

CITY OF PROVIDENCE

2002 CHARTER REVIEW COMMISSION

**REPORT AND RECOMMENDED AMENDMENTS TO
THE PROVIDENCE HOME RULE CHARTER**

**SUBMITTED TO
THE HONORABLE CITY COUNCIL
OF THE CITY OF PROVIDENCE**

AUGUST 14, 2002

2002 CHARTER REVIEW COMMISSION

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A. Executive Summary

The 2002 Charter Review Commission respectfully submits this report to the Providence City Council, in accordance with Article XIII, Section 1302 of the Providence Home Rule Charter of 1980 (amended 1992).

The Home Rule Charter describes the operations of city government, including the powers and duties of the Mayor, the City Council, the Municipal Courts, various appointed officers, municipal departments, and boards and commissions, as well as the city's fiscal and budgetary procedures, election processes, and personnel system.

Section 1302 of the Charter requires that every ten years (beginning in 1992), a Charter Review Commission shall be convened to review the operation of the Charter and to make recommendations to the City Council as to any revisions. Appointed by the Mayor and the Council in March, the 2002 Charter Review Commission spent five months soliciting public comment, preparing recommended language changes to specific sections of the Charter, and composing this report.

To solicit as much public comment as possible, the Charter Review Commission held three public hearings, provided a link on the City's website to invite comments by email, and contacted numerous city and state officials. The Commission also met with the City Council in a public meeting. Over 80 individuals representing business and community groups, institutions, and private citizens took the time to attend a public hearing, write a letter or send an e-mail, or communicate verbally with the Commission.

Of the more than three dozen separate issues raised for consideration during the charter review process, six major themes emerged, all of which are summarized below and included in this report. In addition, a number of miscellaneous items are also proposed for the City Council's scrutiny.

Summary of Recommendations

1. Term Limits for Mayor and City Council (Section 202)
 - Two four-year terms for Mayor
 - Three four-year terms for City Council
2. Election of At-Large Members of the City Council (Sections 201, 204, 207, 208)
 - Fifteen-member Council: 10 elected by ward, 5 elected at large
3. Nomination Process for School Board (Sections 701, 702)
 - School Board Nominating Commission to submit 3 names to Mayor for each vacancy on the School Board
 - Qualifications for members of both School Board and Nominating Commission

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4. Composition of Retirement Board (Section 908)

- Provide the Mayor with two additional appointments to board
- Substitute the City Treasurer and the Finance Director for the Mayor and the City Controller, respectively

5. Enforcement of Residency Requirement (Sections 903(p), 1210)

- Clarify responsibility of the Personnel Director to enforce residency

6. Ethics – Disqualification of Vendors (Section 1206)

- Establish ethical obligations of vendors and disqualify vendors who breach those obligations for a period of 5 years

7. Miscellaneous

Mayor

- Increase from \$5,000 to \$25,000 the appropriations that the Mayor may transfer with a department or from one department to another (Section 810)

City Council

- Authorize the Council to establish, reorganize or discontinue municipal departments (Section 1403)
- Clarify that City Council appointees to the following boards and commissions are not required to be members of the Council:
 - Water Supply Board (Section 1101)
 - Civic Center Authority (Section 1104)
 - Providence Housing Authority (Section 1107)
 - Providence Redéveloppement Agency (Section 1108)
- Increase time for the Council to confirm Mayoral appointments, from 15 days to 35 days (Section 401(b))
- Allow the Council to retain consultants and experts by simple majority vote (Section 401(d))
- Clarify that the 30-day period for the Council to override a Mayoral veto runs from the date the veto is delivered to the City Clerk (Section 412)
- Clarify the obligation of the City Solicitor to attend meetings of any standing Council committee (Section 603(b)(3))
- Clarify that employees of the City Council are not members of the personnel system (Section 905)
- Authorize the City Council to establish the Fiscal Year by ordinance (Section 801)
- Require bond ordinances to specifically describe the capital projects to be completed (Section 807)

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Municipal Departments

- Abolish the Dept. of Sewer Management and transfer its function to the Dept. of Public Works (Sections 1002 and 1015)
- Transfer the Zoning Board of Review from the Dept. of Inspections and Standards to the Dept. of Planning and Development (Sections 1008(a)(2) and 1012(a))
- Abolish the defunct Port Commission (Section 1016)

Other

- Correct a reference error in Section 1208: the correct reference should be to Section 1207 (City officers), not to Section 1205.

The Commission hopes that the City Council will present all of these proposed amendments to the voters on the ballot in the upcoming general election to be held on November 5, 2002.

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B. Introduction

Article XIII of the Rhode Island Constitution grants to all cities and towns the right to self-government in all local matters. Accordingly, in 1980 the voters of the City of Providence adopted the city's first Home Rule Charter (subsequently amended in 1992) to regulate the operations of city government.

Providence's Charter describes the powers and duties of the Mayor, the City Council, the Municipal Courts, various appointed officers, municipal departments, and boards and commissions, as well as the city's fiscal and budgetary procedures, election processes, and personnel system. Section 1302 of the Charter requires that every ten years (beginning in 1992), a Charter Review Commission shall be convened to review the operation of the Charter and to recommend any amendments. The Charter Review Commission has a maximum of eight months to complete its work and submit a report with recommendations to the City Council (the Commission itself has no authority to enact any charter amendments). The City Council then places proposed charter amendments on the ballot in the next scheduled general election for approval by the voters.

The nine-member 2002 Charter Review Commission, appointed by the Mayor and the City Council and sworn in as of March 5, 2002, has spent the past five months collecting public comment and preparing its recommendations, including proposed language changes to specific sections of the Charter.

The Charter Review Commission began its work with an entirely open mind about potential charter amendments. Its first step was to undertake a lengthy process of soliciting input from the public, sought in a variety of ways:

- The Commission held three public hearings on the evenings of April 23, 2002 (at Hope High School on Hope Street), May 1, 2002 (at the Nathaniel Greene Middle School on Chalkstone Avenue), and May 6, 2002 (at the Community College of Rhode Island's Providence Campus on Hilton Street). Each hearing was duly advertised in advance in the *Providence Journal's* Metro Section (April 12, 2002, page C-3). Comments could be made either verbally or in writing.
- On the day of the first public hearing, the *Providence Journal* published a feature article in the Metro section describing the Charter Review Commission and its work. The article indicated the dates, times, and locations of all three public hearings and explained how citizens could submit comments to the Commission. (April 23, 2002, Page C-1.)
- The Commission placed on the City's website (www.providenceri.com) a link to information about the charter review process, which included a form for the public to submit comments by e-mail.

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- The Commission sent letters to the Mayor, the City Council, all municipal department directors, the chairpersons of numerous boards and commissions, and those members of the Rhode Island General Assembly whose districts include Providence, inviting their participation in the charter review process.
- The Commission's weekly meetings in the City Clerk's office at Providence City Hall were open to the public; advance notice was posted in the Clerk's office, and notice was also published in the *Providence Journal's* Metro Section on the day of the meeting.
- The City Council as a whole also held a public meeting with the Charter Review Commission, on May 13, 2002 at Providence City Hall. The Council sent invitations to this meeting to over 100 neighborhood associations and community organizations throughout the city.

Over 80 people submitted comments either verbally or in writing to the Charter Review Commission. Significant input came from more than half the members of the City Council, as well as a number of municipal department heads and the city's internal auditor. Other concerns and suggestions came from a variety of constituencies, including members of both the School Board and its Nominating Commission, the Public Education Fund, the Greater Providence Chamber of Commerce, the Providence Foundation, community groups, real estate developers, city employees, elected officials, and dozens of private citizens, as well as four candidates for Mayor in the upcoming primary election.

The public comment phase of the charter review process raised about three dozen separate issues for the Commission to consider in developing recommendations for prospective charter amendments. Of those issues, several themes advanced repeatedly: term limits for elected officials, at-large representation on the City Council, the residency requirement for city employees, and the school board nomination process. All of these themes are represented in the proposed charter amendments contained in this report. Other proposals came forward from the public, from the City Council, and from the Charter Review Commission itself.

In the following pages, the proposed language changes in specific sections of the Charter are introduced first (existing text to be eliminated is crossed out; new text is underlined), followed by a brief explanation as to the need for or rationale behind each amendment.

The Charter Review Commission, in making its recommendations for proposed Charter amendments, did not attempt to predict whether any of these proposals might be acceptable to either the City Council or the voters. Rather, these recommendations reflect those issues of self-governance that, in the Commission's best judgment, have primacy for Providence at this time.

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C. Recommended Charter Amendments

1. Term Limits for Mayor and City Council

Section 202. Date of election and terms of office.

The mayor and the members of the city council shall each be elected for a term of four (4) years at a general city election to be held on the Tuesday next after the first Monday in November, A.D. 1982, and each fourth year thereafter. Said elections shall be conducted pursuant to applicable provisions of state election law, and the provisions of any special acts relating to the city. The term of office of the mayor and the terms of office of the members of the city council shall begin on the first Monday in January next following their election, and each person shall hold office until his or her successor is elected and qualified; provided, however, that no such office becomes vacant before the end of the term as a result of a recall pursuant to section 208 of this article, or from other causes, pursuant to section 206 of this article. Commencing with the term of office beginning on the first Monday in January, 2003, no person shall serve consecutively as mayor for more than two (2) full terms, excluding any partial term of less than two (2) years previously served. Commencing with the term of office beginning on the first Monday in January, 2003, no person shall serve consecutively as a member of the city council, whether elected by ward or at large, for more than three (3) full terms, excluding any partial term of less than two (2) years previously served.

This amendment places a cap on the amount of time any elected official may serve in city government: beginning January 6, 2003, the Mayor will be limited to two consecutive four-year terms, and members of the City Council will be limited to three consecutive four-year terms.

The concept of term limits for elected officials proved a popular topic of discussion during the charter review process. Of those who provided testimony on this issue, a strong majority favored term limits for the Mayor; fewer than half favored term limits for the Council.

While voters can always use the ballot box if an incumbent overstays his or her welcome, term limits represent a more effective safeguard against any one individual accumulating so much political power that he or she becomes entrenched in office, thus essentially precluding any challenge from other candidates. In Providence, where the population is increasing and minorities now make up a collective majority of our citizens, term limits for all elected officials will provide more opportunities and incentives for citizens to participate and serve in local government. New voices and new ideas will broaden and deepen civic discourse on important local issues.

The proposed two-term limit for the Mayor is consistent with existing restrictions on the chief executive at the federal and state levels, as well as in many cities across America. The Charter Review Commission concluded that Council members should be limited to

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three terms, rather than two, for numerous reasons. There is less concern about a consolidation of power in a Council seat; twelve years is consistent with the historical average for Council service in Providence; and Council members would have the option to step up from serving a specific ward to serving the City at large. The Commission recommends term limits for the City Council to maintain parity and a balance of power between two branches of government.

2. Election of At-Large Members of City Council

Section 201. Elected officials.

The elected officials of the city shall consist of a mayor, who shall be elected at-large by the qualified voters of the City of Providence, and a city council which shall consist of fifteen (15) members, ~~five (5) of who shall be elected at-large by the qualified voters, and~~ one (1) elected from each of the ~~fifteen (15)~~ ten (10) wards into which the city shall be divided pursuant to section 204 of this article.

Section 204. Wards and ward boundaries.

The city shall be divided into ~~fifteen (15)~~ ten (10) wards, the boundaries of which shall be drawn pursuant to the provisions of this section.

- (a) The city council shall, following each federal decennial census, enact an ordinance providing for the establishment of the boundary lines of the ~~fifteen (15)~~ ten (10) wards of the city, said boundary lines to be established ~~following~~ based upon the federal census of ~~1980~~ 2000, and to be revised as necessary to conform to the criteria set forth in subsection (b) of this section, ~~following based upon~~ the federal census of 1990 2010 and each federal decennial census thereafter.
- (b) The procedure for establishing or revising the ward boundary lines, as the case may be, shall be the following:
 - (1) ~~At its first meeting in September, 1981, and at its first meeting in September each tenth year thereafter, At its first meeting in September 2005, and at its first meeting in September, 2011 and at its first meeting in September in each tenth year after 2001,~~ the city council shall elect a committee on ward boundaries of five (5) members, who may be members of the city council or other qualified persons who are electors of, and are domiciled in, the city as defined in Section 206 below. Three (3) members are to be elected by the majority party, and two (2) members are to be elected by the members of the city council who are not members of that party. The committee shall draw up a plan for establishing or revising the ward.
 - (2) Upon receiving the plan, the city council shall hold at least one public hearing thereon, following the completion of which the city council shall adopt the plan as presented or with such amendments as it shall think proper.

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- (3) The procedure set forth in this subsection shall be completed no later than March 1, 1982, in the case of the committee appointed in September, 1981, and March first of each tenth year thereafter.
- (3) The procedure set forth in this subsection shall be completed no later than March 1, 2006 in the case of the committee appointed in September, 2005 and no later than March 1, 2012 in the case of the committee appointed in September, 2011, and no later than March first of the next following year in the case of the committee appointed in September of each tenth year thereafter.

- (c) The committee on ward boundaries and the city council shall insure that said boundaries are drawn in accordance with the following criteria:
 - (1) Equality of ward populations so far as practicable;
 - (2) Compactness and contiguousness of the territory of each ward;
 - (3) The use of natural boundaries, and the inclusion of recognized neighborhoods within wards without arbitrary divisions thereof, so far as practicable.

Section 207. Enforcement.

In the event that the city council does not declare a vacancy in the city council pursuant to section 206(a) above, any fifty (50) qualified electors of a single ward may file a signed statement with the city clerk charging that the member of the city council elected from said ward has ceased to possess one or more of the qualifications of office, and stating the particulars as to what lack of qualifications is charged or in the case of any member of the city council elected at-large, any one hundred fifty (150) qualified city electors may file a signed statement with the city clerk charging that the member of the city council elected at-large has ceased to possess one or more of the qualifications of office, and stating the particulars as to what lack of qualifications is charged. The city clerk shall present the charges to the city council at its next regular meeting, and at such meeting, the city council shall set a time and place for the holding of a public hearing thereon. Such hearing shall be held not more than fifteen (15) days after said meeting of the city council, and the city council shall determine whether the charges shall be sustained. Upon the affirmative vote of two-thirds of the entire city council, the seat shall be deemed vacant and shall be filled pursuant to the provisions of section 206(b) above.

Section 208. Recall.

The mayor and members of the city council may be removed from office by recall, provided that recall may not be initiated during either the first six (6) months or the last year of an incumbent's term. The procedure to accomplish removal by recall shall be as follows:

- (a) A declaration of intent to petition for recall shall be filed with the city clerk; in seeking recall of the mayor said declaration shall include the signatures of one thousand (1,000) qualified city electors, or in the case of members of the city council shall include the signatures of three hundred (300) qualified electors of the ward from which such member was elected in the case of members of the city council who are elected

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at-large, a declaration shall include the signatures of five hundred (500) qualified city electors. In the case of members of the city council who are elected from a single ward, a declaration shall include the signatures of three hundred (300) qualified electors of the ward from which such member was elected;

- (b) Within one hundred twenty (120) days of the presentation of said declaration, a written petition demanding the removal of the mayor or member of the city council shall be filed with the city clerk. When removal of the mayor is demanded, said petition shall include the signatures of fifteen (15) per cent of all qualified city electors, provided that no more than fifteen (15) per cent of the total signatures thereon may be from any one ward of the city. When removal of a member of the city council who is elected at-large is demanded, said petition shall include the signatures of ten (10) percent of all qualified city electors, provided that no more than fifteen (15) percent of the total signatures thereon may be from any one ward of the city. When removal of a member of city council who is elected from a single ward is demanded, said petition shall include the signatures of twenty (20) per cent of the qualified electors of the ward from which such member of city council was elected. The signatures on any recall petition provided for in this subsection may be on separate papers, but to each separate paper there shall be attached a signed statement of the circulator thereof, who states therein under oath, that each signature appended to said paper was made in the presence of the circulator. All such papers comprising a recall petition may be bound together and filed as one instrument at one time, or may be filed at different times as separate papers; provided, however, that all such separate papers must be filed within the time limit set in this subsection.
- (c) The city clerk shall refer said petition forthwith to the board of canvassers which shall within ten (10) days from the date of the filing of such petition examine it and shall from the voters registered determine the sufficiency thereof and certify the results to the city council forthwith; if the examination shows that the petition contains the requisite number of signatures, the city council shall order and fix, forthwith, a date for holding an election, which date shall not be less than thirty (30) nor more than sixty (60) days from the date that the board of canvassers certified the petition as sufficient;
- (d) Each ballot at such election shall have printed thereon the following question: "Shall (name of person) be removed from the office of (name of office)?" Immediately following such question, there shall be printed on the ballot the following two (2) propositions in this order:
"Yes"
"No"
- (e) In any such election, if a majority of the votes cast on the question of removal is affirmative, the person whose removal is sought shall thereupon be deemed removed from office as of certification of the results by the board of elections.

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- (f) The city council may, through ordinance, make other and further regulations for carrying out the provisions of this section not inconsistent herewith.

The amendment to Section 201 will introduce five (5) at-large seats on the City Council, giving an opportunity for some Council members to be elected to represent the city as a whole, rather than a specific neighborhood. In conjunction, the amendment to Section 204 will reduce the number of wards in Providence from fifteen (15) to ten (10), in order to maintain the current total of fifteen (15) seats on the Council. The changes to Sections 207 and 208 clarify the procedures for removing at-large Council members from office, either by the Council itself or by voter recall.

Nearly one third of all public comments made on the record endorsed electing some City Council members at large, making this the number one issue raised during the charter review process. Supporters include the Greater Providence Chamber of Commerce and the Providence Foundation, as well as many private citizens.

As with term limits, Providence currently differs with many other communities across the state and the nation on the issue of at-large city council members. Of the major cities in Rhode Island, only Providence and Warwick do not have at-large council members (in most smaller towns, all council members are elected at large); and among seven major New England cities, Providence stands alone in its lack of at-large representation.

The presence of at-large members will free the City Council as a whole from the constraints of ward politics, encourage big-picture thinking, and provide additional avenues for citizens to express concerns about citywide issues. Furthermore, having several at-large seats on the Council will give the legislative branch more opportunities to give input to the executive branch on policies and actions that will affect the entire city, thus creating a better balance in visioning and decision-making.

Since the existing Council, with one representative from each of 15 wards, is already fairly large relative to Providence's population (in comparison to other U.S. cities), the Charter Review Commission does not recommend increasing the size of the Council. Instead, reducing the number of wards to ten and introducing five at-large seats will maintain the Council at its current size. Thus, two-thirds of the Council would be elected by ward, and one-third would be elected at large. Research indicates that this two-to-one allocation is consistent with common practice in other large municipalities.

This Commission, fully cognizant of the recent public debate over redistricting in the Rhode Island General Assembly, has considered how minority representation will be affected by consolidating Providence's fifteen City Council wards into ten. While the Commission's charge does not include defining new ward boundaries, it has studied the matter and feels confident that it will be possible to create 10 new wards that maintain the same opportunities for minority representation as currently exist on the Council.

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3. Nomination Process for the School Board

Section 701. Number, selection and term of school board and school board nominating committee.

(a) ~~There shall be a school board consisting of nine (9) members who shall be appointed by the mayor, subject to with the approval of the city council, from lists of names submitted to the mayor by the school board nominating committee.~~ Of the nine (9) members first appointed, three (3) shall serve a term of one year, three (3) shall serve a term of two (2) years and three (3) shall serve a term of three (3) years. All subsequent appointments or reappointments shall be for a term of three (3) years. No member shall continue in office after his or her term expires without being reappointed by the mayor with approval of the city council.

(b) The mayor shall appoint a school board nominating committee consisting of nine (9) members. The mayor shall invite business, civic, professional, labor, educational and other organizations to submit names of qualified persons to serve as members of the committee. Of the nine (9) members first appointed, three (3) shall serve a term of one (1) year, three (3) shall serve a term of two (2) years and three (3) shall serve a term of three (3) years. All subsequent appointments or reappointments shall be for a term of three (3) years. No member shall continue in office after his or her term expires without being reappointed by the mayor. The mayor shall notify the committee of any vacancy or prospective vacancy on the school board. Within sixty (60) days from the date the mayor gave notice to the committee of such vacancy the committee shall submit to the mayor the names of three qualified persons for each vacancy on the school board.

Section 702. Qualifications.

Members of the school board and the school board nominating committee shall be domiciliaries of the city and qualified electors of the city. They shall hold no other paid office or employment in the service of the city and shall not be financially interested directly or indirectly in any contract concerning the public schools. They should also reflect the diversity of backgrounds, experiences and training that is representative of the city, including, but not limited to: parents of present or former public school students; persons having training or experience in education, business or finance; or persons having any other training or expertise relevant and beneficial to the operation and management of the public school system.

These amendments will codify an open public process for nominating candidates to the School Board and will legitimize the School Board Nominating Commission's role in that process; they also address qualifications and terms of service for both School Board and Nominating Commission members.

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One-fifth of all public comments received addressed the issue of the School Board. While the Charter Review Commission received disparate advice with respect to whether the School Board should be appointed or elected, it concluded that a nomination process equivalent to that currently practiced should be codified within the Charter. The Commission found no support among its members for an elected School Board; rather, a School Board appointed by the Mayor clearly makes the Mayor accountable for the state of public education in Providence. The Commission also believes that school reform efforts already underway in Providence would not benefit from making the School Board an elected body.

The Providence School Board consists of nine members, each of whom is appointed by the Mayor and approved by the City Council for a three-year term. The current nomination process for School Board members, established in 1993 as part of the PROBE (Providence Blueprint for Education) school reform initiative, has two inherent weaknesses. One, it lacks a legal mandate, hence the Mayor is free to disregard the Nominating Commission's recommendations and present other candidates to the City Council for approval. Two, it empowers five specific community groups to choose the members of the Nominating Commission, to the detriment of numerous other groups seeking input into the nomination process.

To resolve these problems, the Charter Review Commission recommends that the School Board nomination process be codified within the Charter. This will give the School Board Nominating Commission the authority to vet candidates in an open public forum and to make recommendations to the Mayor, who must then select appointments from those recommendations. The Charter should also refrain from designating any specific community groups to participate in the nomination process; instead, the Mayor should seek the input of a wide range of community groups. Finally, the amendments to Section 702 address the qualifications for members of both the Nominating Commission and the School Board itself, seeking a mix of parents, educators, business leaders and community advocates with broadly diverse backgrounds, experiences and training to serve on both boards. The language changes were guided by the example of Philadelphia's Home Rule Charter.

The proposed charter amendments will help to ensure an effective and fair nomination process, and will broaden community participation in that process. The School Board Nominating Commission itself, as well as the Public Education Fund and the Greater Providence Chamber of Commerce have all testified in favor of the proposed amendments.

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4. Composition of the Retirement Board

Section 908. Retirement board.

(a) Election and term.

(1) There shall be an employee retirement board consisting of the ~~mayor~~ city treasurer, the chairperson of the city council committee on budgetary matters and the ~~city controller~~ finance director, ex officio; two (2) members who shall not be officers or employees of the city who shall be elected by the city council; ~~two (2) members who shall not be officers or employees of the city~~ who shall be appointed by the mayor and representatives of the present and retired employees of the city. The employee representatives shall be chosen from the two (2) classes of employees designated for retirement purposes, to wit, "Class A employees," who are all employees covered by the retirement system not otherwise designated, and "Class B employees," who are ~~police~~ police personnel and ~~firemen~~ firefighters, otherwise known as the sworn personnel of the department of public safety. Two (2) Class A employees shall be elected by the members of the system who are Class A employees; one Class B employee shall be elected by the members of the system who are Class B employees of the city fire department; one Class B employee shall be elected by the members of the system who are Class B employees of the city police departments; one retired Class A employee shall be elected by the retired members of the system who were Class A employees; and one retired Class B employee shall be elected by retired members of the system who were Class B employees. The election by the members shall be in accordance with such rules as the board shall adopt to govern such elections. The regular terms of elected members shall be four (4) years. Vacancies among the elected members of the board shall be filled for the unexpired term in the manner provided for the original election.

(b) *[Powers and duties.]* The powers and duties of the retirement board shall be prescribed by ordinance and shall include, without limitation, the following:

- (1) To establish rules and regulations for and be responsible for the administration and operation of the city employee retirement systems under its jurisdiction;
- (2) To report annually in detail to the city council on or before the first Monday in January, showing the fiscal transactions of the system for the fiscal period of the city next preceding, the amount of the accumulated cash and securities of the system and a copy of the last balance sheet showing the financial condition of the system by means of an annual actuarial valuation of the assets and liabilities.

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Cross reference(s)--Boards and commission, Art. XI; general provisions for boards, authorities and commission, ' 1202.

This amendment will increase the size of the Retirement Board from eleven (11) to thirteen (13) members: six (6) members representing current and retired municipal employees, and seven (7) members representing officers of the City.

Providence's Retirement Board, established by the General Assembly in 1923, originally had five members, all representing the City; over time an additional six representatives of city employees and retirees were added, also by state legislation; and by 1977 the Retirement Board had eleven total members. Providence's Home Rule Charter of 1980 retained this configuration, which remains in effect today (although the Board's powers under home rule, the subject of extensive litigation, have changed over time).

Currently, the City's five representatives on the Retirement Board are the Mayor, the City Controller, the chair of the City Council's Finance Committee, and two citizens appointed by the Council. Under these amendments, the Mayor will no longer serve on the board, but instead will be allowed to appoint two citizen members. The Finance Director, as the chief financial officer of the City, will replace the City Controller (who was the chief financial officer at the time of the original 1923 Retirement Act). The City Treasurer, who is appointed by the City Council, will also now have a seat on the Board. Thus, the total number of City representatives will increase from five to seven.

The present composition of the Retirement Board with regard to city employees will not change. A total of six members will continue to represent both current and retired employees: "Class A" general employees (excluding teachers) and "Class B" public safety employees (police officers and firefighters) will each elect two representatives, while "Class A" and "Class B" retirees will each elect one representative.

Both taxpayers and municipal employees make contributions into the retirement fund; employees contribute a fixed percentage of their earnings. The City bases its contribution on actuarial assumptions which take into account the number of current retirees, their expected lifetimes, the number of current employees and their expected earnings during their working careers and in retirement, the number of ordinary and disability pensions, and the investment performance of the fund. Since decisions of the Retirement Board impact the City's contribution into the pension fund, and since the taxpayers are ultimately liable for the pensions, the Charter Review Commission recommends that at least a majority of the Board should be directly or indirectly accountable to the taxpayers.

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5. Enforcement of the Residency Requirement

Section 903. Director of personnel; duties and powers.

[Amend subsection (p) only; no other changes to this section.]

(p) It shall be the duty of the director of personnel to monitor on a timely basis the residency requirements set forth in section 1210 of this charter and to take appropriate enforcement action against any officer or employee covered by the personnel system found to be in violation thereof. In the event the director of personnel obtains information that any exempt officer and employee, as defined in section 905, is in violation of the residency requirement the director of personnel shall report any such violations to the mayor and city council for appropriate action. (Res. No. 402, 9-11-92)

Section 1210. Residence requirement; exemptions.

All officers of the city as defined in section 1207, and all employees of the city and of any and all agencies and instrumentalities thereof, including all employees of the school department and the department of public safety, shall be residents of the city during such employment; provided, however, that any person employed by the city on the date upon which this provision takes effect shall not be subject to the foregoing provision. Persons not residents of the city may be appointed or engaged for employment on the condition that within six (6) months of such appointment or engagement they shall become residents of the city. Residence shall be defined for purposes of this section as being domiciled in the City of Providence according to the definition of domicile set forth in section 206. Any officer or employee of the city who, during employment, ceases to be a resident shall forfeit his or her position in the employ of the city. It shall be the duty of the director of personnel to monitor this residency requirement on a timely basis and to take appropriate enforcement action against any officer or employee covered by the personnel system found to be in violation thereof. In the event the director of personnel obtains information that any exempt officer and employee, as defined in section 905, is in violation of the residency requirement the director of personnel shall report any such violations to the mayor and city council for appropriate action. Upon certification by the mayor that after diligent search no person with proper qualifications can be found to fill a particular position among residents of the city, the city council may exempt a nonresident employee from the provisions of this section. (Res. No. 481, 10-13-90; Res. No. 482, 10-13-90; Res. No. 483, 10-13-90; Res. No. 402, 9-11-92)

This amendment clarifies the role of the Personnel Director in enforcing the residency requirement for all city employees under his or her jurisdiction. The current Home Rule Charter lacks adequate provisions for enforcement of the residency requirement, a chronic problem that significantly undercuts the law's effectiveness.

The residency requirement for city employees was the third most popular topic of discussion in testimony offered to the Charter Review Committee: nearly one-fifth of the

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comments received weighed in on this issue. Comments in opposition outnumbered comments in support by a 2 to 1 margin: city employees almost universally favored abolishing the residency requirement, while many elected and appointed officials as well as local residents clearly favored retaining it.

As a result of a Charter amendment approved by the voters on November 3, 1992, all municipal employees must live in the City of Providence as a condition of their employment. New hires have six months to relocate to Providence, if necessary, and employees who later move out of Providence can be terminated.

Supporters of the residency requirement assert that it makes employees care more about the quality of their work and about local issues; gives employees a greater vested interest in promoting good government and fiscal health; and returns a portion of taxpayer-funded salaries to the city in the form of local taxes and other spending. Critics find the residency requirement unfairly restrictive of their freedom of choice in where to live, or take umbrage with the notion that their dedication to their jobs has any relationship at all to where they sleep at night. Furthermore, the residency requirement is not uniformly applied. State law exempts all public school teachers from any local residency requirement; and in Providence, all employees hired before voter approval of the residency requirement in 1992 are also exempt. Finally, some departmental managers have expressed concern that the residency requirement inhibits the city's ability to recruit top candidates for municipal jobs.

The Charter Review Commission finds no evidence to support the contention that the residency requirement, as currently applied, adversely affects the city's ability to attract and retain qualified employees. It is the consensus of the Commission that the residency requirement should be retained. Most municipal employees are public service oriented individuals whose residence within the city enhances the quality of life for all city residents and strengthens the diversity of Providence's neighborhoods and public schools.

The proposed charter amendments clarify the authority and obligation of the Personnel Director to enforce the residency requirement for those employees under his or her jurisdiction. The City Council would be free to enact additional ordinances to enhance enforcement of the residency requirement.

6. Ethical Obligations of Vendors

Section 1206 --Prohibited activities and conflicts of interest.

[Amend subsections (c) and (d) only, and add new subsections (e), (f) and (g).]

(c) *State provisions adopted.* All definitions of prohibited activities contained in state conflict of interest and ethics statutes, and the applications thereof as provided therein to elected and appointed officers of the city, their families and business associates, are

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hereby adopted and incorporated in this Charter and shall be enforceable to the full extent of state law, including but not limited to the obligation of such officers to file reports as required with the state conflict of interest commission.

(d) *Disclosure of interests.* Any elected or appointed officer or employee of the city who possesses or who acquires such interests as might tend to create a conflict with the public interest shall make full disclosure in writing to his appointing officer or in the case of a member of the city council, to the city council at any time such conflict occurs. Such disclosure statements shall be made a matter of public record and be filed with the city clerk for submission to the city council. The disclosure obligation created by this subsection shall be in addition to, and not in substitution for, obligations incurred pursuant to state law.

(e) *Prohibitions against certain activities on the part of vendors.* No vendor who provides materials, supplies, services, equipment or property to the city or under arrangements with the city or any of its agencies shall offer or give an officer or employee of the city any gift, directly or indirectly, whether in the form of money, gratuity, favor, service, thing, promise, or in any other form, including the provision of any service or thing of value upon more favorable terms than those granted to the public generally, under circumstances in which it can reasonably be inferred that the gift is intended to influence the officer or employee in the performance of his or her official duties. Nothing herein shall preclude lawful contributions for election campaigns.

(f) *Disqualification of Vendors.* In the event that any person shall be convicted of any of the activities prohibited in subsection (e), or shall admit to those activities, regardless of whether such person is granted immunity from criminal prosecution, the contract or contracts involved shall be null and void, and, in addition, such person, and any business entity with which such person is affiliated, shall be precluded from participating in any city contract for a period of five (5) years.

(g) *Obligation of Vendors.* In submitting bids for city contracts, vendors assume an obligation to act in a manner that will serve the public interest and honor the public trust. In the event an officer or employee of the city solicits a gift in the manner described in subsection (b) from the vendor, the vendor shall inform the city solicitor within ten (10) days.

These amendments will provide a strong disincentive for unethical and criminal conduct on the part of vendors who supply materials, supplies, equipment, services, or property to the City or any of its agencies.

State law already covers ethical obligations of elected and appointed municipal officials and municipal employees, but the ethical obligations of vendors doing business with the City are not adequately addressed in either state or local statutes. The Charter Review Commission believes that the Charter should impose financial consequences on

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vendors who either offer bribes to city officials or employees, or who pay bribes if solicited, and fail to report such solicitations to the authorities. In addition, any vendor who publicly admits that he or she solicited or paid a bribe should be barred from doing business with the city for five years, even if the vendor has been given immunity from prosecution in exchange for testifying against a city official or employee.

7. Miscellaneous Amendments

a) Amendments Related to the Mayor

1) Transfer of Departmental Appropriations

Section 810. Transfer of appropriations.

The mayor may authorize a transfer of a portion of any unencumbered item of appropriation as certified by the finance director to another item of appropriation either within a single department, office or agency of the city or between two (2) or more such departments, offices or agencies, except appropriations for payments to the sinking fund, city debt or retirement fund, provided that no transfer shall exceed ~~five thousand dollars (\$5,000.00)~~ twenty-five thousand dollars (\$25,000.00) in the aggregate within one fiscal year, and provided further that the mayor shall notify the city council of the transfer. If the amount to be transferred exceed ~~five thousand dollars (\$5,000.00)~~ twenty-five thousand dollars (\$25,000.00), it shall be the duty of the mayor to submit the proposal in writing to the city council for approval or rejection before such transfer is accomplished; provided, however, that the city council may alter the ceiling of ~~five thousand dollars (\$5,000.00)~~ twenty-five thousand dollars (\$25,000.00) by a two-thirds vote of its entire membership following a public hearing. If the transfer is approved by resolution of the city council, the finance director shall cause the amounts of the appropriations affected to be transferred accordingly.

This amendment will give greater flexibility to the Mayor to transfer funds within a department or from one department to another, at a dollar level more consistent with contemporary budgets, in order to help balance the city's budget.

b) Amendments Related to the City Council

1) Hiring Consultants to the Council

Section 401. Legislative powers.

[Amend Subsection (d)]

The legislative powers of the city shall be vested in a city council, which shall have and exercise all powers vested in it by this Charter and by the laws of the state. The powers

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and duties of the city council shall include, without limitation, the following: ...

(d) To retain by two-thirds vote of the entire city council and to fix the salaries of those consultants it deems necessary for the exercise of its functions including, but not limited to, legal counsel, accountants, engineers, and other experts not regularly employed in any city department or service. The city council shall have the power to appropriate funds to defray the costs thereof; ...

This amendment, requested by several Council members and endorsed by the Greater Providence Chamber of Commerce and the Providence Foundation, will allow the Council to seek expert advice from an outside consultant (such as legal counsel) by a simple majority vote. Currently, a "super-majority" of 10 Council members is required to approve hiring any consultants: changing to a simple majority will give the Council greater flexibility in seeking outside expert advice and assistance. The Charter Review Commission studied the home rule charters of over a dozen other Rhode Island municipalities and found that all of them allow a simple majority of Council members to vote to retain consultant services.

2) Time Period for Council to Confirm Mayoral Appointments

Section 401. Legislative powers.

[Amend Subsection (b)]

The legislative powers of the city shall be vested in a city council, which shall have and exercise all powers vested in it by this Charter and by the laws of the state. The powers and duties of the city council shall include, without limitation, the following: ...

(b) To approve or reject all appointments submitted to the city council by the mayor pursuant to section 302(b) of Article III; provided, however, that any such appointment upon which the city council fails to act within fifteen (15) thirty-five (35) calendar days of its submission shall be deemed to have been approved. The fifteen (15) thirty-five (35) days shall commence with the first meeting of the city council at which the appointment appears on the agenda. The mayor may withdraw any appointment before it has been acted upon by the city council; ...

Many City Council members requested this amendment to lengthen the amount of time allowed to the Council to review and confirm appointments made by the Mayor. The current 15-day period does not provide sufficient time for the Council to receive an appointment, refer it to the Finance Committee, schedule and hold a Finance Committee meeting (with a quorum present), and then take the matter up before the full Council. The proposed timeframe of 35 days will give the Finance Committee adequate time to review the appointee's qualifications and to interview the appointee if it chooses, well in advance of a full Council vote on the appointment.

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3) Period of Time for the Council to Override A Mayoral Veto

Section 412. Mayor's veto and council reconsideration.

Each resolution or ordinance adopted by the city council shall, within twenty-four (24) hours of final passage thereof, be transmitted to the mayor by the city clerk. Any ordinance adopted by the city council as an emergency measure shall be acted upon by the mayor within three (3) days after receipt thereof by the mayor from the city clerk. All other ordinances or resolutions shall be acted upon by the mayor within ten (10) days of such receipt. The mayor shall either approve such ordinance or resolution adopted by the city council by signing and returning the same to the city clerk within the time limit applicable thereto, or the mayor shall disapprove and veto any resolution or ordinance, or veto or reduce any separate appropriation item or items, and shall return each such resolution or ordinance to the city clerk with written objections thereto within the time limit as aforesaid. Failure of the mayor to make such return within ten (10) days, or three (3) days in the case of an ordinance adopted as an emergency measure, shall constitute approval and such ordinance or resolution shall take effect at the time indicated therein without the mayor's signed approval. The city clerk shall note such fact on the official copy of such resolution or ordinance. If any separate appropriation item or items in any resolution or ordinance are vetoed or reduced by the mayor as herein provided, the remainder of any such ordinance or resolution may be approved by the mayor and, if not specifically approved by the mayor shall take effect without such approval and shall be so noted by the city clerk.

The city council may reconsider any resolution or ordinance vetoed or disapproved, or any separate appropriation item or items vetoed or reduced by the mayor, and if after such reconsideration two-thirds of the entire city council shall vote in favor of passage thereof, it shall become effective notwithstanding the mayor's action.

If a larger vote is required for the adoption of a measure by the provisions of this Charter, such larger vote shall be required to overcome the veto of the mayor. If the ordinance or resolution or separate appropriation item or items is not passed over the mayor's vote or reduction within thirty (30) days from the date of the delivery thereof to the mayor city clerk, as hereinbefore provided, the measure or items shall be lost, or shall stand reduced, as the case may be.

This change clarifies that the 30-day period for the City Council to override the Mayor's veto of a Council-approved resolution or ordinance will commence on the date that the City Clerk receives the Mayoral veto, not on the date that the measure was originally submitted to the Mayor.

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4) Establish the Fiscal Year by Ordinance

Section 801. Fiscal year.

The fiscal year of the city shall ~~be established by the city council by ordinance, begin on the first day of July and end on the next thirtieth day of June.~~ Such fiscal year shall constitute the budget and accounting year. Taxes shall be due and payable within thirty (30) days following the beginning of each fiscal year on a date fixed by the city council by resolution. The city council shall also determine by resolution the installments in which taxes may be paid, the dates on which penalties for nonpayment shall apply and the rate of such penalties consistent with state law.

Each year, the General Assembly must pass the state budget, containing appropriations to various cities and towns, before local municipalities can finalize their own budgets. Since Providence's current fiscal year begins July 1 and ends June 30 (coinciding with that of the State), the City Council has a June 30 deadline to approve the coming year's budget. Given the requirements for public hearings on the budget, this means that Providence must finalize its budget in late May or early June, often well before the General Assembly has completed its own budget deliberations. Thus, the City's budget may not accurately reflect revenues from the State, and have to be amended later.

Changing the City's fiscal year presents numerous logistical complications (particularly for tax collections) and should not be undertaken lightly. However, the Commission believes that the Charter is not the appropriate vehicle to establish the fiscal year. Hence, this amendment will allow the City Council the flexibility to establish the fiscal year by ordinance.

5) Qualifications of City Council Appointees to Water Supply Board, Civic Center Authority, Providence Housing Authority, and Providence Redevelopment Agency

Section 1101. Water supply board.

There shall be a water supply board which shall consist of the director of finance, ex officio, and six (6) other members four (4) of whom shall be appointed by the mayor for four-year terms arranged in such a manner that the term of one appointed member shall expire annually and two (2) of whom shall be elected by the city council from among its members ~~to serve for a term of four (4) years.~~ to serve a term concurrent with the term of the city council. Annually at its first meeting following the qualification of new members, the board shall elect one of its appointive members to serve as chairperson. In the event of a vacancy in the office of chairperson, the board shall fill the vacancy for the balance of the term. No member of the board shall continue in office after his or her term expires without being reappointed by the mayor or re-elected by the city council as the case may be. ...

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[No other changes to this section.]

Section 1104. Civic center authority.

There shall be a Providence Civic Center Authority to establish, maintain, improve and operate, or provide for the operation of, a civic center in the city.

- (a) The authority shall consist of seven (7) members, five (5) of whom shall be appointed by the mayor to serve for a term of three (3) years from the first day of May, and two (2) of whom shall be ~~members of the city council~~ elected by the city council to serve for a term of ~~four (4) years concurrent with the term of the city council~~. No member of the authority shall continue in office after his or her term expires without being reappointed by the mayor or reelected by the council. Members of the authority shall not be entitled to compensation for their services but shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties. Annually in the month of May, the authority shall elect one of its members as chairperson and another as vice-chairperson and shall also elect a secretary and treasurer. Each officer shall serve until his successor is elected. Four (4) members of the authority shall constitute a quorum and the vote of four (4) members shall be necessary for any action taken by the authority. No vacancy in the membership of the authority shall impair the right of quorum to exercise all the rights and perform all the duties of the authority. ...

[No other changes to this section.]

Section 1107. Providence Housing Authority.

There shall be a Providence Housing Authority consisting of eleven (11) commissioners, nine (9) of whom shall be appointed by the mayor, and two (2) of whom shall be elected by the city council ~~from among its members to serve a term concurrent with the term of the city council~~. All commissioners shall be residents and domiciliaries of the city. Those commissioners appointed by the mayor shall serve for staggered five-year terms so arranged that the terms of two (2) commissioners shall expire in each of four (4) successive years, and the term of one commissioner shall expire in the fifth year. At all times three (3) of the said appointees of the mayor shall be occupants of public housing, which commissioners shall be appointed from a list of nominees chosen yearly by the occupants of public housing in open elections, each housing project choosing three (3) nominees from among its occupants. Upon the determination by the mayor that any commissioner chosen as a resident of public housing shall have been not an occupant of public housing or not a resident of the city for a period of six (6) consecutive months, the mayor shall remove such commissioner and designate a person to fill the resulting vacancy, provided that the mayor choose the replacement from the list of nominees chosen yearly by the occupants of public housing when appropriate. No commissioner may be a city or state official, provided that members of the housing authority may serve on the city council. The two (2) commissioners to be elected by the city council shall be so

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elected on the first Monday in January. Vacancies shall be filled for the unexpired term. The mayor shall file with the city clerk a certificate of the appointment or reappointment of any commissioner and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. ...

[No other changes to this section.]

1108. Providence Redevelopment Agency.

There shall be a Providence Redevelopment Agency consisting of the mayor, ex officio, and seven (7) members. Five (5) of said members shall be appointed by the mayor from among persons who are residents and domiciliaries of the city, to serve for five-year staggered terms so arranged that the term of one member shall expire each year, any vacancy to be filled for the unexpired term. None of said members appointed by the mayor shall be an elected officer or employee of the city. Two (2) of the members of the agency shall be elected by the city council ~~from among its members~~ on the first Monday in January, 1983, and every fourth year thereafter on the first Monday in January, and shall serve a term concurrent with the term of the city council. The powers of such agency shall be vested in the members thereof then in office. Members shall receive their actual and necessary expenses including travel expenses and may receive such other compensation as the city council may prescribe. ...

[No other changes to this section.]

These amendments clarify that the Council may select any designees of its choice to serve on these four city agencies: that is, the appointees may be, but are not required to be, Council members.

6) Authorize the City Council to establish, discontinue, or reorganize departments

Section 1403. Council powers to implement Charter.

(a) Establishing departmental responsibilities. To implement the provisions of this charter,

~~the mayor shall provide and the city council shall, where necessary, enact by ordinance the for such reorganization of departments, agencies, boards and commissions, the for such reallocation or transfer of unexpended balances in the appropriations available thereto, the for such assignments of jurisdiction and custody of equipment and facilities and for such other changes as may be necessary to implement the provisions of this charter.~~

(b) Reorganizing departments. The mayor may propose and the city council may discontinue or reorganize by ordinance departments, boards, commissions or

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agencies created by this charter. No functions or duties assigned by this charter to a particular department, board, commission or agency shall be abolished, but such functions or duties may be assigned by ordinance to other departments, boards, commissions or agencies of the city.

- (c) Creating new departments. In addition to the departments, boards, commissions or agencies created in this charter, the mayor may propose and the city council may establish, discontinue or reorganize by ordinance additional departments, boards, commissions or agencies.

This amendment will give the City Council greater flexibility in how departments are created, organized, or discontinued by allowing such changes to be made in the future by ordinance, rather than by amending the Charter itself.

7) City Solicitor to Attend Council Committee Meetings

Section 603 – City solicitor
[Amend Subsection 603(b)(3) only]

- (b) *Powers and duties.* The powers and duties of the city solicitor shall be, without limitation, the following: ...

- (3) To attend or designate a deputy to attend all meetings of the city council and any standing committee of the city council;

At the request of Council members, this amendment merely clarifies that the City Solicitor or his or her designee shall attend all meetings of standing committees of the City Council, as well as all regular Council meetings.

8) Status of City Council Employees

Section 905. Personnel system coverage and exemptions.

All officers and employees of the city, and of every department, office or other agency thereof shall be covered by the personnel system provided for in this article with only the exceptions listed below. The following officers and employees of the city shall not be covered by the personnel system:

- (a) Officers elected by the people;
- (b) Department heads;
- (c) Officers elected or appointed by the city council;
- (d) Members of city boards, commissions and agencies;
- (e) Mayor's office staff, personal aides and assistants;

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- (f) Experts, office staff and assistants retained by the city council;
- (g) One personal secretary for each department head;
- (h) One secretary for each board, agency or commission;
- (i) Legal assistants to the city solicitor;
- (j) All employees of the school department;
- (k) Persons employed by contract to perform special services for the city where such contract is certified by the director of personnel to be for employment which because of its expert nature or character cannot be performed by persons within the system;
- (l) Persons temporarily appointed or designated to make or conduct a special inquiry, investigation or examination or to perform a special service where such appointment or designation is certified by the director of personnel to be for employment which because of expert nature or character could not or should not be performed by persons in the personnel system;
- (m) ~~Policemen and firemen under the jurisdiction of the department of public safety, otherwise known as the sworn personnel of said department.~~
- (m) Sworn public safety personnel, including police personnel and firefighters.

To give the Mayor discretion in organizing his or her staff, the Mayor's office workers and personal aides and assistants are not part of the City's personnel system. The City Council's staff should have the same status.

9) Bond Ordinances to Specify Capital Projects to be Funded

Section 807. Borrowing.

[Amend Subsection 807(e)(1) only.]

(e) *Bond ordinances.* The city shall authorize the issuance of bonds by a "bond ordinance" passed by the affirmative votes of at least eight (8) members of the city council as provided by this Charter and the Constitution and laws of Rhode Island. Except to provide for the issuance of refunding bonds, a bond ordinance shall contain in substance at least the following provisions:

- (1) "An appropriation of a sum of money for a capital project identified in an approved capital budget, described in brief and general terms sufficient for reasonable identification. If several capital projects are being carried out, the description shall include a listing of the capital items to be completed and the approximate dollar amount allocated to each project; ...

The purpose of this amendment is to ensure that any city borrowing for capital items will conform to an approved capital improvement plan.

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c) Amendments Related to Municipal Departments

1) Abolish Department of Sewer Management, Transfer Functions to Department of Public Works

Section 1002. 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 a person holding a degree in engineering, with at least five (5) years' experience in the supervision of public works or building construction or equivalent training or experience. The deputy director may, in the discretion of the director of public works, also serve as head of one or more of the divisions or offices within the department.

The functions and responsibilities of the department of public works shall consist of the following, and such other functions and responsibilities as may be assigned to the department from time to time: Construction, reconstruction and maintenance of highways and bridges; operation of drawbridges and other movable bridges; snow removal; sidewalks and curbing; street cleaning; garbage and refuse collection and disposal, including operation and maintenance of incinerators and dumps; and street lighting; and operation, maintenance and necessary reconstruction of the sewer and storm drain systems of the city.

~~1015. Department of sewer management.~~

~~There shall be a department of sewer management, the head of which shall be the director of sewer management, who shall be a person holding at least a bachelor's degree from an accredited college or university in engineering with at least five (5) years' experience in administration or equivalent training or experience. The department of sewer management shall be responsible for the operation, maintenance and necessary reconstruction of the sewer and storm drain systems of the city, the sewage treatment plant or plants related thereto, compliance with state and federally mandated standards for waste water disposal, and such other related functions as may be assigned to the department. In the event jurisdiction is assigned by state law to any commission board or other agency which is not a part of the government of the City of Providence, over any portion of the waste disposal system of the city or any of the aforesaid functions, the department of sewer management shall retain and carry out such functions and responsibilities as remain within the jurisdiction of the city.~~

Since the Narragansett Bay Commission took over responsibility for the main sewer lines throughout Providence, the City remains responsible only for maintaining lateral lines that connect individual buildings to the main sewer lines, and for storm drains. The Department of Public Works has already assumed responsibility for this function.

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2) Transfer the Zoning Board of Review from the Department of Inspection and Standards to the Department of Planning and Development

Section 1008. Department of inspection and standards.

There shall be a department of inspection and standards, the head of which shall be the director of inspection and standards and the chief building inspector, who shall be a person who is a registered professional engineer or registered architect, or who has had experience as a general building contractor or general supervisor of building construction, with at least twelve (12) years' experience in one or a combination of the foregoing fields, at least five (5) years of which were spent in responsible charge of important building work, or the equivalent training or experience.

(a) *Functions and responsibilities.* The functions and responsibilities of the department of inspection and standards shall include the following:

- (1) All inspection functions carried on by the city, including but not limited to electrical inspection, plumbing, mechanical inspection, gas and drainage inspection, building inspection, and minimum housing code enforcement and inspection;
- (2) General administrative responsibility for the zoning board of review, the housing board of review and the building board of review, and the responsibility of providing to said boards necessary staff and professional assistance; provided, however, that the mayor, with approval of the city council, shall appoint a secretary who shall serve all two (2) ~~three (3)~~ boards at the mayor's pleasure;
- (3) The duties and responsibilities imposed upon the city by state law relating to weights and measures, and the inspection and verification of weighing and measuring devices.

Section 1012. Department of planning and urban development.

There shall be a department of planning and urban development, the head of which shall be the director of planning and urban development, who shall be a person with a minimum of ten (10) years' experience in professional city planning and urban development, including at least five (5) years of supervisory and administrative experience, or an equivalent combination of professional training and supervisory experience in city planning or related fields.

(a) *Powers and duties.* The powers and duties of the department of planning and urban development shall include, without limitation, the following:

- (1) To advise the mayor on any matter affecting the physical development of the city;

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- (2) To assist the city plan commission in the development of the comprehensive plan and modifications thereto;
- (3) To review and make recommendations regarding proposed action by the city council, the Providence Redevelopment Agency and other city agencies regarding implementation of the comprehensive plan and its elements pursuant to section 1014(c) below;
- (4) To develop and periodically review the five-year capital improvement program and the annual capital improvement budget and upon their approval by ordinance, to advise the mayor and city council on their implementation;
- (5) To provide staff and consultant services to the city plan commission for the purposes of the preparation of the comprehensive plan, the plan elements and other purposes connected with the duties and responsibilities of the commission.
- (6) Upon request of the commission or the city council, to prepare rules and regulations to govern, control and restrict the platting or other subdivision of land, or amendments thereto, for submission to the city council for its approval.
- (7) General administrative responsibility for the zoning board of review and the responsibility to provide said board the necessary staff and professional assistance.

Since zoning is in fact a tool to implement a city's planning policies, many cities place their zoning boards of review under the auspices of their planning departments. In Providence, the Planning Department already staffs several regulatory agencies that implement various elements of the city's comprehensive plan, including the City Plan Commission, the Historic District Commission and the DOWNCITY Design Review Committee. Planning Department staff also regularly provide comments to the Zoning Board of Review on all proposed variances and special exceptions to the zoning ordinance. Moving the Zoning Board of Review into the Planning Department makes sense both administratively and logistically: it will help to ensure a more uniform interpretation of zoning regulations, will encourage better communication among the various regulatory agencies and staffs, and will be more convenient for the public.

3) Abolish the defunct Port Commission

~~Section 1016. Port commission.~~

~~There shall be a port commission for the Port of Providence of seven (7) members, five (5) of whom shall be appointed by the mayor to serve for staggered three-year terms, and two (2) of whom shall be elected by the city council from among its own members to serve for~~

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four year terms. The initial appointments by the mayor shall be made during the month of January, 1983, in such manner that two (2) such appointees shall serve for terms of three (3) years, two (2) for terms of two (2) years, and one for a term of one year. In each succeeding January the mayor shall make such appointments as may be required to fill the places of commissioners whose terms are due to expire during that month. The commission members elected by the city council shall be chosen in January of 1983 and every fourth year thereafter. In the event of vacancies in the membership of the commission, such vacancies shall be filled by the mayor or by the city council, as the case may require, for the unexpired term or terms. The commission shall, at its first meeting in February of each year, elect its chairperson and such other officers as it may see fit, and shall have the authority to make and amend rules for the conduct of its business.

(a) The port commission shall have the following powers and responsibilities:

- (1) To develop the Port of Providence through the planning, construction and maintenance of all needful berths, docks, structures and facilities, and through the encouragement to the maximum extent possible of use of the same by shippers and the maritime industry generally;
- (2) To manage, supervise and control the port district and all navigable waters, tidelands and all lands and interests within it, subject to applicable provisions of state law;
- (3) To appoint and contract for a period not to exceed five (5) years with a director for the Port of Providence, who shall serve as the executive officer of the commission, and to remove the port director for official misconduct or failure to perform the duties of the office, after notice and hearing, by a majority of its members;
- (4) To make and enforce all necessary rules and regulations governing the port district, including the fixing of rates for any use of facilities or services owned or provided by the city in the port district;
- (5) To adopt an annual budget for submission to the mayor for inclusion in the operating budget of the city, and to make recommendations for inclusion in the capital budget of the city, pursuant to the provisions of this Charter;
- (6) To specify the requirements and/or restrictions for the leasing of lands and facilities, forfeiting of leases, fixing of rentals, applications for franchises, permits, leases, licenses and expenditures of funds by the commission. All leases entered into by the commission must be approved by the city council before taking effect.

(b) The city council shall define, by ordinance, the boundaries of the port district of the Port of Providence which shall be under the jurisdiction of the port commission. The city council may, by ordinance, add any tidelands, submerged lands, waterfront or adjacent lands acquired by the city to the port district. The authority conferred by this subsection shall be exercised subject to applicable state law.

~~Cross reference(s)~~ Boards and commissions, Art. XI; general provisions for boards, authorities and commissions, § 1202.

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Since all its functions have been contracted out to ProvPort, the Port Commission is no longer active and should be abolished.

d) Amendments Relating to Technical Corrections

1) Correct Reference Error in Section 1208

~~Section 1208. Oath of office; entry upon duties of office.~~

- (a) All officers of the city as defined in section ~~1205~~1207 of this article shall take and subscribe the following oath of office:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States and the State of Rhode Island, and the Providence Home Rule Charter, and that I will faithfully discharge the duties of such office to the best of my ability,"

and shall file such oath, duly certified by the officer before whom it was taken, in the office of the city clerk.

- (b) Officers who are elected at regular or special city elections shall enter upon their duties as provided in section 202. Appointive officers and officers who are elected at other than regular city elections shall enter upon their duties within fifteen (15) days next following certification of their election or appointment. If any officer shall willfully neglect to take and subscribe his oath of office within said period of fifteen (15) days, the city council may by resolution in such case declare the office vacant, and such vacancy shall be filled as provided in this Charter.

This amendment merely substitutes the correct reference section number for an incorrect one.

The Charter Review Commission gratefully acknowledges the able assistance of Kathryn J. Cavanaugh in the preparation of this report.