

2020 -- S 2864

LC005396

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

A N A C T

RELATING TO TOWNS AND CITIES - GENERAL POWERS

Introduced By: Senator William J. Conley

Date Introduced: June 12, 2020

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-2-3.2 of the General Laws in Chapter 45-2 entitled "General
2 Powers" is hereby amended to read as follows:

3 **45-2-3.2. Availability of funds upon failure of city or town to approve annual**
4 **appropriation.**

5 (a) Unless otherwise provided by a city or town charter, in an emergency caused by a failure
6 of a city or town to approve an annual appropriation measure, the same amounts appropriated in
7 the previous fiscal year shall be available for each department and division thereof, subject to
8 monthly or quarterly allotments, in accordance with seasonal requirements, as determined by the
9 city or town's chief financial officer: provided, that expenditures for payment of bonded
10 indebtedness of the city or town and interest thereon shall be in such amounts as may be required,
11 regardless of whether or not an annual appropriation ordinance is enacted by the city or town
12 council.

13 (b) Whenever a state and local emergency is declared pursuant to §§ 30-15-9 and 30-15-
14 12(b) that prevents a city, town or fire district from approving an annual appropriation measure and
15 tax levy to fund such appropriation in accordance with their city, town, or fire district charter, the
16 city, town or fire district, notwithstanding any city, town, or fire district charter provision to the
17 contrary, may adopt an annual appropriation and tax levy or take any other action normally required
18 at a financial town meeting or financial town referendum, by the governing body of the city or town
19 through passage of a resolution or ordinance in the following manner:

1 (1) By continuing the city, town or fire district's prior annual fiscal year appropriation
2 measure and aggregate tax levy not exceeding the total levy of the prior fiscal year to support such
3 annual appropriation; provided, that the appropriation and levy shall not extend beyond a city, town,
4 or fire district's fiscal year as defined by the city, town, or district charter;

5 (i) Any partial levy adopted for a period of less than one fiscal year shall be credited against
6 the final levy adopted by the city, town, or fire district in accordance with this section or the
7 provisions as set forth in the city, town, or fire district charter.

8 (ii) If a city or town has conducted a revaluation of property pursuant to § 44-5-11.6, the
9 city or town may use the property values of the most recent revaluation; provided, that the aggregate
10 tax levy does not exceed the total levy of the prior fiscal year.

11 (2) By the adoption and passage of a new annual appropriation and tax levy by the city,
12 town, or fire district's governing body; provided, that levy shall be subject to all of the provisions
13 of § 44-5-2.

14 (c) Prior to the adoption of any appropriation or levy pursuant to sections (b)(1) or (b)(2)
15 of this section or conducting any business normally taken at a financial town meeting or financial
16 town referendum, the governing body of the city, town, or fire district shall conduct a public hearing
17 on the proposal or business to be considered. The public hearing may be conducted in any manner,
18 including electronically or virtually, that enables public comment and participation. Notice of the
19 public hearing shall be given by publication of a display advertisement in a newspaper of general
20 circulation in the city, town or fire district and by posting of the notice on the website if available,
21 of the municipality or fire district at least ten (10) days before the date of the public hearing. The
22 notice shall state the date and time of the public hearing and the methods of means of participation
23 whether in person, virtually, and/or by submission of written comments.

24 (d) The chief executive officer of a city, town, or fire district shall have the power to, by
25 executive order, extend, move, or continue any and all budget adoption procedures, including the
26 date of any financial town meeting or financial town referendum, as set forth in any city, town or
27 fire district charter, until such time as the declared state or municipal emergency is lifted or expires.

28 (e) Any tax levy adopted pursuant to sections (b)(1) or (b)(2) of this section shall be subject
29 to all of the provisions of chapter 35 of title 44.

30 SECTION 2. Section 45-3-4 of the General Laws in Chapter 45-3 entitled "Town
31 Meetings" is hereby amended to read as follows:

32 **45-3-4. Meetings other than elective.**

33 Town meetings, other than annual or biennial meetings, shall be held at the times that are,
34 or may be, by the Constitution or by law required, or may be called in the manner provided in this

1 chapter. Notwithstanding any provision of any state law or municipal charter provision to the
2 contrary, whenever a state or local emergency is declared pursuant to §§ 30-15-9 and 30-15-12(b)
3 that prevents a city, town or fire district from conducting a town or district meeting pursuant to this
4 chapter, except for a meeting pursuant to § 45-3-1, the governing body of any city, town or fire
5 district may provide, by resolution, for the convening of a town or district meeting by remote,
6 electronic, virtual or other means; provided, that the governing body finds that the convening of a
7 town meeting would jeopardize the public health or safety of persons within the city, town or fire
8 district.

9 SECTION 3. This act shall take effect upon passage and all of its provisions shall be
10 deemed retroactive to March 9, 2020.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO TOWNS AND CITIES - GENERAL POWERS

1 This act would allow a city, town or fire district to appropriate monies, levy taxes and
2 expend funds during any declared state or local and/or statewide emergency in the absence of an
3 annual or biennial financial town meeting and allow for virtual town, city and fire district meetings
4 during state or local emergency declarations.

5 This act would take effect upon passage with all of its provisions retroactive to March 9,
6 2020.

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