

Please place the following item on the docket for the July 24, 2023, Town Council Meeting,

"Discussion and potential action to Petition the Rhode Island Superior Court for a Declaratory Judgment regarding the legality of Charlestown having an elected Planning Commission."

Rationale: Over the years, the question of whether the provision in the Charlestown Home Rule Charter, C-172 A, which provides for an elected Planning Commission is in violation of State Law, RIGL 45-22-2, first enacted in 1972, which states that planning board members are appointed by the town council.

The provision in RIGL 45-22-2 further states, "Cities and towns operating under a home rule charter may continue the appointment of members in the manner established under that charter". The problem for Charlestown is that the Charter was first adopted in 1980, eight years after RIGL 45-22-2 was enacted. Therefore, the exception provided in 1972 to cities and towns to appoint members "in the manner established under that charter" would not appear to be applicable or provide an exception to the requirement that members be appointed by a town council, because Charlestown did not have a charter in 1972.

During the July 11, 2023, Charter Revision Advisory Committee meeting, the committee discussed the length of the terms for the Town Council and Planning Commission. However, no question can be presented to the voters if the manner in which the Planning Commission is seated is in violation of RI General Law.

Also discussed was the question of whether previous votes of the Planning Commission could be invalidated if a court declared the elected Planning Commission to be illegally constituted. In order to prevent complete upheaval, the town should also consider asking the court to uphold and confirm previous votes taken by the Planning Commission, assuming there are no current cases pending against the Planning Commission.

The Charter Revision Advisory Committee requested the Town Council seek a Declaratory Judgement from the court to resolve this matter once and for all.

Thank you,  
Deb

*Deborah Carney*  
*President*  
*Charlestown Town Council*