

ARTICLE X.

GENERAL PROVISIONS: SUCCESSION IN GOVERNMENT

10-1. Public records.

All records and accounts of every office, department or agency of the city shall be open to inspection by any citizen, any representative of a citizen's organization or any representative of news media at all reasonable times and under reasonable regulations established by the mayor, except records and documents the disclosure of which would tend to defeat the lawful purpose which they were intended to accomplish.

10-2. Financial interest.

No officer or employee of the city shall be financially interested, directly or indirectly, other than as a minority stockholder not exceeding five (5) percent ownership or beneficiary of a patent or copyright, in the profits of any contract, job, work or service to be performed for the city or in the sale or lease to or from the city of any land, property, materials, supplies or equipment. Any officer or employee found guilty of a wilful violation of this section shall forfeit his office or position.

10-3. Penalties.

Any violation of this article with the knowledge, expressed or implied, of the person or corporation contracting with the city, shall render the contract voidable by either the mayor or the council.

10-4. Limitations on employment.

No person, receiving a pension from the city or from any pension fund to which the city contributes, shall be regularly employed in or by any department, board, or commission of the city, with pay or compensation for his work or services payable from the city treasury, unless he first shall waive in writing his right to receive such pension or part thereof accruing for or during the period of such employment and shall file such waiver or a copy thereof in the office of the director of finance; provided, however, that this paragraph shall not apply to any person holding the office of mayor or member of the city council or school committee, or any person appointed to serve on any city board or commission, whether or not compensation is paid for said service; provided further, however, that no person receiving a survivor annuity pension from the city, or from any pension fund to which the city contributes, shall be prohibited from regular employment with the city solely due to such survivor annuity pension. In addition, this paragraph shall not apply to any former police officer, who retired with a regular non-disability pension from the Warwick Police Department and who works details for the police department. No pension contribution shall be deducted from the compensation earned by the retired police officer and no additional pension benefits shall accrue to the individual by virtue of working the details.

(P.L. 1964, ch. 205; Ref. of 11-3-98)

10-5. Bond.

Such officers or employee as the council may by general ordinance require so to do, shall give bond in such amount and with such surety as may be approved by the council. The premiums on such bonds shall be

paid by the city.

10-6. Assignment of functions.

Any administrative function of municipal government not specifically enumerated herein shall be performed by such appropriate department or board as the council or the mayor may designate under the provisions of this Charter.

10-7. Existing ordinances.

All existing ordinances, resolutions and other acts of the city council which are not inconsistent herewith shall remain in effect until amended or repealed by the city council. If any ordinance which repealed a previous ordinance is itself repealed, the previous ordinance shall not thereby be revived.

10-8. Rights and obligations of the city.

The adoption of this Charter shall not be regarded as impairing any right vested in or discharging any liability incurred by the city at the time of its adoption.

10-9. Pending actions.

All pending actions and proceedings shall continue and the appropriate officer of the city under this Charter shall be substituted for the officer previously named therein.

10-10. Previous offices, departments and agencies.

Any provision of law or ordinance referring to a previous office, department or agency and which is not inconsistent herewith shall be construed so as to accomplish the purpose of its enactment.

10-11. Legislative powers.

All legislative powers heretofore vested in the city or in any department or agency thereof shall be exercised by the city council.

10-12. Fiscal year.

The first fiscal year as established by 5-1 shall commence on the first day of February, 1962.
(P.L. 1961, ch. 43)

10-13. Rights of officers and employees.

Nothing in this Charter contained, except as specifically provided, shall affect or impair the rights or privileges of officers or employees of the city or of any office, department or agency existing at the time when this Charter shall take effect, or any provision of law in force at the time when this Charter shall take effect and not inconsistent with the provision of this Charter, in relation to the personnel, appointment, ranks, grades, tenure of office, promotion, removal, pension and retirement rights, or any other rights or privileges of officers

or employees of the city or any office, department or agency thereof.

10-14. Continuance of present officers.

All persons holding elective and appointive office at the time this Charter takes effect shall continue in office and in the performance of their duties until provision shall have been made in accordance herewith for the performance of such duties or the discontinuance of such office. The powers conferred and the duties imposed upon any office, department or agency of the city by the laws of the state shall, if such office, department or agency, be abolished by this Charter, or under its authority, be thereafter exercised and discharged by the office, department or agency designated by the mayor unless otherwise provided herein.

10-15. Transfer of records and property.

All records, property and equipment whatsoever of any office, department or agency or part thereof, all the powers and duties of which are assigned to any office, department or agency by this Charter, shall be transferred and delivered to the office, department or agency to which such powers and duties are so assigned. If part of the powers and duties of any office, department or agency or part thereof are by this Charter assigned to another office, department or agency, all records, property and equipment relating exclusively thereto shall be transferred and delivered to the office, department or agency to which such powers and duties are so assigned.

10-16. Continuance of officers, departments, or agencies.

Any office, department or agency provided for in this Charter with a name or with powers and duties the same or substantially the same as those of an office, department or agency heretofore existing shall be deemed to be a continuation of such office, department or agency and shall exercise its powers and duties in continuation of their exercise by the office, department or agency by which the same were heretofore exercised and shall have power to continue any business, proceeding or other matter within the scope of its regular powers and duties commenced by an office, department or agency by which such powers and duties were heretofore exercised. Any provision in any law, rule, regulation, contract, grant or other document relating to such a formerly existing office, department or agency, shall, so far as not inconsistent with the provisions of this Charter, apply to such office, department or agency provided for by this Charter.

10-17. Continuance of contracts.

All contracts entered into by the city, or for its benefit, prior to taking effect of this Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or Charter provisions existing at the time this Charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws and Charter provisions.

10-18. Continuance of actions and proceedings.

No action or proceeding, civil or criminal, pending at the time when this Charter shall take effect, brought by or against the city or any office, department or agency or officer thereof, shall be affected or abated by the adoption of this Charter or by anything therein contained, but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any office, department or agency or officer party thereto may by or under this Charter be assigned or transferred to another office, department or agency or

officer, but in that event the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Charter.

10-19. Effective date of Charter.

For the purpose of nominating and electing the elective officers of the city, this Charter shall be in effect from and after its approval by the electors. For all other purposes it shall be in effect from the first day of the term of office of the officers elected at the general election of 1960.

10-20. Transfer of appropriations.

The council shall have authority to make such changes and transfers in existing appropriations as may be required for the proper and orderly operation of the city under the provisions of this Charter.

10-21. Definitions.

Reference in this Charter in general terms to a department or agency of the city shall include any department, bureau, division, office, board, commission or committee, however entitled or described, as the context and subject matter may require.

10-22. Conflicting provisions.

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

10-23. Digest on ballot.

It shall not be necessary for the full text of a Charter or amendments to a Charter to be printed upon the ballot. Any digest or description thereof or any question or statement which substantially expresses the purpose or identifies the subject matter to be voted upon shall be sufficient. When any question is to be submitted to the voters, the council shall approve the statement of the question as it shall appear upon the ballot.

10-24. Minority representation.

There shall be minority party representation on all boards and commissions. The minority party shall mean the party other than that of the mayor. The mayor shall make such minority party appointment from a list of five names submitted by the chairman of the city committee of the minority party at least five days before such appointment is to be made; provided, however, if the chairman of such city committee shall fail or refuse to submit a list as aforesaid, the mayor shall appoint any person known by him to be a member of the political party entitled to said appointment. Unless otherwise established, all terms expire on the fifteenth day of the last month of the term, unless that day falls on a non-business day, then the term shall expire on the first business day after the fifteenth.

(P.L. 1964, ch. 205; Ref. of 11-3-98)

10-25. Separability.

If any provision of this Charter be held to be invalid or ineffective, such decision shall not affect the validity, force or effect of any other provision.

10-26. Titles and sub-titles.

Titles and sub-titles used in this Charter are for identification purposes and are not to be considered as a part of the text.

10-27. Gender neutral.

The editor of this Charter is authorized and empowered to amend sections for the purpose of making Charter language gender neutral.
(Ref. of 11-3-98)

10-28. Codifying the Charter.

The editor of this Charter is authorized and empowered to amend and codify sections for the purpose of making the Charter numerically correct.
(Ref. of 11-3-98)

10-29. Amendments.

All amendments to this Charter shall be submitted to the voters of the city for approval thereof at a general or special election and said amendments shall not become effective unless a majority of the persons voting upon said question shall approve said amendment or amendments.
(Ref. of 11-3-98)

Section 2. There shall be submitted to the qualified electors of the city of Warwick, at the general election to be held on the Tuesday next after the first Monday of November, 1960, for their approval the following question: "Shall the act passed by the general assembly at its January, 1960, session, entitled, 'An act revising the charter of the city of Warwick, and in amendment of chapter 1852 of the public laws, 1931, entitled, "An act to establish the city of Warwick," as amended,' be amended?" And the board of canvassers shall certify the results of said election to the secretary of state.

Section 3. Section 2 of this act shall take effect upon the passage of this act, and the remaining sections of this act shall take effect when the board of canvassers shall certify to the secretary of state that a majority of the qualified electors voting upon the question contained in section 2. shall have voted to approve the same, and thereupon all acts and parts of acts inconsistent herewith shall stand repealed.