

# TITLE 45

## Towns and cities

### CHAPTER 45-9

#### Budget Commissions

#### SECTION 45-9-10.1

**§ 45-9-10.1 Appointment of administration and finance officer upon abolition of a fiscal overseer, or a budget commission or a receiver where no chapter 9, title 11 petition filed.** – (a) Notwithstanding any general or special law, or city or town ordinance, or rule or regulation to the contrary, this section shall apply upon the abolition of the fiscal overseer, budget commission, or receiver where the receiver has not filed a petition for Chapter 9, Title 11 of the United States Code, upon a determination, in writing, by the director of revenue that the financial condition of the city, town, or fire district has improved to a level such that a fiscal overseer, budget commission, or receiver is no longer needed.

(b) For a period of five (5) years after the abolition of a fiscal overseer, or a budget commission, or a receiver, where the receiver has not filed a petition for Chapter 9, Title 11 of the United States Code, a finance advisor shall be appointed for the city, town, or fire district by the director of revenue. The finance advisor shall be an employee of the city, town, or fire district. The finance advisor shall be responsible for monitoring the overall budgetary and financial administration and fiscal health of the city, town, or fire district. The finance advisor shall report to the director of revenue.

(c) The finance advisor shall be appointed solely on the basis of his or her qualifications and shall be a person especially fitted by education, training, or experience to perform the functions of the position.

(d) The finance advisor shall have complete access to the financial books and records of all offices, departments, and other agencies of the municipal fire district government and, without limitations:

(1) Recommend to the elected chief executive officer, city or town council, or fire district governing body, and school committee sound fiscal policies for implementation and monitor implementation;

(2) Monitor and oversee all financial operations and activities including the city's, town's, or fire district's operating and capital financial plans to maintain fiscal stability;

(3) Review operational results of various city, town, or fire district funds and evaluate the structural soundness of each;

(4) Advise the assessor, director of finance, city or town treasurer, purchasing agent, and employees performing similar duties but with different titles;

(5) Provide assistance in all matters related to municipal or fire district financial affairs;

(6) Review and approve the development and preparation of the annual municipal or fire district budget, all department operating and capital budgets, and spending plans;

(7) Review and approve all proposed labor contracts and obligations to determine if consistent with a structurally balanced, five-year (5) plan;

(8) Monitor the receipt of revenues and expenditures of all funds with the assistance of city, town, or fire district staff;

(9) Participate in rating agency calls pertaining to the city, town, or fire district;

(10) Determine compliance with the various ordinances, laws (federal and state), and rules and regulations related to receipt and expenditure of city, town, or fire district funds;

(11) Provide comment to the local governing body on the annual or supplemental municipal or fire district budgets of the city, town, or fire district and all of its departments;

(12) Report quarterly to the chief elected officer, city or town council, fire district governing body, director of revenue, the auditor general, the governor, and the chairpersons of the house finance and senate finance committees on the progress made towards maintaining fiscal stability and all financial operations of the city, town, or fire district;

(13) Make recommendations to the elected chief executive officer, city or town council, fire district governing body, school committee, and the director of revenue, as appropriate, to begin to address any operational and/or structural deficit;

(14) Make recommendations to the elected chief executive officer, city or town council, fire district governing body, and school committee, as appropriate, to have operational, performance, or forensic audits, or similar assessments conducted;

(15) Report any: (i) Inappropriate expenditure; (ii) Any improper accounting procedure; (iii) All failures to properly record financial transactions; and (iv) Other inaccuracies, irregularities, and shortages, as soon as practical to the elected chief executive officer, or in the case of a municipality without an elected chief executive officer, the city or town council, or in the case of a fire district, the fire district governing body; and

(16) Notify in writing as soon as practical, the elected chief executive officer or the city or town council, or the fire district governing body; if the finance advisor discovers any errors, unusual practices, or any other discrepancies in connection with his or her work.

(f) The city or town, including the school department or fire district, shall provide the finance advisor with any and all information requested in a timely fashion.

(g) The city, town, or fire district shall annually appropriate amounts sufficient to cover the costs of the administration and finance officer. The state shall annually reimburse the city or town for fifty percent (50%) share of such costs.

(h) The city, town, or fire district, at its expense, shall provide office space and adequate resources needed by the administration and finance officer in the performance of his/her duties.

(i) Nothing contained herein removes duties from existing positions in the city, town, or fire district.

History of Section.

(P.L. 2013, ch. 246, § 2; P.L. 2013, ch. 347, § 2; P.L. 2014, ch. 31, § 1; P.L. 2014, ch. 33, § 1.)