

## ARTICLE VIII.

### DEPARTMENTS, BOARDS AND COMMISSIONS

#### **8-1. Directors.**

At the head of each department shall be a director, who shall be an officer of the city and shall have supervision and control of the department subject to the mayor.

#### **8-2. Divisions.**

The work of each department may be distributed among such divisions thereof as may be established herein by this Charter or ordinance upon the recommendation of the mayor.

#### **8-3. Transfer of functions.**

The mayor may transfer by executive order any functions and duties from one department to another except such functions and duties as are assigned by this Charter to a particular department or board or where established by ordinance to a particular department or board.

#### **8-4. Law department.**

There shall be a law department, the head of which shall be the city solicitor who shall be appointed by the mayor with the advice and consent of the city council. The city solicitor shall be an attorney-at-law in good standing who has been admitted to practice in this state at least five (5) years prior to his appointment.

The city solicitor shall be attorney for the city and legal advisor of the council if requested, and of all officers, departments and agencies. The city solicitor shall perform such other duties as may be prescribed by the council. The city solicitor will have the authority to appoint additional assistant solicitors as needed, or engage a law firm to perform the legal services for the city.

The city solicitor shall supervise and maintain a codification of the ordinances of the city of a substantive character which are appropriate for continuation as local laws, but the original copies of all ordinances shall remain in the office of the city clerk during such codification. All legal opinions furnished to the council and to all city officers, departments and agencies, shall be in writing and filed with the city clerk, as a public record, together with the resolution, letter or other memorandum requesting the opinion.  
(Ref. of 11-3-98)

#### **8-5. Department of public works.**

There shall be a department of public works, the head of which shall be the director of public works who shall be appointed by the mayor and shall serve at the pleasure of the mayor.

The department of public works shall be responsible for the functions and services of the city relating to highways, engineering, street lighting, public parking lots, waste disposal, sewers, and such other public works activities as may be defined by ordinance. All public works activities of the city shall be performed by said

department unless otherwise provided by this Charter.

The department shall have charge of the construction, reconstruction, alteration, repair, maintenance, operation, and engineering relating to the several functions and services within its jurisdiction.

The department shall have charge of the maintenance and operation of all public buildings owned by the city other than those of the school department.

#### **8-6. Board of public safety.**

There shall be a board of public safety, composed of three (3) members appointed by the mayor for three year terms. When this Charter becomes effective the mayor shall appoint one member of said board of public safety for a term of one year, one for a term of two years and one for a term of three years, and thereafter one each year for a term of three years. Vacancies in an unexpired term shall be filled by the mayor by appointment for the remainder of the term. Members shall be appointed from among the qualified electors of the city. The board of public safety shall have and perform all of the powers, duties and functions of the board of police commissioners and bureau of fire, except as otherwise provided in this Charter.

#### **8-7. Department of building inspection.**

There shall be a department of building inspection the head of which shall be a building inspector appointed by the mayor and [who] shall serve at the pleasure of the mayor, who shall be responsible for building, plumbing and electrical inspection, unless otherwise assigned by the mayor and who shall have general experience in the field of construction of buildings. All other inspection and licensing services of whatever nature, unless otherwise assigned by ordinance or this Charter shall be in the department of building inspection.

#### **8-8. Department of human services.**

There shall be a department of human services, the head of which shall be the director of human services who shall be appointed by the mayor, and shall serve at the pleasure of the mayor.

The department of human services shall perform the several functions and services of the city relating to human services and such other duties as may be required by state and federal regulations.

(Ref. of 11-3-98)

#### **8-9. Water department.**

There shall be a water department, the head of which shall be the director of the water department who shall be appointed by the mayor and shall serve at the pleasure of the mayor.

The water department shall be responsible for the distribution of water within the city of Warwick and the expansion and maintenance of the water supply system within the city. The powers and duties of the water department may be further prescribed by ordinance enacted by the city council or by state law.

(Ref. of 11-3-98)

### **8-10. Department of parks & recreation.**

There shall be a department of parks and recreation, the head of which shall be a [the] director of parks and recreation who shall be appointed by the mayor and shall serve at the pleasure of the mayor.

The department of parks and recreation shall be responsible for all of the recreational activities of the city, and shall service and maintain all recreational facilities in the city.

(Ref. of 11-3-98)

### **8-11. Planning department.**

There shall be a planning department, the head of which shall be a city planner who shall have had training and experience in city planning and who shall be appointed by the mayor and shall serve at the pleasure of the mayor.

The city planning department shall consult with and make written recommendations to the planning board in the preparation, extension and additions to a comprehensive general plan for the improvement and physical development of the city, said plan being known as the master plan. The planning department shall consult with and make written recommendations to the planning board relative to the approval or disapproval of plotting and sub-division of land within the city. Said department shall consult with and make recommendations to the mayor relative to a capital improvements program, and shall be responsible for the administration of such duties as may be assigned by the mayor or prescribed by ordinance.

(Ref. of 11-3-98)

### **8-12. Planning board.**

There shall be a planning board composed of nine (9) members of the public who shall be appointed by the mayor.

During the month of January, 1961 the mayor shall appoint:

Two members to hold office until the 31st day of Jan., 1962.

Two members to hold office until the 31st day of Jan., 1963.

Two members to hold office until the 31st day of Jan., 1964.

Two members to hold office until the 31st day of Jan., 1965.

One member to hold office until the 31st day of Jan., 1966.

Thereafter, beginning in the month of Jan., 1962, all appointments shall be for five year terms. Vacancies in an unexpired term shall be filled by the mayor by appointment for the remainder of the term. Members shall be appointed from among the qualified electors of the city.

The board shall have power in accordance with the provisions of G.L. 1956, § 45-23-1 et seq., within the

limits of the city to adopt, modify and amend rules and regulations governing and restricting the plotting or other sub-division of land in the city, and to control the sub-division of land pursuant to such rules and regulations; and shall have all powers and authorities set forth in G.L. 1956, § 45-23-1 et seq., and shall perform such other duties as may be necessary or as may be assigned by the mayor or council.

The board shall establish its own rules of procedure, provided that five (5) members shall constitute a quorum for the transaction of business and five (5) affirmative votes shall be required for final action on any matter acted upon by the board.

(Ref. of 11-3-98)

### **8-13. City clerk.**

There shall be a city clerk who shall be appointed by the mayor with the approval of the council.

The city clerk shall be the clerk of the council, shall make a permanent record of council proceedings and shall certify by his signature all actions of the council. He shall be the custodian of the city seal and of the official documents and records of the city.

The city clerk shall be the registrar of deeds and shall direct and supervise the recording of deeds, mortgages, and other instruments and perform such other duties as may be prescribed by ordinance.

The city clerk shall be the clerk of the probate court. There may also be a deputy city clerk with the same duties and appointed in the same manner.

(Ref. of 11-3-98)

### **8-14. Probate court.**

The powers and duties of a probate court for the city shall be exercised and performed by a judge of probate who shall be appointed by the mayor with the approval of the council.

The judge of probate shall be an attorney-at-law in good standing who has been admitted to the practice of law in this state. He shall be a qualified elector of the city.

Any person acting in a temporary capacity as judge of probate shall have the qualifications required by the judge of probate. In the absence of the judge of probate, the city solicitor shall serve as acting judge of probate and when so acting shall have and exercise all the powers and duties of the judge of probate for the time being.

### **8-15. Board of canvassers.**

The canvassing authority of the city shall be a board of canvassers and registration. The city council shall elect a bipartisan canvassing authority of three qualified electors of the city not more than two of whom shall belong to the same political party. The mayor shall nominate the members of said canvassing authority from lists submitted by the respective chairmen of the city political committee which list shall contain the names of five times the number of persons to be elected. If the city council shall refuse to approve the nomination of any person to said canvassing authority, the mayor shall submit to the city council another person

named on one of said lists and so on until a person shall be appointed; provided, however, if the chairman of the city committee of a political party entitled to an appointment shall fail or refuse to submit a list as aforesaid, the mayor shall nominate any person known by him to be a member of the political party entitled to said appointment. The members first appointed shall serve for terms of one, two, and three years respectively, and until their successors are qualified and thereafter one member shall be appointed each year for a term of three years.

(Ref. of 11-3-98)

#### **8-16. Zoning board of review.**

There shall be a zoning board of review which shall consist of five members appointed by the mayor subject to confirmation by the city council to serve for terms of five years and until their successors are appointed and qualified. The members first appointed shall serve for terms of one, two, three, four and five years respectively and thereafter one member shall be appointed each year for the term of five years. There shall be a sixth or auxiliary member of said board appointed by the mayor subject to confirmation by the city council in accordance with state law.

The zoning board of review shall hear and determine appeals from the granting or refusal of building permits and shall have power to allow exceptions to or variations as specified by ordinance and in accordance with the laws of Rhode Island.

(Ref. of 11-3-98)

**Cross References:** For salary of members of zoning board of review, see § 64-5 of the Code of Ordinances; zoning board of review generally, app. A, § 900.

#### **8-17. Board of assessment review.**

(1) There shall be a board of assessment review which shall consist of three members appointed by the mayor with the approval of the council. The members first appointed shall serve for terms of one, two and three years respectively, and thereafter one member shall be appointed in each year for a term of three years.

(2) The board of assessment review shall hear and consider the appeal of any property owner concerning the amount of his assessed valuation as determined by the city assessor. The city assessor shall attend all hearings of the board of review in order to explain his valuations, but shall have no vote. The board shall keep an accurate record of its proceedings which shall be available for public inspection. If it shall appear that the valuation of any property has been incorrectly or inequitably assessed, the board shall have power to change the assessment.

(3) The council shall provide by ordinance for the organization and procedure of the board of assessment review and for the manner of receiving, considering, and disposing of appeals.

(4) The taking of an appeal to the board of assessment review, or any action thereon, shall not be construed to limit or restrict the right of any taxpayer to apply to a court of competent jurisdiction for relief from any assessed valuation or tax originally determined by the assessor.

(Ref. of 11-3-98)

**Cross References:** For salary of members of assessment review board, see § 64-5 of the Code of Ordinances.

#### **8-18. City sergeant.**

There shall be a city sergeant appointed by the mayor who shall perform all of the powers and duties prescribed by state law or ordinance.

(Ref. of 11-3-98)

#### **8-19. Additional boards.**

Additional boards, commissions and authorities may be established by ordinance. Advisory boards may be established by executive order. Members of advisory boards shall serve without compensation and shall have no executive or administrative powers. The mayor shall make all appointments to such boards, commissions, and authorities as may be established in accordance with this section.

(Ref. of 11-3-98)

#### **8-20. Additional departments.**

The council by ordinance may assign functions or programs undertaken by the city to appropriate departments and it may create additional departments. Such additional departments shall be subject to the provisions of this Charter.

(Ref. of 11-3-98)

#### **8-21. Filling of vacancies.**

Vacancies occurring on any board, commission, or authority, the filling of which is not specifically provided for by this Charter, may be filled for the unexpired term by the appointing authority for such board, commission, or authority.

(Ref. of 11-3-98)

#### **Sec. 8-22. Warwick Public Library.**

##### *Sec. 1--Public Library--Established*

There is hereby established and founded for the city and for all the inhabitants thereof a free public library to be known as the Warwick Public Library. Such library may include such facilities and branches throughout the city as may be determined by the board of trustees.

##### *Sec. 2--Board of Trustees: Election; Terms; Filling Vacancies*

The Board of Trustees shall consist of seven members appointed by the city council upon the adoption of the 1998 Charter amendments. The trustees shall be divided into three groups. The terms of the office of the first group, consisting of three members, shall expire on December 31st, 2000; the terms of the second group, consisting of two members, shall expire on December 31st, 2001; and the terms of the third group, consisting of two members, shall expire on December 31st, 2002. With the expiration of term of office of any member, the vacancy shall be filled by the city council for the term of three years. Vacancies occurring by resignation, removal, death, or otherwise, shall be filled as above for the unexpired term thereof.

##### *Sec. 3--Board of Trustees: Powers & Duties*

The Board of Trustees of the Warwick Public Library shall take possession of said library, and shall be legal guardians and custodians of same. They shall provide suitable rooms for the library, arrange for the proper care and maintenance of the same, and make all needful rules and regulations for the government of the library and the use of the books; provided that no fee for the use of the books shall ever be extracted.  
(Ref. of 11-3-98)