

2012 -- H 7417

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO TOWNS AND CITIES - BUDGET COMMISSIONS

Introduced By: Representatives Silva, McLaughlin, and Hull

Date Introduced: February 08, 2012

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-9-6 of the General Laws in Chapter 45-9 entitled "Budget
2 Commissions" is hereby amended to read as follows:

3 **45-9-6. Composition of budget commission.** -- (a) If a budget commission is established
4 under section 45-9-5 or section 45-12-22.7, it shall consist of five (5) members: three (3) of
5 whom shall be designees of the director of revenue, one of whom shall be the elected chief
6 executive officer of the city and one of whom shall be the president of the city or town council. In
7 cities or towns in which the elected chief executive officer for purposes of this chapter is the
8 president of the city or town council, one member shall be the appointed city or town manager or
9 town administrator (or, if none, the city or town chief financial officer) as the fifth (5th) member.
10 The budget commission shall act by a majority vote of all its members. The budget commission
11 shall initiate and assure the implementation of appropriate measures to secure the financial
12 stability of the city or town. The budget commission shall continue in existence until the director
13 of revenue abolishes it.

14 The budget commission shall be subject to chapter 36-2 of the general laws, "Access to
15 Public Records," and chapter 36-14 of the general laws, "Code of Ethics". The budget
16 commission shall be subject to chapter 42-46 of the general laws "Open Meetings" when meeting
17 to take action on the following matters:

- 18 (1) Levy and assessment of taxes;
19 (2) Rulemaking or suspension of rules;

1 (3) Adoption of a municipal budget;

2 (4) Approval of collective bargaining agreements and amendments to collective
3 bargaining agreements; and

4 (5) Making a determination under section 45-9-7 that the powers of the budget
5 commission are insufficient to restore fiscal stability to the city or town.

6 (b) Action by the budget commission under this chapter shall constitute action by the
7 city or town for all purposes under the general laws, under any special law and under the city or
8 town charter.

9 (c) Until the budget commission ceases to exist, no appropriation, borrowing
10 authorization, transfer, or other municipal spending authority shall take effect until approved by
11 the budget commission. The budget commission shall approve all appropriations, borrowing
12 authorizations, transfers and other municipal spending authorizations, in whole or part.

13 (d) In addition to the authority and powers conferred elsewhere in this chapter, and
14 notwithstanding any city or town charter provision or local ordinance to the contrary, the budget
15 commission shall have the power to:

16 (1) Amend, formulate and execute the annual municipal budget and supplemental
17 municipal budgets of the city or town, including the establishment, increase or decrease of any
18 appropriations and spending authority for all departments, budget commissions, committees,
19 agencies or other units of the city or town; provided, however, that notwithstanding sections 16-2-
20 9 and 16-2-18 of the general laws, this clause shall fully apply to the school department and all
21 school spending purposes;

22 (2) Implement and maintain uniform budget guidelines and procedures for all
23 departments;

24 (3) Amend, formulate and execute capital budgets, including to amend any borrowing
25 authorization, or finance or refinance any debt in accordance with the law;

26 (4) Amortize operational deficits in an amount as the director of revenue approves and
27 for a term not longer than five (5) years;

28 (5) Develop and maintain a uniform system for all financial planning and operations in
29 all departments, offices, boards, commissions, committees, agencies or other units of the city's or
30 town's government;

31 (6) Review and approve or disapprove all proposed contracts for goods or services;

32 (7) Notwithstanding any general or special law to the contrary, establish, increase or
33 decrease any fee, rate or charge, for any service, license, permit or other municipal activity,
34 otherwise within the authority of the city or town;

1 (8) Appoint, remove, supervise and control all city and town employees and have control
2 over all personnel matters other than disciplinary matters; provided, that the budget commission
3 shall hold all existing powers to hire and fire and set the terms and conditions of employment
4 held by other employees or officers of the city or town; provided, further, that the budget
5 commission shall have the authority to exercise all powers otherwise available to a municipality
6 regarding contractual obligations during a fiscal emergency; provided, further, that no city or
7 town employee or officer shall hire, fire, transfer or alter the compensation or benefits of a city or
8 town employee except with the written approval of the budget commission; and provided, further,
9 that the budget commission may delegate or otherwise assign these powers with the approval of
10 the director of revenue;

11 (9) Alter or eliminate the compensation and/or benefits of elected officials of the city or
12 town to reflect the fiscal emergency and changes in the responsibilities of the officials as
13 provided by this chapter;

14 (10) Employ, retain and supervise such managerial, professional and clerical staff as are
15 necessary to carry out its responsibilities; provided, however, that such employment, retention
16 and supervisory decisions are subject to the approval of the director of revenue; provided, further,
17 that the budget commission shall not be subject to chapter 37-2 or chapter 45-55 of the general
18 laws in employing such staff; provided, further, that the budget commission, with the approval of
19 the director of revenue, shall have authority to set the compensation, terms and conditions of
20 employment of its own staff; which salaries shall be paid by the state of Rhode Island from the
21 general fund ~~provided, further, that the city or town shall annually appropriate amounts sufficient~~
22 ~~for the compensation of personnel hired under this clause as determined and fixed by the budget~~
23 ~~commission~~; provided, further, that if the city or town fails to appropriate such amounts, the
24 director of revenue shall direct the general treasurer to deduct the necessary funds from the city's
25 or town's distribution of state aid and shall expend those funds directly for the benefit of the
26 budget commission;

27 (11) Reorganize, consolidate or abolish departments, commissions, authorities, boards,
28 offices or functions of the city or town, in whole or in part, and to establish such new
29 departments, commissions, authorities, boards, offices or functions as it deems necessary, and to
30 transfer the duties, powers, functions and appropriations of one department, commission, board,
31 office or other unit to another department, commission, authority, board or office and in
32 connection therewith remove and appoint new members for any such commission, authority,
33 board or department which appointees shall serve the remainder of any unexpired term of their
34 predecessor;

1 (12) Appoint, in consultation with the director of revenue, persons to fill vacancies on
2 any authority, board, committee, department or office;

3 (13) Sell, lease or otherwise transfer real property and other assets of the city or town
4 with the approval of the director of revenue;

5 (14) Purchase, lease or otherwise acquire property or other assets on behalf of the city or
6 town with the approval of the director of revenue;

7 (15) Enter into contracts, including, but not limited to, contracts with other governmental
8 entities, and such other governmental entities are hereby authorized to enter into such contracts;

9 (16) Adopt rules and regulations governing the operation and administration of the city
10 or town which permit the budget commission to effectively carry out this chapter under
11 subsection 42-35-3(b) of the general laws;

12 (17) Alter or rescind any action or decision of any municipal officer, employee, board,
13 authority or commission within fourteen (14) days after receipt of notice of such action or
14 decision;

15 (18) Suspend, in consultation with the director of revenue any rules and regulations of
16 the city or town;

17 (19) Notwithstanding any other general law, special act, charter provision or ordinance,
18 and in conformity with the reserved powers of the general assembly pursuant to Article XIII,
19 section 5 of the Constitution of the state, a budget commission is authorized to issue bonds, notes
20 or certificates of indebtedness to fund the deficit of a city or town without regard to section 45-
21 12-22.4 of the general laws, to fund cash flow and to finance capital projects. Bonds, notes or
22 certificates of indebtedness issued under authority of this chapter shall be general obligation
23 bonds backed by the full faith and credit and taxing power of the city or town; provided, however,
24 that the budget commission may pledge future distributions of state aid for the purpose of retiring
25 such bonds, notes or certificates of indebtedness. If any state aid is so pledged, the budget
26 commission shall execute on behalf of the city or town a trust agreement with a corporate trustee,
27 which may be any bank or trust company having the powers of a trust company within the state,
28 and any state aid so pledged shall be paid by the general treasurer directly to the trustee to be held
29 in trust and applied to the payment of principal and interest on such bonds, notes or certificates of
30 indebtedness; any earnings derived from the investment of such pledged aid shall be applied as
31 needed to the payment of that principal and interest and for trustee's fees and related expenses,
32 with any excess to be paid to the city or town. Bonds, notes or certificates of indebtedness
33 authorized under authority of this chapter shall be executed on behalf of the city or town by a
34 member of the commission and, except as provided for in this chapter, may be subject to the

1 provisions of chapter 45-12 of the general laws so far as apt, or may be subject to the provisions
2 of any special bond act enacted authorizing the issuance of bonds of a city or town so far as apt,
3 provided, however that any bonds or notes issued for school purposes must be approved by the
4 general assembly in order to qualify for school housing aid as set forth in chapter 16-7 of the
5 general laws; and

6 (20) Exercise all powers under the general laws and this chapter or any special act, any
7 charter provision or ordinance that any elected official of the city or town may exercise, acting
8 separately or jointly; provided, however, that with respect to any such exercise of powers by the
9 budget commission, the elected officials shall not rescind or take any action contrary to such
10 action by the budget commission so long as the budget commission continues to exist.

11 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO TOWNS AND CITIES - BUDGET COMMISSIONS

1 This act would require that the compensation for city and town budget commission
2 members be paid by the state.

3 This act would take effect upon passage.

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