa-

**SECTION 2-10. CONTRACT TO BE VOIDABLE;
PENALTIES.**

A violation of any provision of the preceding section shall render the contract with respect to which such violation occurs voidable in whole or in part at the option of the City. Any person violating the provisions of said section shall be punished by a fine of not more than one thousand dollars (\$1,000), or by imprisonment for not more than one year, or both. A conviction for a violation of said section shall be deemed a crime involving moral turpitude.

**SECTION 2-11. RATIFICATION OR
AVOIDANCE OF CONTRACT.**

Whenever any contract made by or on behalf of the City is voidable under the terms of this Charter, the City Manager shall, on behalf of the City, within ten days after the Manager shall acquire knowledge of facts sufficient to make such contract voidable, either ratify or avoid such contract, in whole or in part, by rendering in writing upon said contract the Manager's decision with regard thereto and a reason therefor, and by forwarding forthwith to the City Clerk a copy thereof, which copy shall be a public record. Such decision of the City Manager shall be final.

(As amended by Sec. 1, Chapter 520, P.L. 1985)

**SECTION 2-12. ACTION BY RESIDENT OR
TAXPAYER.**

If the Manager shall fail to perform any act required of him or her by the preceding section of this Charter, any resident or taxpayer may require him or her to perform such act by filing with the City Clerk a demand in writing signed by such resident or taxpayer for such performance, which shall contain a recital of the facts upon which such demand is based.

(Amd. of 11-4-2014.)

SECTION 2-13. POWER OF INITIATIVE.

The electors shall have the power to propose any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, and to adopt or reject the same at the polls, such power being known as the initiative. Any initiated ordinance may be submitted to the Council by a petition signed by qualified electors of the City equal in number to at least ten percent of the number of persons registered to vote at the time of the last regular Municipal election.

SECTION 2-14. POWER OF REFERENDUM.

The electors shall have power to approve or reject at the polls any ordinance passed by the Council, or submitted by the Council to a vote of the electors, such power being known as the referendum. Ordinances submitted to the Council by initiative petition and passed by the Council without change shall be subject to the referendum in the same manner as other ordinances. Within thirty (30) days after the enactment by the Council of any ordinance, a petition signed by qualified electors of the City equal in number to at least ten percent of the number of persons registered to vote at the last regular Municipal election may be filed with the City Clerk requesting that any such ordinance be either repealed or submitted to a vote of the electors. A majority of those casting votes at such election shall determine whether such ordinance is repealed or sustained.

When a referendum petition has been certified as sufficient by the City Clerk, the ordinance specified in the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect, until and unless approved by the electors, as hereinafter provided.

(As amended by Sec. 1, Chapter 40, P.L. 2009.)

**SECTION 2-14a. SIGNATURES ON INITIATIVE
AND REFERENDUM PETITIONS.**

The signatures on all initiative petitions and referendum petitions under Sections 2-13 and 2-14 of this Charter need not all be affixed to one petition, but to each separate petition there shall be attached an affidavit of the circulator that all signatures appended thereto was made in the presence of the petitioner and is a genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number of the street or other description sufficient to identify the same. The circulator's name shall be notarized and all persons circulating such petitions shall be registered votes of the City. All signatures shall be gathered within a six-month time limit and no question shall be resubmitted within a two-year period from the date of the initial submission of the petition to the City Council. (Enacted by Sec. 1, Chapter 235, P.L. 1985; Sec. 1, Chapter 40, P.L. 2009.)

ing a grant, renewal or extension of a franchise or other special privilege shall be passed as an emergency measure. No situation shall be declared an emergency by the Council except as defined in this section and such definition shall be strictly construed.

SECTION 2-22. AUTHENTICATION AND PUBLICATION OF ORDINANCES AND RESOLUTIONS.

Upon its final passage each ordinance or resolution shall be authenticated by the signature of the City Clerk and shall be recorded in a book kept for that purpose.

(As amended by Sec. 1, Chapter 242, P.L. 1985.)

SECTION 2-23. INSPECTION OF PROPOSED ORDINANCES AND RESOLUTIONS BY THE PUBLIC.

After the introduction of any ordinance or resolution in the Council, the City Clerk shall keep available for public inspection a copy of such proposed ordinance or resolution, together with all amendments thereto, which copy shall be a public record. For purposes of this section, "keep available for public inspection" shall include, but not be limited to, the posting of such ordinances or resolutions, with all amendments thereto, on the City's website.

(As amended by Sec. 1, Chapter 40, P.L. 2009.)

CHAPTER III. ELECTIONS.

SECTION 3-1. ELECTION LAWS AND CONDUCT OF ELECTIONS.

The provisions of the laws of the State of Rhode Island pertaining to elections and related matters, including the rights and qualifications of voters; the registration of voters; the Canvassing Authority and Registration, and the registering, listing, and returning lists of voters, and proof of their qualification to vote; canvassing the rights and correcting the list of voters; elective meetings; the hours of opening and closing the polls; voting machines; absentee voting; and crimes, penalties and forfeitures under the election laws; and any and all other provisions of the laws of the State of Rhode Island relating to the qualifications of electors, registration, the manner of voting, the duties of election officials and all other particulars in respect to

preparation for, conducting, and management of elections, shall govern every city primary, general and special election, so far as they may be applicable, excepting those provisions which are inconsistent with this Charter.

Whenever in said election laws and related matters reference is made to any political party, or reference is made to voting machines as being prepared for voting purposes in accordance with political party designation, or any reference of whatever kind and designation is made in said election laws and related matters to any political party or political designation, for the purpose of this Charter only each and every such reference to a political party shall be held to be eliminated from said election laws in accordance with the provisions of this Charter.

All municipal elections in the City of Newport, whether primary, general or special, shall be non-partisan and there shall be no party mark or designation upon any declaration of candidacy, nomination, petition or list of candidates. By April 1 in even numbered years, the Canvassing Authority shall issue a schedule of the filing dates for the elections to be held that year.

(As amended by Sec. 1, Chapter 40, P.L. 2009.)

SECTION 3-2. NOMINATION PETITION; SIGNATURES.

The nomination of all candidates for elective office in the primary election provided for by this Charter shall be by petition. The petition of each candidate for ward Councilor, Councilor-at-Large, and School Committee shall be signed by not less than fifty qualified electors of the City. A voter may sign any number of nomination papers for any office the voter may lawfully vote for at the general election.

(As amended by Sec. 1, Chapter 240, P.L. 1985; Sec. 1, Chapter 214, P.L. 1987; Sec. 1, Chapter 35, P.L. 2002.)

SECTION 3-3. PRIMARY ELECTION; CITY COUNCIL.

At any primary election the two ward candidates of each respective ward receiving the highest number of votes shall be deemed and declared to be the candidates for the office of ward Councilor in their respective wards in the general City election. The candidates for Councilor-at-Large receiving the highest number of votes, double the number for each respective office to

The members of said Board shall be selected upon the basis of their knowledge of the subject of property taxation and real estate value and shall at the time of their appointment have been residents of the City for at least five years immediately preceding and shall continue as residents during their terms of office. If members of such Board shall cease to be a resident, their office shall thereby become vacant. No member of said Board shall hold any elective public office. The members of said Board shall elect one of their number as Chair. The members of said Board shall receive such compensation as may be fixed from time to time by the Council.

(As amended by Chapter 241, P.L. 1964; Sec. 1, Chapter 35, P.L. 2002.)

SECTION 4-4. PLANNING BOARD.

There shall be a Planning Board to administer the laws and ordinances relating to planning, whose members shall be elected by the Council.

SECTION 4-5. BOARD OF REVIEW.

There shall be a Board of Review to administer the laws and ordinances relating to zoning, whose members shall be elected by the Council.

SECTION 4-6. CANVASSING AUTHORITY.

There shall be a Canvassing Authority as provided by the provisions of the Constitution and laws of the State. The Council shall elect one member for a term of two years, one member for a term of four years and one member for a term of six years. On the first day in November following all subsequent elections the Council shall elect a member of the Canvassing Authority for a term of six years. All powers and duties now vested in the Board of Canvassers and Registration shall vest in the Canvassing Authority. The Council may designate one member to be Clerk.

(Amd. of 11-4-2014.)

SECTION 4-7. TRUST AND INVESTMENT COMMISSION.

There shall be a Trust and Investment Commission, which commission shall consist of five members who shall be chosen on the basis of their knowledge of investments and financial management. This commission shall have custody and control of all funds now

held or hereafter held for the payment of pensions and health benefits and premiums for city and school department employees; and said commission shall have the power to sell, exchange, invest or reinvest said funds and to receive, collect, and hold all income thereof and to pay and appropriate the same in such manner and for the purposes prescribed by law or by said will, deed, gift or indenture. Said commission shall have such other powers and duties, and its members shall be appointed and serve for such terms, as the council may by said ordinance prescribe.

(As amended by Sec. 1, Chapter 443, P.L. 1989; Sec. 1, Chapter 40, P.L. 2009.)

SECTION 4-8. OTHER BOARDS AND COMMISSIONS.

In addition to the Boards and Commissions named in this Chapter, the Council may establish such Boards and Commissions as it deems necessary, on a permanent or ad hoc basis, and elect members thereto, and may retire those Boards and Commissions so established by it.

(Enacted by Sec. 1, Chapter 40, P.L. 2009.)

SECTION 4-9. LICENSE COMMISSIONERS.

The Council shall have and exercise all the powers and duties conferred by law, general or special, upon License Commissioners.

SECTION 4-10. POWER OF COUNCIL TO INVESTIGATE.

The Council, or any committee duly authorized by the Council, shall have power to conduct an investigation into the financial transactions or conduct of any office or department of the City government and it may require the City Manager or any department or division head to furnish such information as it shall request.

SECTION 4-11. COUNCIL NOT TO INTERFERE WITH ADMINISTRATION.

Neither the Council nor any of its members shall direct or request the appointment of persons to, or their removal from office by the City Manager or by any of his or her subordinates, or in any manner take part in the appointment or removal of officers and

SECTION 5-4. DUTIES.

The duties of the Manager shall include the following:

(a) To see that the laws and ordinances are enforced;

(b) To see that all terms and conditions imposed in favor of the City in any contract or franchise are faithfully kept and performed;

(c) To keep the Council informed at all times concerning the financial condition and needs of the City and other pertinent matters relating to its administration;

(d) To recommend to the Council such measures as the Manager may consider necessary or expedient;

(e) To prepare and recommend to the Council an annual budget;

(f) To prepare and present to the Council a comprehensive annual report of the financial transactions and other activities of the City following the close of each fiscal year;

(g) To make any study or investigation which in the Manager's opinion may be for the best interest of the City or which may be ordered by the Council;

(h) To approve all rules and regulations of the several administrative officers and departments under the Manager's jurisdiction before they shall become effective;

(i) To perform such other duties as may be required of him or her by the Council.

SECTION 5-5. ATTENDANCE AT COUNCIL MEETINGS.

It shall be the duty of the City Manager to attend meetings of the Council.

(As amended by Sec. 1, Chapter 35, P.L. 2002.)

SECTION 5-6. APPOINTMENT OF ADMINISTRATIVE OFFICERS.

Except as otherwise provided by this Charter the Manager shall appoint all administrative officers and heads of departments including the City Clerk and Probate Clerk. All such appointments shall be for indefinite terms at the pleasure of the Manager.

Notice of the appointment by the Manager of any department head or other principal officer shall be in writing and filed with the City Clerk.

The Manager may serve as the head of any administrative department.

SECTION 5-7. ABSENCE OR DISABILITY OF MANAGER.

The Manager may designate an administrative officer of the City to exercise and perform the powers and duties during the Manager's temporary absence or disability. In the event that the City Manager is unable to make such a designation, then the Council shall be empowered to make such a designation. Such designation shall be made in writing and filed with the City Clerk. Any such designation shall not be for a period greater than thirty (30) days.

(As amended by Sec. 1, Chapter 35, P.L. 2002.)

SECTION 5-8. ACTING MANAGER.

The Council shall appoint some capable person as Acting Manager during a vacancy in the office. Such appointment shall be on a temporary basis until a Manager has been appointed and has assumed the duties of City Manager. Such person while in the capacity of Acting Manager shall have all the powers and duties conferred by this Charter on the City Manager.

CHAPTER VI. GENERAL ADMINISTRATIVE PROVISIONS.**SECTION 6-1. APPOINTMENT AND DISCHARGE OF SUBORDINATES.**

There shall be a personnel merit system, the provisions of which shall be prescribed by ordinance to ensure that employment in the City government is based upon equal opportunity and based on merit and fitness, free of personal and political consideration; and to further ensure that all personnel actions are based on a comprehensive evaluation of an individual's qualifications to perform the duties and responsibilities of the position.

(As amended by Sec. 1, Chapter 527, P.L. 1985.)

SECTION 6-2. COMPENSATION OF EMPLOYEES.

The Council shall have the power to fix the compensation of all officers and employees of the City.

(As amended by Sec. 1, Chapter 35, P.L. 2002.)

SECTION 6-4. OATH OF OFFICE.

Every officer, elected or appointed, shall take and subscribe the following oath of office: "I do solemnly

fore exercised by the School Committee, together with all rights, duties, liabilities, obligations and privileges thereof shall continue hereunder unabridged, unaltered and unamended, provided however that the School Committee shall not obligate the City in excess of appropriations made by the Council for school purposes.

Nothing contained herein shall be construed to prohibit the School Committee from expending funds received from the Federal or State government or other municipalities within the State or from individual or private sources.

SECTION 8-2. TERM OF OFFICE.

There shall be a School Committee composed of seven members to administer the laws and ordinances related to the public education function. The Committee members shall be elected at-large by the qualified electors of the City in accordance with the general Municipal election and shall serve two-year terms. (Enacted by Sec. 1, Chapter 518, P.L. 1986.)

SECTION 8-3. SCHOOL COMMITTEE COMPENSATION.

Each member of the School Committee may receive compensation as established by the City Council. Such compensation shall not be changed during the current term of the elected member. Compensation may include benefits, such as health, life and dental insurance. (As amended by Sec. 1, Chapter 40, P.L. 2009.)

CHAPTER IX. FINANCE.

SECTION 9-1. FISCAL YEAR AND STRATEGIC PLAN.

The Council shall provide by ordinance for the fiscal year of the City.

The Council is responsible for having, approving and adhering to a five-year strategic plan for the City and scheduling progress review workshops. The strategic plan should be updated and approved each year no later than the first council meeting in March. Implementation should be managed by the City Manager. The strategic plan will include:

- Vision and Mission Statements

- Long-term goals projecting forward at least five years
- Short-term goals with two-year projections
- Corresponding revenue and expense projections
- Milestones and individuals/departments accountable
- Performance measurements

The City's Strategic Plan will be reviewed periodically and progress reported no less often than annually at a public hearing.

(As amended by Sec. 1, Chapter 40, P.L. 2009; Amd. of 11-4-2014.)

SECTION 9-2. PREPARATION OF BUDGET.

The Manager shall prepare and submit to the Council, at least 180 days prior to the beginning of each fiscal year, a projection of the change in revenues from the current fiscal year to the next fiscal years as well as a projection of anticipated significant expense changes.

The Council shall provide to the Manager, at least 150 days prior to the beginning of each fiscal year, a list of its top priority projects and its administrative expense increase/decrease guidelines for the next fiscal year. This shall include the maximum amount of revenue that may be allocated to the Capital Improvement Program (see Section 9-19).

The Manager shall prepare and submit to the Council, at least seventy-five days prior to the beginning of each fiscal year, a proposed budget and a budget message containing an explanation of proposed financial policies and the important features of the budget plan. The Manager shall submit at the same time an appropriation ordinance making provision for the conduct of the City government for the ensuing year. Revenues and expenses related to the Council's priorities shall be highlighted.

(As amended by Sec. 1, Chapter 40, P.L. 2009.)

SECTION 9-3. CONTENTS OF BUDGET.

The proposed budget shall contain the following:

- (a) A report and recommendation by the Manager relative to the items contained in the budget;
- (b) An estimate by the Manager of tax revenues to be received;

the same. The Department shall authorize all expenditures to be made on the basis of approved allotments and not otherwise.

SECTION 9-10. REVISING APPROPRIATIONS.

The approved allotments may be revised by the Finance Department during the fiscal year and, if it shall ascertain that total available income for the year will be less than total appropriations, it shall recommend to the Manager the reconsideration and revision of the several work programs and appropriations so as to prevent the making of expenditures in excess of income.

SECTION 9-11. REDUCTION IN APPROPRIATIONS.

Upon notification by the Manager that actual revenue receipts will not equal the original estimates upon which appropriations were based, the Council shall make such reductions in appropriations as will prevent the occurrence of a deficit.

SECTION 9-12. TRANSFER OF APPROPRIATIONS BETWEEN DEPARTMENTS.

The Council by vote of five members and upon the recommendation of the City Manager may transfer any unencumbered appropriation, balance or portion thereof from any office, department, agency or division to another.

SECTION 9-13. TRANSFER OF APPROPRIATIONS WITHIN DEPARTMENT.

The Finance Department, upon request by any department or agency and with the approval of the City Manager, shall have authority to transfer any unencumbered balance or portion thereof between appropriation items within the same department or agency, subject to limitations set by City ordinance.

(As amended by Sec. 1, Chapter 524, P.L. 1985.)

SECTION 9-14. LIMITATION ON RIGHT TO EXPEND OR CONTRACT.

No office, department or agency shall expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves

expenditure of money during the fiscal year in excess of the amounts appropriated, other than for capital improvements to be financed in whole or in part by the issuance of bonds and the making of contracts and leases approved by the Council.

SECTION 9-15. EXAMINATION OF PURCHASE ORDERS.

The Finance Department shall examine all purchase orders, payrolls, and other items of proposed expenditures. Any proposed expenditure not specifically authorized by an appropriation or by the intent of the budget shall be disapproved by the Finance Department and no payment of any item so disapproved shall be made by any officer of the City.

SECTION 9-16. APPROPRIATION ORDINANCE NOT PASSED.

If at the termination of any fiscal year the appropriations necessary for the support of the City for the ensuing fiscal year shall not be made, the several amounts appropriated in the last appropriation ordinance for the objects and purposes therein specified shall be deemed to be re-appropriated for the ensuing fiscal year. However, if a decrease in revenue for the next fiscal year is anticipated, all such appropriations shall be reduced in proportion to the anticipated revenue decrease.

(Amd. of 11-4-2014.)

SECTION 9-17. GENERAL FUND.

The General Fund shall comprise the resources and liabilities of the City not specifically belonging to other funds. Capital funds and other special funds may be created by ordinance and the Council shall specify the source of receipts and the purposes for which expenditures from special funds shall be made. All revenues of the City not required to be paid into any other fund shall be paid into the General Fund.

SECTION 9-18. BALANCES LAPSE.

All General Fund balances of appropriations, except an appropriation for a Capital Improvement, shall lapse at the end of the fiscal year to the extent that they shall not have been expended or encumbered. All such balances shall revert to the General Fund and shall be subject to reappropriation. An appropriation for a Cap-

All contract actions shall follow competitive bidding requirements of the Rhode Island General Laws. Procurements, not to exceed an aggregate amount of ten thousand dollars (\$10,000.00) for construction and five thousand dollars (\$5,000.00) for all other purchases, may be made in accordance with small purchase regulations promulgated by the City under such rules and regulations and with such exceptions as the Council may prescribe by ordinance. Procurements shall not be artificially divided so as to constitute a small purchase under this section.

Procurements of between five thousand dollars (\$5,000.00) and ten thousand dollars (\$10,000.00) shall follow the competitive bidding requirements of the Rhode Island General Laws and shall be awarded by an Award Committee consisting of the Purchasing Agent, a requesting Department Representative and a disinterested City employee selected by the City Manager. The Award Committee shall have power to award or reject all bids and advertises for new bids within their threshold dollar limit. Alterations in any contract entered into may be made within the threshold dollar limit when authorized by the Award Committee on a written recommendation from the City Manager or the Manager's designee.

Procurements of above ten thousand dollars (\$10,000.00) shall follow the competitive bidding requirements of the Rhode Island General Laws and shall be awarded by the Council. The Council shall have power to award or reject all bids and advertise for new bids. Alterations to any contract entered into may be made when authorized by the Council on a written recommendation of the City Manager or the Manager's designee.

(As amended by Sec. 1, Chapter 123, P.L. 1983; Sec. 1, Chapter 444, P.L. 1989; Sec. 1, Chapter 40, P.L. 2009.)

SECTION 9-24. REQUISITIONS.

All purchase actions and contracts executed on behalf of the City shall be pursuant to a requisition in written or electronic form. These requisitions shall originate from the head of the office, department or agency whose appropriations will be charged.

(As amended by Sec. 1, Chapter 40, P.L. 2009.)

CHAPTER X. MISCELLANEOUS.

SECTION 10-1. TERMS OF OFFICE.

Except for the Canvassing Authority, all elected and appointive officers elected or appointed for a definite term shall enter upon their term of office on the first day of December next following a City election, or as soon thereafter as may be practical, and shall serve until their successors are elected or appointed and qualified. All appointive officers appointed for an indefinite term shall serve until their successors are appointed and qualified.

(As amended by Sec. 2, Chapter 269, P.L. 1984; Amd. of 11-4-2014.)

SECTION 10-2. SEPARABILITY.

It is hereby declared to be the intention of the electors of the City of Newport that each provision of this Charter is separable and if for any reason any such provision or provisions shall hereafter be declared illegal by any court of proper jurisdiction, all other provisions of this Charter shall remain in full force and effect.

SECTION 10-3. CONSTRUCTION.

Whenever in any general law, public law or other act of the General Assembly, or in any document, instrument, record or proceeding, there shall appear the words "Representative Council," or the words "Representative Council of the City of Newport," or "City Council," or "Board of Aldermen" in relation to the City, such words shall be construed to refer to, include and describe the Council hereby established.

Wherever in this Charter the term "Councilman" or "Councilmen" shall appear, such words shall be construed to refer to "Councilor," or the plural, as appropriate.

To the extent that any specific provision contained in this Charter conflicts with any provision expressed in general terms, the specific provision shall prevail.

(As amended by Sec. 1, Chapter 35, P.L. 2002.)

SECTION 10-4. EXISTING COMMISSIONS AND BOARDS.

All commissions and boards in existence on the first day of November, 1953, shall continue in existence until discharged by action of the Council.

(3) The City Council of the City of Newport shall be authorized and empowered to appoint a judge of said municipal court. The City Council of said city shall be authorized and empowered to enact ordinances governing the personnel, operation and procedure to be followed in said court and to establish a schedule of fees and costs. Said ordinances may contain procedures for the disposition of offenses without the necessity of personal appearance of the offender before the court. Said municipal court may impose a sentence not to exceed thirty (30) days in jail and/or impose a fine not in excess of one thousand dollars (\$1,000.00) and/or require community service or any combination thereof. Said court shall be empowered to administer oaths, compel the attendance of witnesses and punish persons for contempt.

(Editorially amended, June supplement; Enacted by Sec. 1, Chapter 511, P.L. 1987; as amended by Sec. 1, Chapter 91, P.L., 1993; Sec. 1, Chapter 477, P.L. 1998.)