ORDINANCE NO. 919 ADOPTED: February 26, 2024

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF EAST GREENWICH, CHAPTER 34 ENTITLED "BOARDS, COMMITTEES AND COMMISSIONS" TO ADD A NEW ARTICLE XI ENTITLED "SCHOOL CONSTRUCTION COMMITTEE."

Section 1. IT IS HEREBY ORDAINED by the Town Council of East Greenwich, Rhode Island, that the Ordinances of the Town of East Greenwich be amended to read as follows:

Chapter 34

BOARDS, COMMITTEES AND COMMISSIONS

ARTICLE XI SCHOOL CONSTRUCTION COMMITTEE

§ 34-40 Establishment

Pursuant to Local Acts 28 & 29 enacted by the General Assemble in the 2023 legislative session and pursuant to § C-122 of the East Greenwich Town Charter, the Town of East Greenwich hereby establishes a School Construction Committee (SCC) for the purpose of assisting and advising the Town Council in fulfilling its duties to construct and carry out the projects set forth in 2023 Local Acts 28 & 29 and funded by the bonds authorized thereunder and approved by the East Greenwich voters at the November 2023 general election.

This ordinance shall be interpreted in a manner consistent with existing state law and Rhode Island Department of Education regulations and is not intended to supersede the same, including, without limitation, RIGL 16-7-41.1 and RIDE regulation 200-RICR- 20-05-4.9, Rule 4.9.3(A)(6)(b).

§ 34-41 Definitions

Project shall mean any school construction project funded by bonds authorized through 2023 Local Acts 28 & 29 and approved by the East Greenwich voters at the November 2023 general election.

SCC shall mean the School Construction Committee herein established.

§ 34-42 Purpose/Charge/Mission

The purpose of the SCC is to provide a function for the construction phase of the Project similar to that formerly performed by the School Building Committee with regard to the pre-construction phase of the Project. The SCC shall provide input and oversight for the Town Council and School Committee relative to the Project. This shall include, without limitation:

1. Serving as the point of contact for all individuals and community groups on all issues regarding the project, including but not limited to safety polies and procedures for building site users, potential neighborhood community impacts, general communication and project updates, etc.

2. Establishing regular communication channels with the community, school family populations, and neighbors regarding the project progress through periodic notices and public meetings. Actively soliciting the comments and input of neighbors and interested parties by dedicating any required meetings on an as-needed basis, beyond the regular meetings, to hear the concerns of neighbors, parents, students, and other interested parties.

3. Assisting the Owner's Project Manager (OPM) with applications to the Rhode Island Department of Education (RIDE).

4. Working with the OPM to assist in the creation of construction bid package and in the determining of a list of eligible bidders.

5. Reviewing and recommending to the Town Council the award of all contracts involving Architects and/or Engineering services to develop the school building plans through a public Request for Proposal process that adheres to all Town bid policies and procedures. This includes structural plans, site work and testing, grading and drainage, professional estimating services, drawings and specifications, preparation of bid documents and contract documents, evaluation of bids and appropriate bonding and insurance provisions. The SCC, in coordination with the Town Solicitor, shall negotiate any contract to be entered into by the Town and said firm(s) subject to approval of the Town Council, provided, however, that such contracts shall account for established School Committee policies regarding school access, educational concerns, and other such matters.

6. Reviewing design documents to evaluate, refine, and update cost estimates and verify that the plans fulfill the purpose of the Project in a reasonable manner.

7. Evaluating all construction bids received and pursue any required bid clarifications.

8. Meeting with the OPM, Architect, General Contractor, or Construction Manager, as needed.

9. Recommending approval to the Town Council of the final plans, specifications, bid documents, and contract documents for the Project, or, if delegated to the SCC by the Town Council, approving such final plans, specifications, bid documents and contract documents, with the exception of the Stage 2 Memorandum of Agreement with RIDE, which shall be approved and executed exclusively by the Superintendent and School Committee. All contract documents shall account for established School Committee policies regarding school access, educational concerns, and other such matters.

10. Requiring the OPM, Architect or other relevant professionals to make regular reports to the SCC, to permit monitoring of the status of construction and change orders, and to keep the SCC up-to-date on all material project developments.

11. Providing recommendations to the Town Council seeking authorization for the start of construction of the Project.

12. Verifying that all required permits are in place and verifying compliance with all local, state, and federal laws.

13. Monitoring the construction process of the Project, including meetings with the OPM, Architect, project manager, construction contractor, sub-contractors and/or any other necessary parties.

14. Coordinating communication between the Construction Committee, the Town Council, School Committee and RIDE to keep all parties up-to-date on project developments.

15. Considering and acting promptly on all change orders, making certain that any increase in the overall cost involved in any such required change order is within the amount appropriated and available for the Project.

16. Monitoring the preparation by the Architect of a list of items (punch list) which are not fully completed or which require further attention when the architect has certified that the Project is substantially complete. The SCC shall make certain that such items are completed properly.

17. Reviewing the certification of compliance by the Architect that construction has been completed in compliance with contract documents and revieing the list of items that are not yet satisfactorily completed.

18. Reviewing, approving and referring to the Town for payment, invoices with respect to the implementation of the Project.

19. Determining whether funds should be withheld from any payment request pending completion of any unfinished work or for any other appropriate reason, and approving the release of such funds when appropriate.

§ 34-43 Authority

The SCC shall have advisory authority to the Town Council to assist the Council in fulfilling its role to oversee construction of the Project, including, without limitation, fulfilling the functions outlined in § 34-42 above and taking all steps necessary or appropriate to fulfill such functions. Additionally, the SCC shall exercise such other powers and authority with regard to the Project as the Town Council shall delegate to it through vote of the Town Council.

Additionally, the SCC shall report to the Town Council and School Committee on a monthly basis if possible, although at a minimum within a quarterly reporting structure, depending on project

activity on all pertinent issues including the status of the project and schedule along with any recommendations. Upon completion of the project, the SCC shall make a complete and final report to the Town Council and School Committee, including other public bodies as required. The report shall include information concerning final costs for the project, the status of RIDE reimbursement applications, a list of unfinished projects not included in the final plan with an estimated cost and timeline, and any recommendations the SCC may have concerning on-going operation and maintenance of the buildings. The report may also include any recommendations from the SCC concerning project-based best practices learned during the project that may be applicable to future Town construction projects.

§ 34-44 Structure/Membership/Terms

a) The Town Council shall appoint the following voting members of the SCC:
    1) The Chair of the School Committee, *ex officio*
    2) School Superintendent, *ex officio*;
    3) School Department Director of Facilities, *ex officio*;
    4) A member of the School Committee that is selected by that body;
    5) A Principal of a school that is a subject of the Project;
    6) The Town Finance Director, *ex officio*;
    7) The Town Director of the Department of Public Works or Director of Planning, *ex officio*;
    8) Town Manager, *ex officio*;
    9) The Town Council President, *ex officio*;
    10) A member of the Town Council;
    11) A member of the community with public sector, large-scale construction experience; and
    12) A member of the community with architectural, engineering and/or construction experience.

b) Where a member of the SCC is listed as *ex officio*, the Town Council shall appoint such member as a member of the SCC for a term that shall last as long as the member holds the *ex officio* position. Any *ex officio* member of the SCC may appoint a designee to attend and vote at any meeting of the SCC in her or his stead. Where a member of the SCC is not listed as an *ex officio* member, then the member shall be appointed for no more than a one-year term that shall expire on December 31st of each year, subject to reappointment for each subsequent year thereafter, provided that if such a member is not reappointed prior to December 31st of a given year, she or he shall continue to serve until reappointed or until her or his successor is appointed, whichever occurs later. While the Town Council shall have the right to appoint members of the community, the SCC shall have the opportunity to interview applicants and make recommendations to the Town Council.

c) If an *ex officio* position becomes vacant, then Town Council shall appoint a person it deems suitable to temporarily fill that position until the *ex officio* position is again filled, at which time the Council shall appoint the person newly holding the *ex officio* position to the SCC, with the exception of the Chair of the School Committee, whose position shall be filled in accordance with School Committee bylaws. If a non-*ex officio* position becomes vacant, then the Town Council shall appoint a member to fill the remainder of the unexpired term who meets the qualifications for the seat vacated and, upon expiration of the term, the Council shall either reappoint the member filling the vacancy or appoint a new member to the seat, with the exception of the School Committee members who shall be appointed by the School Committee in accordance with School Committee bylaws.

d) The Town Manager and the School Superintendent shall Co-Chair the SCC. The SCC shall meet at the call of the Co-Chairs. An item may be added to the SCC agenda either with approval of five of the members of the SCC or with the approval of either Chair. A quorum of the SCC shall consist of six members and any action of the SCC shall be taken by a majority vote of those members present at the meeting, provided, however, that any vote to provide final approval to a contract or to expend funds shall require at least five votes in the affirmative, regardless of the number of voting members present at the meeting. The SCC may delegate so much of its functions and authority as it deems appropriate (excluding final approval of contracts and expending funds) to an Executive Committee, consisting of three members of the SCC selected by vote of the SCC to serve on the Executive Committee. The procedures of the SCC shall fully comply with the Rhode Island Open Meetings Act (RIGL 42-46-1, *et seq.*) and, where applicable, the 12th edition of Robert's Rules of Order.

§ 34-45 Dissolution/Sunset

The SCC shall continue in existence until six-months after the Project is completed and certificates of occupancy have been issued for all school buildings under construction as part of the Project, after which time the SCC shall be disbanded; provided, however, that the Town Council may extend the existence of the SCC for up to an additional year beyond this period of time by resolution, if it deems it necessary.

Section 2. This ordinance shall become effective upon adoption.