

Providence Home Rule Charter Table of Contents

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ARTICLE I. - BASIC PROVISIONS

101. - Title.

The people of the City of Providence hereby establish this home rule Charter for the better conduct of their affairs and to secure for themselves the benefits and rights of self-government guaranteed by the Constitution of the State of Rhode Island. This Charter shall be cited as the Providence Home Rule Charter of 1980.

102. - Incorporation.

The inhabitants of the City of Providence shall be a body politic and corporate under the name of the City of Providence and shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises and shall be subject to all the duties and obligations of a municipal corporation under the Constitution and laws of the State of Rhode Island and of the United States of America.

103. - General corporate powers.

The city shall have all powers of local self-government and home rule and all powers possible for a city to have under the Constitution and the laws of the state, including the power and authority to act in all local and municipal matters and to adopt local laws and ordinances relating to its property, affairs and government.

104. - Exercise of powers.

All powers of the city shall be exercised in the manner prescribed by this Charter or, if not so prescribed, then in such manner as shall be provided by ordinance or resolution of the city council.

105. - Form of government.

The municipal government established by this Charter shall be known as the mayor-council form of government. All powers of the city shall be vested in a chief executive to be known as the mayor and a legislative body to be known as the city council.

106. - Reserved.

107. - Definitions.

The terms used in this Charter shall have the following meaning:

- (a) "City" shall mean the City of Providence, in the County of Providence, and the State of Rhode Island.
- (b) "Council" shall mean the duly elected city council of the City of Providence.
- (c) "Domiciled" shall mean that place where a person has his or her true, fixed, and permanent home and principal establishment, and to which whenever he or she is absent has the intention of returning.
- (d) "Mayor" Whenever the word "mayor" is used, it shall mean the mayor of the City of Providence.

(e) "Quorum" shall mean a majority of the members of a public body or duly-appointed committee.

(Res. No. 509, 8-7-12)

ARTICLE II. - ELECTIONS

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, one elected from each of the fifteen (15) wards into which the city shall be divided pursuant to section 204 of this article.

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. The mayor shall be limited to serving two (2) consecutive full terms (excluding any partial term of less than two (2) years previously served); and council members shall be limited to serving three (3) consecutive full terms (excluding any partial term of less than two (2) years previously served).

(Election of 11-7-06)

203. - Board of canvassers.

There shall be a board of canvassers of three (3) qualified electors of the city, not more than two (2) of whom shall belong to the same political party.

(a) *Appointment.* Upon the expiration of the terms of each of the members of the board who are in office on the effective date of this Charter, the city council shall elect a member of said board to succeed the member whose term is expiring, to serve for a term of six (6) years. All terms of members of the board shall commence on the first Monday in March, next following their election. The mayor shall nominate the members of the board from lists of party voters submitted by the respective chairmen of the city political committees. Each such list shall contain the names of five (5) times the number of persons to be appointed. If the city council shall refuse to approve the nomination of any person to the board, the mayor shall submit another person named on one of the lists, and so on until a person shall be appointed; provided, however, if the chairman of the city committee of a political party entitled to an appointment shall fail or refuse to submit a list as aforesaid, the mayor shall nominate any party voter of the political party entitled to said appointment.

- (b) *Powers and duties.* The board of canvassers shall:
- (1) Select one of its members as presiding officer and another as clerk of the board;
 - (2) Exercise the powers and duties established by law for such boards concerning nominations, elections, registration of voters and canvassing rights, the preparing and correcting of voting lists and other matters relating thereto;
 - (3) Make or furnish all returns or other things required by law of such boards within the purview of state election law;
 - (4) Appoint and employ all its necessary clerical and technical assistants and fix the compensation of each person so appointed, within the limits of funds available to it pursuant to law.

Cross reference— Boards and commissions, Art. XI; general provisions for boards, authorities and commissions, § 1202.

204. - Wards and ward boundaries.

The city shall be divided into fifteen (15) 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) wards of the city, said boundary lines to be established following the federal census of 1980, and to be revised as necessary to conform to the criteria set forth in subsection (b) of this section, following the federal census of 1990 and each 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, 1991, 2001 and 2011, and at its first meeting in January each tenth year thereafter, 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 subject to the following requirements:
 - (A) The committee will hold at least four (4) public meetings, during which public comment will be accepted, at various locations throughout the City of Providence before designating a map to submit to the city council for approval;
 - (B) The committee will provide public notice at least seventy-two (72) hours before holding its meeting to approve the final map that is submitted to the city council for approval. Public comment will be accepted at this meeting prior to the vote;
 - (C) The committee will submit with the final map a written report of findings and reasons for adoption which includes notation of all criteria employed in the process and a full analysis and explanation of decisions made by the committee;

- (D) All committee meetings will comply with the Open Meetings Act.
- (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. Final approval will require two (2) separate votes by the city council, with the second vote taking place no sooner than seventy-two (72) hours after the first one. Final approval will require a vote of at least two-thirds ($2/3$) of all city council members attending the meeting at which the vote is taken.
- (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, 1991, 2001 and 2011 and May first 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) Contiguousness of the territory of each ward;
- (3) Wards shall comply with the federal Voting Rights Act (42 U.S.C. Sec. 1971 and following).
- (4) The geographic integrity of any local neighborhood, or local community of interest, shall be respected in a manner that minimizes their division to the extent possible without violating the requirements of any of the preceding subdivisions. A community of interest is a contiguous population which shares common social and economic interests that should be included within a single ward for purposes of its effective and fair representation. Examples of such shared interests are those common to an urban area, an industrial area, and those common to areas in which the people share similar living standards, use the same transportation facilities, have similar work opportunities, or have access to the same media of communication relevant to the election process. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.
- (5) To the extent practicable, and where this does not conflict with the criteria above, wards shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant population.
- (6) The place of residence of any incumbent or political candidate shall not be considered in the creation of a map. Districts shall not be drawn for the purpose of favoring or discriminating against an incumbent, political candidate, or political party.
- (d) If the Charter is revised to change the number of ward-based districts for an election to take place prior to the next decennial census, the city council will determine the new ward boundaries in compliance with the procedures and standards set forth above, except that the date for forming the ward boundaries committee will be January 1 of the year preceding the election, and the date for completing the ward boundary map will be May 1 of the year of the election.

(Res. No. 515, 8-8-12)

205. - Swearing in of elected officials.

The mayor and the members of the city council, before taking office, shall first be sworn or affirmed to the faithful discharge of their duties, and to the support of the Constitution and laws of the State of Rhode Island and of the Constitution of the United States, in the form and manner provided by law. The oath shall be administered by the judge of the probate court of the City of Providence, or in the judge's absence by the clerk thereof; such oath shall be administered only to a candidate or candidates to whom a certificate of election has been issued as required by law; provided, however, that said oath may be refused to any candidate where the election of such candidate shall have been declared void by a court of competent jurisdiction.

206. - Vacancies in elective offices.

(a) Vacancies in the offices covered by the provisions of this article shall be defined and filled pursuant to the provisions of this section. For the purposes of this section, a vacancy in a city elective office shall be declared to exist by the city council in the event the incumbent thereof:

- (1) Dies;
- (2) Holds any other elective public office carrying a salary, whether such office be municipal, state, or federal;
- (3) Ceases to be domiciled in, and a qualified elector of, the city; or, in the case of a member of the city council, ceases to be domiciled in, and a qualified elector of, the ward from which the member of the city council was elected. As used herein, domiciled shall mean "that place where a person has his or her, true, fixed, and permanent home and principal establishment, and to which whenever he or she is absent has the intention of returning";
- (4) Resigns;
- (5) Is convicted of a felony or a crime of moral turpitude and has exhausted all appeals from said conviction;
- (6) Is recalled as provided hereafter; or
- (7) Is otherwise permanently incapable of performing his or her duties of office.

The city council shall provide by ordinance such definitions and procedures as may be necessary and appropriate to carry out its duties under this section, including but not limited to the suspension of an official convicted of a felony from performing any official duties until said official's status is finally determined.

(b) If a vacancy occurs in the office of mayor or of a member of the city council more than one hundred eighty (180) days before the time of holding the next succeeding regular city election, the city council shall call a special election for the purpose of filling such vacancy for the remainder of such person's term, such special election to be held within ninety (90) days of the date of the occurrence of such vacancy. If any such vacancy occurs one hundred eighty (180) days or less before the time of holding the next succeeding regular city election, the city council shall call a special election for said purpose, to be held within said period of ninety (90) days, on demand in writing signed by at least one-third of all the members of the city council, and filed with the board of canvassers and the city clerk at least one hundred (100) days prior to the time of holding the next succeeding regular city election. In the event that any state election, regular or special, or any city election for any other purpose shall be held within said period of ninety (90) days, the city council may in its discretion order any special election

required by the provisions of this section to be held at the same time as such other city or state election.

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. 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.

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;

(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 city council 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.

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

209. - The initiative.

The right to enact ordinances is hereby granted to the qualified electors of the city by initiative, provided that such power shall not extend to the budget or capital programs or to any ordinance relating to the appropriation of money, or to the levy of taxes or to the salaries and benefits of city officials or employees. The initiative shall be exercised in the following manner:

(a) Whenever one thousand (1,000) qualified electors of the city petition the city council to enact a proposed ordinance, it shall be the duty of the city council to consider such proposed ordinance within seventy (70) days of receipt. Receipt, for the purpose of this subsection, shall be defined as the reading of said petition at the next regularly scheduled meeting of the city council.

(b) The signatures on any initiative petition provided for in this subsection may be on separate papers; provided, however, that each such separate paper shall contain a full and correct copy of the title and text of the proposed ordinance and all such separate papers shall be bound together and filed as one instrument with the city clerk. To each said 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.

(c) In the event that the city council shall fail to enact such proposed ordinance without amendment, and upon the receipt by the city clerk of a notarized referendum petition signed by an additional five (5) per cent of the qualified electors of the city, the city council shall submit such proposed ordinance to a vote of the people of the city at the next general election; provided, however, that said ballot referendum petition must be filed at least sixty (60) days prior to the date fixed for such general election.

(d) The ballots used when voting upon such proposed ordinance shall include an ordinance title which shall state the purpose or intent of such ordinance, the question, "Shall the ordinance pass?" and shall set forth on separate lines the words "Yes" and "No."

(e) If a majority of the electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid binding ordinance of the city; an ordinance so adopted shall not be altered or modified by the city council within one year after the adoption of the ordinance at said general election.

(f) The city council may, by ordinance, make such other further regulations for carrying out the provisions of this section as are not inconsistent herewith.

ARTICLE III. - MAYOR

301. - Executive and administrative powers.

The executive and administrative powers of the city shall be vested in a mayor, who shall have and exercise all powers and duties that are or may be vested in the office of mayor by this Charter, the ordinances of the city council, and by the laws of the state.

302. - Powers and duties of the mayor.

The powers and duties of the mayor shall include, without limitation, the following:

- (a) To supervise, direct and control the activities of all departments and agencies of city government to the extent and in the manner provided by this Charter and by the ordinances of the city, and the laws of the state.
- (b) To appoint all heads of city departments and agencies with the approval of the city council, except as otherwise provided in this Charter, and to appoint such other officials as the mayor may be empowered to appoint by this Charter or by the laws of the state, with the approval of the city council unless the power of appointment is vested in the mayor alone. Except as otherwise provided herein, all such appointees shall serve at the pleasure of the mayor. In no case shall a person serving under an acting appointment hold office on that basis for more than ninety (90) days, nor shall a regular appointee serve beyond the expiration of the term for which he or she was appointed unless reappointed in accordance herewith.
- (c) To prepare and implement the city budget.
- (d) To call special meetings of the city council in the manner provided in section 406 of Article IV of this Charter.
- (e) To communicate to the city, from time to time, such information and recommendations as the mayor may think appropriate.
- (f) To pass upon all ordinances and resolutions adopted by the city council and exercise the right of veto conferred upon the mayor by the provisions of section 412 of Article IV of this Charter. The right of veto shall include the authority to veto any ordinance or resolution in its entirety, and as to any budget or appropriation, to veto or reduce any separate line item or items.
- (g) To insure that all officers of the city faithfully comply with and discharge their official duties.
- (h) To assign or reassign by executive order any governmental function or functions not specifically provided for by this Charter to any department or agency herein established.
- (i) To declare a state of emergency when the mayor shall deem such action necessary to preserve the public peace, property, health or safety of the city, such declaration to have effect for no more than sixty (60) days unless renewed with the approval of three-fourths of all of the members of the city council.

303. - Salary.

The compensation of the mayor shall be fixed pursuant to the provisions of Article IV, section 415.

304. - Absence or disability.

Whenever the mayor is temporarily unable to perform the duties of the office because of illness or accident as declared by the city council by an affirmative vote of three-fourths of its members or because of absence from the city for more than fifteen (15) consecutive days, the powers and duties of the mayor shall be exercised and performed by the president of the city council. The city council shall have the power to prescribe by ordinance or resolution such definitions and procedures as may be necessary for the application of the provisions of this section, but not inconsistent therewith.

ARTICLE IV. - CITY COUNCIL

401. - Legislative powers.

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:

- (a) To enact such ordinances as the city council may consider necessary to insure the welfare and good order of the city and to provide penalties for the violation thereof;
- (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 thirty-five (35) calendar days of its submission shall be deemed to have been approved. The 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;
- (c) To adopt the annual city budget appropriation ordinance and levy taxes;
- (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;
- (e) To appoint officers and employees of the city as prescribed by this Charter.

(Election of 11-7-06)

402. - Power of investigation.

The city council or any duly authorized committee thereof may investigate the financial transaction of any office or department of the city and the acts and conduct of any city office, department or agency or to any matter upon which the city council may act and, by investigation, may secure information on any matter within its jurisdiction. In connection with such investigation, the city council may compel the attendance of witnesses and the production of books, papers and other evidence. The subpoena power granted herein may be delegated upon the majority of a vote of its members, to any standing committee requesting same for a specified investigation. Subpoenas shall be signed by the presiding officer of the city council or the chairperson of any committee to which such power has been delegated and may be served and executed by an officer authorized by law to serve subpoenas.

If any witness shall refuse to testify to any facts within the knowledge of such witness, or produce any papers or books in the possession or control of such witness relating to the matter under inquiry by the city council or any authorized committee thereof, the city council, by resolution, may seek a citation of such witness for contempt. Upon the adoption of said resolution, the city clerk shall forthwith notify the city solicitor who shall, within ten (10) days of said notification, apply ex parte to any court of competent jurisdiction for a citation of such witness for contempt, and thereupon such witness may be cited and punished in like manner as if such witness was in contempt of said court. In the event that the city solicitor fails or refuses to act within thirty (30) days as required by this section, the city council may according to Article IV, section 401(d), employ and fix the compensation of counsel who shall, upon appointment, be empowered to seek citations in contempt and otherwise assist the city council in its investigation.

No witness shall be excused from testifying as to his or her knowledge of a matter under investigation in any city council inquiry, but such testimony shall not be used against such witness in any subsequent criminal prosecution except for perjury committed upon such inquiry, unless such witness shall in writing at the time of so testifying waive his or her rights not to have such testimony used against him or her.

Except insofar as is necessary in the performance of the duties of a member of the city council, no member of the city council shall interfere in any way with the actual administration of any administrative department or division of the city government, nor shall any such member or members interfere in any way in connection with the appointment or promotion of any of the personnel of the city government, or attempt to obtain the removal of any such personnel except as explicitly provided in this Charter.

403. - Charges against administrative personnel.

Subject to the general laws of the state, except as otherwise provided by this Charter, the city council may bring charges against any department head or agency head, any deputy thereof, any appointive officer of the city, any appointee of the city council or any appointee of the mayor, except the staff of the mayor's office, for neglect of duty or gross misconduct having an effect upon the discharge of the duties of such person. Any such charges which the city council should choose to bring shall first be presented to the mayor, in writing. Not less than thirty (30) days after the delivery of such charges, the city council shall order a public hearing thereon, which hearing shall be held only after due notice to such person of the details of such charges and with reasonable provision for answer by said individual. The person so charged shall have the right to be heard, to be represented by counsel, and to request the city council to compel the attendance of witnesses and production of evidence, including relevant records of the city.

After such hearing is concluded, the city council may, upon the affirmative vote of at least two-thirds of all of its members, suspend or dismiss the person charged. Such action shall be final and not subject to veto by the mayor.

404. - Organization meeting of city council.

At twelve o'clock noon on the first Monday of January or the first Tuesday if the first of January shall fall on a Monday, following a regular municipal election, the newly elected members who shall have taken the oath of office in the form and manner required by this Charter shall assume the duties of office. Until the election of a president as provided in section 405 hereof, the presiding officer of the city council shall be the member who shall be the senior member of the city council in point of service thereon whether or not in consecutive terms, or, if there shall be two (2) or more members with equal seniority, then, of these, the member senior in age shall be the presiding officer.

405. - President and president pro tempore of city council.

At its first meeting in the month of January next following a regular municipal election, or as soon thereafter as possible, the city council shall elect from among its members a president and a president pro tempore. The affirmative votes of a majority of the entire city council shall be required for each such election. The president shall preside over the meetings of the city council.

During any absence of the president from any meeting of the city council the president pro tempore shall preside. In case of the absence of the president from the city or the president's inability to discharge the duties, the president pro tempore shall discharge the duties of such office.

In case of the absence of both the president and president pro tempore or the inability of both to discharge the aforesaid duties of the office of president, the city council may in such case elect one of its other members to perform such duties.

406. - Meetings.

Regular meetings shall be held at such times and in such places as may be prescribed by ordinance or resolution, but not less frequently than once each month. Special meetings shall be called by the city clerk, or in the absence of the city clerk, by a duly authorized assistant, upon written request of the mayor, the president of the city council or of five (5) members of the city council. Notice of any special meeting shall be served personally on each member, or at least two (2) days' notice thereof shall be given each member in any other manner prescribed by ordinance. No business shall be transacted at any special meeting of the city council unless notice of same is included in the call of the meeting. All meetings of the city council and all committees thereof shall be open to the public; except that the city council may upon the affirmative vote of a majority of its members, authorize an executive session in accordance with state law.

407. - Rules, quorum, journal.

The legislative powers of the city council shall be exercised as provided by this Charter or by ordinance or rule not in conflict therewith. A majority of all members of the city council shall constitute a quorum. A less number of members of the city council than a quorum may adjourn

from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

The city council shall from time to time establish rules for its proceedings and, in case applicable rules have not been adopted, shall be governed by "Robert's Rules of Order" and by the common law. A full and accurate journal of the proceedings of the city council shall be kept and shall be a public record.

408. - Voting.

Every member of the city council may vote on any question coming before it, except as provided by state law. All voting on ordinances shall be by roll call and the yeas and nays of the individual members shall be recorded in the journal.

409. - Introduction and form of ordinances.

Every ordinance and resolution shall be introduced in written or printed form, and passed or adopted at each reading by a majority of the members of the city council then present. Every legislative act shall be by ordinance. When introduced, any ordinance requiring an appropriation of money for implementation shall bear a fiscal note prepared by the budget analyst stating the estimated annual cost of such ordinance. No ordinance shall be so amended in its second passage as to change its original purpose. Ordinances making annual or supplemental appropriations shall be confined to the subject of appropriations.

410. - Inspection of proposed ordinances and resolutions by the public.

- (a) [*Copy on file.*] After the introduction of any resolution or ordinance in the city council, the city clerk shall keep available a copy of such proposed resolution or ordinance, together with all amendments thereto, which shall be a public record.
- (b) *Procedure for the passage of ordinances.* No ordinance shall be passed until it has been read on two (2) separate occasions at least forty-eight (48) hours elapsing between the first and the second readings; provided, however, that the requirement for a second reading may be dispensed with in the case of emergency ordinances by a vote of not less than three-fourths of the entire city council. The second reading of each ordinance shall be in full, unless a copy thereof shall have been furnished to each member of the city council prior to such reading.

411. - Public hearings.

The city council shall not take final action on the following types of legislation without a public hearing, which shall be held not less than ten (10) days following notice published in a newspaper circulated generally in the City of Providence:

- (a) Salaries of elected officers of the city, appointed members of commissions, department and agency heads;
- (b) The annual appropriation ordinance and capital improvement budget;
- (c) Land use control, such as zoning, subdivision or planning, including adoption of the comprehensive plan;
- (d) New taxes or increases in the rate of existing taxes;

- (e) Wards and ward boundaries; and
- (f) Proposed Charter amendments or changes.

When any ordinance or resolution shall be referred by the city council to a committee for further investigation, said committee may hold public hearings thereon; and in the event that a petition shall be presented to the city clerk signed by at least fifty (50) qualified electors of the city, the committee shall hold a public hearing within two (2) weeks from the date of presentation.

A public hearing required or permitted by this Charter shall be preceded by a notice setting forth the date, time and a brief description of the substance of the hearings, such notice to be published in a newspaper of general circulation in the City of Providence not less than ten (10) days prior to the hearing and posted in the office of the city clerk.

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 veto or reduction within thirty (30) days from the date of the delivery of the veto or reduction to the city clerk, as hereinbefore provided, the measure or items shall be lost, or shall stand reduced, as the case may be.

(Election of 11-7-06)

413. - Emergency measures.

To meet a public emergency affecting life, health, property or the public peace, the city council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money except as provided in Article VIII, section 807. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.

An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of three-fourths of the entire city council shall be required for adoption. After its adoption, the ordinance shall be presented to the mayor for his consideration as provided in section 412 of this article, and upon approval by the mayor, or in the case of a veto, repassage by the city council by an affirmative vote of three-fourths of all of its members, the same shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon such date as shall be specified therein. Every emergency ordinance shall stand repealed as of the sixty-first day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

An emergency justifying the implementation of this section shall be deemed to exist only in the event of a grave threat to the public peace, property, health or safety of the city resulting from riot, fire, flood, hurricane, blizzard or other calamity. It is hereby declared to be the policy of this Charter that such definition shall be strictly construed by the courts.

414. - Authentication and publication of ordinances and resolutions.

Upon its final passage each ordinance or resolution shall be authenticated by the signature of the president and the city clerk and shall be recorded in a book kept for that purpose. Each ordinance and resolution shall be available to the public in such manner as the city council may prescribe by ordinance within 20 days after enactment.

415. - Salaries; salary review commission.

- (a) The salaries of the mayor, the members of the city council, all department heads, and of the members of all boards and commissions entitled to compensation, shall be set by the city council by ordinance; provided, however, that the salary of the mayor and the members of the city council shall not be increased or diminished six (6) months prior to the beginning of the term of office of mayor or city council, and that any such ordinance shall be based on recommendations of the salary review commission as provided for in this section.
- (b) There shall be a salary review commission of five (5) members appointed by the mayor, with council approval, from among persons who hold no city elective or appointive

office, nor are employed by the city. The commission members shall be appointed during the month of January, 1983, and every four (4) years thereafter in the month of January. Vacancies shall be filled in the same manner for the unexpired term or terms. Members of the commission shall serve without compensation.

- (c) The salary review commission shall, no more often than every two (2) years, recommend to the mayor salary levels for the offices listed in subsection (a) of this section. In acting on said recommendations, the mayor shall approve, reject or reduce the same, or any of them, and forward his or her recommendations to the city council. In acting upon the recommendations of the mayor, the city council shall approve, reject, or reduce the same, or any of them. No salaries for the said offices shall be set, except pursuant to commission recommendation as aforesaid.

Cross reference— Budget, Art. VIII; boards and commissions, Art. XI; general provisions for boards, authorities and commissions, § 1202.

416. - Acquisition and disposal of property.

Public notice shall be given by publication in a newspaper circulated generally in the City of Providence once at least ten (10) days prior to the acquisition of any real property when the purchase price to be paid by the city equals or exceeds the sum of two thousand dollars (\$2,000.00), unless such acquisition is to be accomplished pursuant to the general laws of the state by condemnation in eminent domain proceedings, or unless such acquisition is necessary in connection with public improvement proceedings accomplished pursuant to law.

Any sale of city-owned property except that which has reverted to the city for nonpayment of taxes shall be accomplished in accordance with the following procedure:

- (1) Public notice of any proposed sale of city property shall be given at least once a week for two (2) weeks in a newspaper circulated generally in the City of Providence, and this shall be done at least two (2) weeks prior to the acceptance of sealed bids. Such notice shall contain a statement that any and all bids may be rejected and the property may be readvertised. Such notice shall also contain any restrictions placed on the use of the property to be sold as mandated by the city plan commission or established by the city council by a majority vote.
- (2) Prior to the sale of any city property, the city assessor shall appraise the same and determine the current market value thereof. With the approval of the city council, the city assessor may obtain the services of other qualified persons to assist him in such appraisal.
- (3) Sale of city property may be made only to the highest qualified bidder in compliance with the restrictions noted in subsection (1) upon sealed bids to the city council. Any and all bids may be rejected and the property readvertised or removed from the market. No sale of any city property shall be made for less than ninety (90) per cent of the appraised value thereof.
- (4) Any city personal property having an appraised value of one thousand dollars (\$1,000.00) or less may be sold without public notice or public bid as required by this section; and,

further, such property may be sold for any reasonable amount irrespective of its appraised value.

- (5) Any sale of real property shall be authorized only by resolution adopted by the affirmative vote of a majority of all members of the city council.
- (6) Any lease of city-owned real property shall be authorized by resolution of the city council. If the city council does not take any action within forty (40) days of receipt of the proposed lease, the lease shall take effect.
- (7) No city property shall be exchanged for other property until an appraisal of all property included in the exchange has been made by the city assessor and the value of the property to be received by the city equals or exceeds the value of the property to be disposed of by the city. Exchange of property must be authorized by resolution passed by an affirmative vote of the majority of the entire city council unless otherwise specified by this Charter.
- (8) Sale of city property to the Providence Redevelopment Agency or the Providence Plan Housing Corporation shall not be subject to the restrictions set forth in subsections (1), (2), (3), (4) and (7) of this section.

(Res. No. 404, 9-11-92)

Editor's note— Res. No. 404, adopted Sept. 11, 1992, adding an exception to the sale of city property requirements, § 416(8), was approved by the voters at the general election held Nov. 3, 1992.

ARTICLE V. - COURTS

501. - Municipal court.

There shall be a municipal court for the City of Providence consisting of three (3) judges, or such number as the city council may from time to time determine. Each such judge shall be a member of the bar of the State of Rhode Island, and shall be elected by the city council for a term of four (4) years or until his or her successor is elected and qualified. There shall be a clerk of said court elected by the city council to serve for a term of four (4) years. The said municipal court shall have all of the powers, duties and jurisdiction provided for by law at the time of the taking effect of this Charter, and by such amendments thereof as may be enacted from time to time.

502. - Probate court.

There shall be a probate court for the City of Providence consisting of one judge, or such number as the city council may from time to time provide, who shall be a member of the bar of the State of Rhode Island, and shall be elected by the city council for a term of six (6) years or until his or her successor is elected and qualified. The first election of a probate judge under this Charter shall be made in November of the year 1983, upon the expiration of the current term. The city council shall also elect the clerk of the probate court, who shall be a member of the bar of the State of Rhode Island, to serve for a term of six (6) years concurrent with the term of the probate judge. The probate court shall have all of the powers, duties and jurisdiction provided for by law

at the time of the taking effect of this Charter, and by such amendments thereof as may be enacted from time to time.

ARTICLE VI. - APPOINTED OFFICERS^[1]

Footnotes:

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Cross reference— Officer, defined, § 1207.

601. - City clerk.

(a) *Election and term.* On the first Monday in January, 1983, or as soon thereafter as may be practical, and every four (4) years thereafter on the first Monday in January, or as soon thereafter as may be practical, the city council shall elect, by a vote of a majority of all of its members, a city clerk who shall serve until a successor shall have qualified; provided, however, that in the event of a vacancy in said office, such vacancy shall be filled within thirty (30) days of its occurrence by the city council for the remainder of the term. The city clerk shall have the status of a department head and shall have all powers and perform all duties vested in the office of the city clerk by the provisions of this Charter or otherwise, including, without limitation, the following:

(1) To act as clerk of and to attend all meetings of the city council and to keep a journal of the acts and proceedings thereof. In case of the absence of the city clerk from any meeting of the city council, the first deputy city clerk shall act as city clerk during such absence. In case of the absence of the city clerk and the first deputy city clerk, the second deputy city clerk shall act as city clerk during such absence. If at any meeting of the city council, no person is present as required by this section, the city council shall elect one of its members as clerk pro tempore;

(2) To keep on file all official documents, papers, reports and records of the city as are required by law to be filed in the department of city clerk and the rules, regulations and organizational charts of departments, boards, commissions and other agencies of the city developed pursuant to Article XII, section 1201(c) of this Charter; and to make due provision for public inspection of such papers as are required to be open to inspection pursuant to the provisions of section 1203, of Article XII of this Charter and of applicable state law.

(b) [*Division of archives and history.*] There shall be a division of archives and history, which shall be a responsibility of the city clerk and shall be part of the department headed by the city clerk. The division of archives and history shall be headed by a city archivist, appointed by the city clerk, who shall be a person with at least a bachelor's degree from an accredited college or university, who shall be trained in history, archival management, library science or some combination thereof, and who shall have had at least five (5) years' experience as an archivist, manager of records, or equivalent training or experience. The city archivist will serve at the pleasure of the city clerk. The city archivist shall be in charge of the division of archives and history under the general supervision of the city clerk and shall be responsible for the custody, management and preservation of all historical records of the city and of such noncurrent records as shall be transferred to the division by the city clerk or any department or agency of the city. The city archivist shall make provision for access to the materials in the

custody of the division, under appropriate conditions and safeguards, to qualified individuals desiring to make use thereof.

602. - City treasurer.

- (a) *Election and term.* On the first Monday in January, 1983, or as soon thereafter as may be practical, and every four (4) years thereafter on the first Monday in January, or as soon thereafter as may be practical, the city council shall elect, by a vote of a majority of all of its members, a city treasurer who shall be a college graduate and shall have training and at least five (5) years' experience in fiscal management or the equivalent training or experience. The city treasurer shall serve until a successor shall have qualified; provided, however, that in the event of a vacancy in said office, such vacancy shall be filled within thirty (30) days of its occurrence by a majority of the entire city council for the remainder of the term. The city treasurer shall have the status of a department head and shall have all powers and perform all duties vested in the office of the city treasurer by the provisions of this charter or otherwise.
- (b) [*Powers and duties.*] The powers and duties of the city treasurer shall be, without limitation, the following:
- (1) To maintain, independent of the city controller, a schedule of appropriations and allotments as approved by the city council;
 - (2) To review the decisions of the controller as to the sufficiencies of funds before approving payment of any bill, payroll or other claim, demand or charge against the city;
 - (3) To maintain records which accurately reflect the financial condition of the city;
 - (4) To have custody of all public funds belonging to or under the control of the city, or any office, department or agency of city government;
 - (5) To select depositories from among those financial institutions approved by the finance director pursuant to Article VIII, section 813(a)(6), and deposit all funds coming into the treasurer's hand in such depositories, subject to the requirements of all as to surety and the payment of interest on deposits; but all such interest shall be the property of the city, and shall be accounted for and credited to the proper account;
 - (6) To have custody of all investments and invested funds of the city government, or in possession of such government, in a fiduciary capacity, and have the safekeeping of all bonds and notes of the city and the receipt and delivery of city bonds and notes for transfer, registration, or exchange;
 - (7) To supervise the preparation of bond ordinances, bonds, advertisements for sale of bonds and delivery of bonds, subject to provisions of state law and city ordinance.

603. - City solicitor.

- (a) *Election and term.* On the first Monday in January, 1983, or as soon thereafter as may be practical, and every four (4) years thereafter on the first Monday in January, or as soon thereafter as may be practical, the mayor shall appoint, subject to the approval of the city council, a city solicitor who shall be an attorney at law in good standing, a member of the Rhode Island Bar Association and who shall have practiced law in the State of Rhode Island for at least five (5) years. The city solicitor shall not receive any salary from any source other than provided for the office of city solicitor by the city

council and shall not conduct any private practice while serving in said office; provided, however, that residual fees for work completed prior to appointment may be received. In the event of a vacancy in said office, such vacancy shall be filled through appointment by the mayor and approval by the city council within thirty (30) days of its occurrence, for the remainder of the term. The city solicitor shall be the head of the department of law and shall have all powers and perform all duties vested in the office of the city solicitor by the provisions of this Charter or otherwise.

- (b) [*Powers and duties.*] The powers and duties of the city solicitor shall be, without limitation, the following:
- (1) To appoint a deputy and such number of assistant city solicitors as may from time to time be authorized by the city council. All persons so appointed shall be attorneys at law in good standing of the State of Rhode Island;
 - (2) To be the chief legal advisor of and attorney for the city and all departments, boards, commissions, bureaus and officers thereof in the matters relating to their official powers and duties. No department, board, commission, bureau or officer shall employ any other attorney at the expense of the city or through the use of any funds from the federal government or other source, unless otherwise provided by this Charter, or unless the city council shall approve such employment by ordinance. Any such attorney so authorized by the city council shall be subordinate to the city solicitor and in all litigation to which the city may be a party, said attorney shall be under the direction of the city solicitor;
 - (3) To attend or designate a solicitor to attend all meetings of the city council and any standing committee of the city council;
 - (4) To give advice in writing, when so requested, to the city council, the mayor, or any agency of city government listed in clause (2) of this section;
 - (5) To prosecute or defend, as the case may be, all suits or cases to which the city or any agency of city government listed in clause (2) of this section may be a party;
 - (6) To prosecute all complaints brought by the police of the city which do not fall within the jurisdiction of the attorney general of the state;
 - (7) To draft executive orders, rules and regulations for the mayor or for any agency of city government listed in clause (2) of this section;
 - (8) To prepare all leases, deeds, contracts, bonds and other instruments in writing in which the city is concerned and/or to endorse thereon the approval of the city solicitor of the form and correctness thereof;
 - (9) To perform such other legal duties as the city council may by resolution or ordinance require;
 - (10) To apply, when so instructed by the mayor or the city council, in the name of the city to a court of competent jurisdiction for an injunction to restrain the misapplication of the funds of the city or the abuse of its corporate powers or the execution or performance of any contract which was made on behalf of the city in contravention of law or which was procured by fraud or corruption;
 - (11) To apply, when so instructed by the mayor or by the city council, or upon said city solicitor's own initiative, for suitable process to stop any activity prohibited by this Charter, or to compel the performance of any officer or employee of the city who

fails to perform any duty, discharge any responsibility, or make any disclosure required by the terms of this Charter or by law.

(Election of 11-7-06)

604. - Recorder of deeds.

The mayor shall appoint, subject to the approval of the city council, a recorder of deeds who shall serve at the pleasure of the mayor. The recorder of deeds shall have the status of a department head and shall keep records concerned with real estate within the city limits. These records shall include but shall not be limited to deeds, mortgages, leases, attachments, suits, liens and violations of the minimum standards housing code.

605. - City sergeant.

The mayor shall appoint, subject to the approval of the city council, a city sergeant who shall serve at the pleasure of the mayor. The city sergeant shall have the status of a department head and shall have all powers and perform all duties vested in the office of city sergeant by the provisions of this Charter, or otherwise, including but not limited to the duty to serve as city messenger.

606. - Registrar of vital statistics.

The mayor shall appoint, subject to the approval of the city council, a registrar of vital statistics. The registrar shall serve at the pleasure of the mayor, and shall have the status of a department head. The registrar shall keep all records of births, deaths and marriages occurring in the city, and shall issue all marriage licenses, burial permits, licenses of clergy, certified copies of birth and death certificates and such other licenses or permits as the city council may by ordinance prescribe.

ARTICLE VII. - SCHOOL DEPARTMENT^[2]

Footnotes:

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Cross reference— City departments, Art. X; general provisions for departments, § 1201.

701. - Number, selection and term [of school board.]

- (a) There shall be a school board consisting of nine (9) members who shall be appointed by the mayor with the approval of the city council. 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 be empowered to appoint a school board nominating committee with responsibility to narrow the field of school board appointees.

(Election of 11-7-06)

Cross reference— Boards and commissions, Art. XI; general provisions for boards, authorities and commissions, § 1202.

702. - Qualifications.

Members of the school board 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. The credentials of both school board and nominating committee members shall reflect ethnic and racial diversity, and diversity of backgrounds, experiences and training that are representative of the city.

(Election of 11-7-06)

703. - Vacancies.

If during a term of office any school board member dies, resigns or ceases to possess any of the qualifications set forth above, the mayor shall thereupon declare the office vacant and shall fill such vacancy for the remainder of the term with the approval of the city council.

704. - Compensation.

Members of the school board shall receive compensation fixed by ordinance of the city council.

705. - Organization, rules and meetings.

The school board shall elect from among its membership a president, vice-president and secretary each of whom shall serve for a period of one year. The secretary shall keep a journal of the proceedings of the board. All meetings of the school board shall be open to the public and no action shall be taken by the board except in a public meeting, provided that the school board may close the meeting by majority vote in accordance with state law. The vote of its members of all motions except those of a procedural nature shall be by roll call and shall be entered in the official record of the board. The board shall adopt rules of procedure and orders of business consistent with the provisions of this Charter.

706. - Powers and duties.

The powers and duties of the school board shall be all those imposed on school boards by state law, and, without limitation, the following:

- (a) To determine and control all policies affecting the administration, maintenance and operation of the public schools;
- (b) To provide rules and regulations for the use, operation and maintenance of public school properties;
- (c) To appoint a superintendent of schools to serve as the chief administrative agent of the school board;
- (d) To establish the compensation for said superintendent;
- (e) To appoint and remove all school department employees and fix their salaries within limits established by appropriation of the city council for the school department.

707. - Budget.

Annually at the time and in the manner provided in Article VIII, section 802 for all city departments, the school board shall submit to the finance director an itemized budget, including an itemized estimate of the anticipated revenue and the proposed expenditures necessary to meet the financial needs of the school department, including sums for the promotion of health of the school children for the ensuing fiscal year, together with such other supporting information as the finance director may direct.

The finance director, under the supervision of the mayor, may revise the estimates as submitted by the school board, and the mayor shall present to the city council the recommended budget for the operation of said school board in the same manner as required by Article VIII, section 803 for any other city department.

The city council shall have the power and authority to act on the school budget in the same manner and to the same extent it may act on the budgets of other city departments, and the city council may appropriate funds to the school department in lump sum or in such detail as it deems necessary and appropriate. The total amount or amounts so appropriated to the school department shall include all revenues from whatever source derived, and the department of finance shall be charged with the responsibility of insuring that no expenditures are made or obligations created by the school board which are in excess of the amount or amounts so appropriated or of such amounts as may be amended by the city council.

708. - Purchases.

All purchases or contracts for supplies, materials, equipment, and services required by the school department, other than salaries for teaching and administration, shall be made by the board of contract and supply or the purchasing agent of the city.

Cross reference— Board of contract and supply, § 1007.

ARTICLE VIII. - BUDGET PROCEDURE AND FINANCE DEPARTMENT^[3]

Footnotes:

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Cross reference— Salaries, § 415; budget of school board, § 707.

801. - Fiscal year.

The fiscal year of the city shall be established by ordinance. 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.

(Election of 11-7-06)

802. - Budget estimates.

Annually at such date as the mayor shall determine, the finance director shall, at the direction of the mayor, obtain from each head of a department, office or other agency of the city an itemized estimate of the anticipated revenue and of the proposed expenditures necessary to meet the needs of such department or agency. Each itemized estimate shall be detailed by the character and object of expenditure and shall be accompanied by an inventory of all equipment, materials and supplies on hand and a statement in writing of the work to be performed by means of such proposed expenditures. Estimates shall be in a form and with such explanation as the finance director may require. Itemized estimates of the financial needs of the city council shall be furnished by the city clerk and estimates of the amount of money required for interest and principal payments on the city debt, the amounts required for payment into the city sinking funds, the amount required for payments on all judgments standing against the city and all other anticipated expenditures not properly chargeable to any specific department, office, commission or other agency shall be furnished by the controller.

803. - Operating budget.

It shall be the duty of the mayor to frame and submit to the city council not later than sixty (60) days prior to the start of each fiscal year an operating budget for the ensuing fiscal year containing:

- (a) An estimate of the amount of any general fund surplus in the current fiscal year available for appropriation in the ensuing fiscal year;
- (b) An estimate of receipts for the ensuing fiscal year from taxes on real estate and tangible and intangible personal property;
- (c) An estimate of other receipts for the ensuing fiscal year itemized by sources;
- (d) Debt service requirements for the ensuing fiscal year;
- (e) An estimate of any deficit from the operations of the current fiscal year and any other charge or obligation required by this Charter or by law to be paid in the ensuing fiscal year;
- (f) An estimate of the expenditures recommended by the mayor as necessary or desirable for the purpose of carrying on the work of the several departments, offices and agencies of the city for the ensuing fiscal year itemized by activities and objects and related to the performance goals and objectives of each department, office and agency of the city under guidelines established by the finance director;
- (g) An overall statement of the financial condition of the city at the end of the last completed fiscal year, the estimated financial condition at the end of the current fiscal year, and an estimate showing what the financial condition at the end of the ensuing fiscal year would be in the event that the financial proposals contained in the budget should be adopted.

The operating budget shall further be arranged to show in parallel columns comparative figures for receipts and expenditures as estimated for the current fiscal year and the ensuing two (2) fiscal years and actual receipts and expenditures for the preceding two (2) fiscal years. The total of estimated expenditures listed in the operating budget shall not exceed the total receipts estimated therein, taking into account any general fund surplus or deficit estimated to be carried

over from the current fiscal year and the estimated receipts from proposed new revenue measures within the authority of the city council to enact.

804. - Budget presentation.

At the same time that the mayor presents the operating budget to the city council the mayor shall also present and deposit with the city clerk to be open for public inspection:

- (a) A budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the city for the budget year and which shall also describe in connection therewith the important features of the budget plan. The message shall set forth the reasons for significant changes from the previous year in cost and revenue items and shall explain any major changes in financial policies. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material as the mayor may deem useful to the city council;
- (b) An appropriation ordinance making provision for financing the city government for the ensuing fiscal year in the manner proposed by the budget;
- (c) A personnel ordinance which shall be in detail for each department, office or other agency of the city for which city appropriations are provided other than the office of the mayor. The personnel ordinance shall provide for the classes of positions, the number of employees in each class, and the maximum number of employees. The maximum number of employees in classes of positions definitely representing temporary seasonal employment shall not be fixed. The number and classes of positions provided in said personnel ordinance for each department, office or other agency of the city shall correspond directly with the number and classes of positions provided in the proposed expenditures for personal services as set forth for the particular department, office or other agency in the recommended budget and the appropriation bill.

805. - City council power to change appropriation ordinance.

The city council may increase, decrease, alter or strike out any item or group of items contained in the appropriation ordinance. No action shall be taken which will cause an excess of appropriations over expected revenue receipts submitted by the mayor nor shall the city council vary the titles, descriptions or conditions of administration specified in the budget, appropriation ordinance or personnel ordinance. If additional appropriations are deemed necessary by the city council, it shall also provide for increasing the total anticipated income so that the total means of financing the budget shall at least equal in amount the aggregate appropriations. If the city council shall make any change in the appropriation for personal services recommended by the mayor for any city department or agency other than the office of the mayor, a corresponding change shall be made in the personnel ordinance. Upon final passage of the appropriation ordinance, such changes as have been made in said ordinance as originally proposed by the mayor shall also be made in the budget document and the budget document shall be placed on file with the appropriation ordinance in the office of the city clerk.

806. - Failure to pass appropriation ordinance.

In an emergency caused by failure of the city council to pass the annual appropriation ordinance by the beginning of the fiscal year, the same amounts appropriated in the fiscal year immediately

preceding shall be available for each department, office and other agency of the city government, subject to monthly or quarterly allotments, in accordance with seasonal requirements as determined by the finance director and approved by the mayor. Expenditures for payment of any indebtedness of the city on bonds or notes, or for interest thereon, shall be in such amounts as may be required, regardless of whether or not an annual appropriation ordinance is passed by the city council.

807. - Borrowing.

- (a) *Tax anticipation notes.* In any fiscal year, in anticipation of the collection of property tax for such year, the city council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the city, each of which shall be designated "tax anticipation note for the year ending June 30 of that fiscal year." Whenever the city shall issue any notes for borrowings in anticipation of taxes, the total amount of said borrowings shall not in any fiscal year exceed eighty (80) per cent of the revenue receipts of that year, as estimated in the appropriation ordinance, other than for water bills and other earnings of the water supply board, remaining uncollected at the time said notes were issued. All receipts and revenues of the general fund, beginning on the first day subsequent to the issuance of such notes, shall be reserved for the specific purpose of retiring the obligation incurred by and for paying off said notes, or the remainder thereof, and such revenues or receipts shall not be available for expenditure for any purpose other than for the payment of principal and interest on bonds and notes, until such borrowing in anticipation of taxes shall have been repaid. The provisions of this section shall not apply to any funds or payments received as grants from the federal government or to any funds or payments received from the state.
- (b) *Special revenue notes.* In any fiscal year, in anticipation of the collection or receipt of revenues other than the property tax of that fiscal year, the city council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the city, each of which shall be designated "special revenue note for the year ending June 30 of that fiscal year." Such notes may be renewed, but all such notes, together with the renewals, shall mature and be paid not later than the end of the fiscal year immediately following the fiscal year in which the original notes shall have been issued.
- (c) *Emergency notes.* Such authorization shall be made pursuant to section 413 of this Charter. Emergency notes shall also require the approval of the mayor.
- (d) *Demand notes prohibited; notes to be sold at not less than par.* No notes shall be made payable on demand, but any note may be made subject to redemption prior to maturity on such notice and at such time as may be stated in the note. All notes issued pursuant to this article may be sold at not less than par and accrued interest at private sale without previous advertisement by the director of finance.
- (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, described in brief and general terms sufficient for reasonable identification;
- (2) An authorization of the incurring of indebtedness by the issuance of bonds in a stated amount, pursuant to this Charter;
- (3) A statement of the estimated maximum cost of the capital project; including any sums theretofore or thereby appropriated;
- (4) A determination of the period of usefulness of the project;
- (5) A determination of the net debt of the city after the issuance of the bonds thereby authorized, together with declaration that the bonds thereby authorized will be within all debt and other limitations prescribed by the Constitution and laws of the State of Rhode Island.

The title of the bond ordinance shall state the amount appropriated for an indicated project and the amount of bonds authorized to finance the appropriation. A bond ordinance shall be limited to one specific project.

- (f) *Emergency bonds.* Such authorization shall be made pursuant to section 413 of this Charter. Emergency bond ordinances shall also require the approval of the mayor. Emergency bond ordinances shall not be subject to section (g) of this article.
- (g) *Referendum.* Each bond ordinance shall be submitted to a vote of the electors in accordance with statute at a general election, and no bonds shall be issued pledging the credit of the city unless approved at such general election.
- (h) *Bond anticipation notes.* In anticipation of the issuance of bonds approved pursuant to this article, the council may by resolution authorize the issuance of negotiable notes. Each note shall be designated "bond anticipation note" and may be renewed, providing, however, that any notes issued after the completion of the project for which an issuance of bonds was approved, shall be paid in the same manner as provided for the payment of the bond issue in anticipation to which the notes were originally issued.
- (i) *Debt service.* In connection with any bond ordinance and prior to the date of introduction thereof, the finance director shall prepare and file for public inspection in the office of the city clerk, a special debt statement which shall set forth:
 - (1) The aggregate principal amount of all outstanding bonds and notes of the city,
 - (2) Deductions permitted by the constitution and general laws,
 - (3) The amount of the existing net indebtedness,
 - (4) The amount of the net indebtedness after the issuance of the bonds authorized by such bond ordinance, and
 - (5) The aggregate principal amount of bonds and notes which the city may issue, pursuant to law.
- (j) *Payment of bonds.* All bonds issued pursuant to this Charter shall be paid in equal or diminishing annual installments. The first annual installment shall be paid not more than one year after the date of which said bonds were issued. The last annual installment of each authorized issue of bonds shall be paid not later than the expiration of the period of usefulness as determined in the bond ordinance authorizing the issuance of the bonds, but in no event for a period exceeding thirty (30) years.

(k) *Period of usefulness.* The period of usefulness of each project financed by an authorized issuance of bonds as prescribed by this Charter shall be as determined by certificate of the engineer or architect as approved by the mayor and shall be stated in the bond ordinance. The period of usefulness shall be computed from the date such issuance of bonds shall be approved by the electors. The determination of the city council, in the bond ordinance, as to the period of usefulness, shall be conclusive in any action or proceeding involving the validity of the bonds. In no case, however, is the period of usefulness to exceed thirty (30) years.

(l) *Method of sale of bonds.* All bonds issued under this Charter shall be sold at public sale upon sealed proposals after at least ten (10) days' notice published at least once in a publication carrying municipal bond notices and devoted primarily to financial news or to the subject of state and municipal bonds, distributed in the State of Rhode Island and at least ten (10) days' notice published at least once in a newspaper having a general circulation in the City of Providence. All funds from the bond issue shall be kept in a special account and used only for the project authorized by the bond issue.

(m) *Validity of bond ordinances.* When twenty (20) days shall have elapsed after the publication after final passage of a bond ordinance as provided by this Charter:

(1) Any recitals or statements of fact contained in such bond ordinance, or in the preambles or recitals thereof, shall be deemed to be true for the purpose of determining the validity of the bonds thereby authorized and the city and all other interest shall forever thereafter be stopped from denying the same;

(2) Such bond ordinance shall be conclusively presumed to have been duly and regularly passed by the city and to comply with the provisions of this Charter and of all laws; and

(3) The validity of such bond ordinance shall not thereafter be questioned by either a party plaintiff or a party defendant, except in a suit, action or proceeding commenced prior to the expiration of such twenty (20) days.

(n) *Remaining balances from sale of bonds.* Any balance remaining from the sale of bonds issued in accordance with this Charter, after the project as described in the bond ordinance authorizing the issuance of such bonds shall have been completed and full payment shall have been made thereon, shall be held separate from all other funds of the city, and shall be used only toward the final payment of the bonds so issued.

Such amounts shall not be included in any budget receipts as revenue except in the fiscal year in which final payment of said bonds is due. Such funds may be held in approved depositories or may be invested in obligations of the United States or in bonds of the City of Providence maturing not later than the year in which such funds may be included in budget receipts for a fiscal year. Any income received from such investments shall be added to such funds held for final payment of said issue of bonds in the same manner as prescribed for the amounts originally remaining from such bond issues. No portion of any such funds shall be invested in tax anticipation notes, bond anticipation notes, or special revenue or emergency notes of the city.

(o) *Obligations of the city.* The power and obligation of the city to pay any and all bonds and notes hereafter issued by it pursuant to this charter shall be unlimited and the city shall levy ad valorem taxes subject to statute upon all the taxable property within the city for the payment of such bonds or notes and interest thereon. The faith and credit of the city is hereby pledged

for the payment of the principal of and the interest on all bonds and notes of the city hereafter issued pursuant to this Charter, whether or not such pledge be stated in the bonds or notes, or in the bond ordinance authorizing their issuance.

(p) *Time limit on bond issuance.* Bonds shall be issued within three (3) years following certification of their approval by the voters of Providence, unless the city council, by ordinance, grants an extension to the Treasurer which is not to exceed two (2) years. Any bond ordinance authorized by the electorate which has not been issued within five (5) years of that approval shall be void.

808. - Application of revenue.

Except for such revenue as may be by law, this Charter or trust devoted to specific purposes, all revenue of the city shall be paid into and credited to the general fund; provided, however, that monies received by the city from the sale of capital assets shall be deposited in a special fund and used only for payment of the city debt or to finance capital expenditures authorized by the capital improvement budget, and provided further, that all revenue from the water supply system shall first be applied to the operation and maintenance of the system and for the payment of interest on the retirement of bonds of the system, any excess revenue thereafter, as determined by the water supply board, shall be paid into and credited to the general fund; and provided, further that all payments made by the state or federal governments to the City of Providence for the support of public schools, together with tuition fees earned by the school department and all miscellaneous receipts of the school department now available to it for expenditure in accordance with the provisions of state law shall be paid over and credited to the school fund by the city treasurer. Any surplus resulting from excess revenue receipts over estimates and unencumbered balances of appropriations at the end of any fiscal year shall revert to the general fund current operating surplus account and shall be subject to such reservations or other disposition as the city council may direct.

809. - Reductions to balance budget.

At any time during the fiscal year, upon notification by the finance director that it is indicated that actual revenue receipts will not equal the original estimates upon which appropriations were based, the mayor, for the purpose of maintaining a balanced budget, shall recommend to the city council such reductions or suspensions in the appropriations for any or all departments, offices or other agencies of the city government as will, in the mayor's opinion, prevent the occurrence of a deficit. However, there shall be no reductions of appropriations for the city debt payments, the retirement fund or the sinking fund to balance the budget. The city council shall by ordinance either approve the same in whole or in part or make such other reductions or suspensions in total equal to that proposed by the mayor as will prevent the occurrence of a deficit.

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) 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), 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) 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.

811. - Additional appropriations.

- (a) The city council shall identify and provide additional revenue for any additional appropriations approved by it subsequent to the passage of the annual appropriation ordinance, unless the mayor and the finance director shall certify in writing that there is available in the general funds an unappropriated and unencumbered cash balance sufficient to meet such appropriation.
- (b) In the case of an immediate emergency threatening the lives, health, safety or property of the people, the city council, on the written recommendation of the mayor, by an emergency ordinance passed pursuant to section 413, may appropriate funds in amounts and for purposes in addition to those contained in the operating budget and appropriation ordinance of the capital budget. Such an ordinance shall include a brief statement of the facts which show the existence of such an emergency.

812. - Capital budget.

At the same time that the mayor submits the operating budget to the city council, the mayor based upon estimates and recommendations of the city plan commission as provided for in Article X, section 1013, shall prepare and submit to the city council a capital budget for the ensuing fiscal year and the next four (4) fiscal years thereafter. Said capital budget shall embody the mayor's estimates of cost and recommendations of means of financing each project contained with the capital improvement program, provided that no project shall be included in said budget which has not been favorably considered by the city council. In acting on the capital budget, the city council may accept, reject or modify the projects described therein or the proposed methods of financing the same.

813. - Finance department.

There shall be a finance department consisting of a finance director, city controller, budget officer, budget analyst, city collector and city assessor. The finance director shall be appointed by the mayor with approval of the city council and shall hold office at the pleasure of the mayor. The city controller, budget officer, budget analyst, city collector and city assessor shall be appointed by the finance director and shall serve at the pleasure of the finance director.

- (a) *Finance director.* The finance director shall be a college graduate who shall have such training and experience in accounting, budgeting, and management, either in public or private business, and shall have knowledge of, and preferably experience in, government finance or equivalent training or experience as will qualify for the duties of this position. The finance director shall be the chief fiscal officer of the city and shall be responsible to the mayor for the sound and prudent financial direction of the city. The director shall supervise all functions of the department, and shall implement a

performance budget system for the city. The powers and duties of the finance director shall include, without limitation, the following:

- (1) To prepare the operating budget annually under the direction of the mayor who shall submit the same to the city council as provided in section 803;
- (2) To develop a five-year financial plan for the city which shall be deposited by the mayor with the city clerk to be open for public inspection. The plan shall include projections of anticipated revenues and general estimates of expenditures during the five (5) fiscal years next ensuing, with appropriate supporting information, arranged so as to identify the planning goals, planning objectives and anticipated programs of city government for the ensuing five (5) years. The plan shall be revised annually;
- (3) To compile the capital budget in cooperation with the city plan commission;
- (4) To prepare and transmit to the mayor and city council within ninety (90) days of the end of each fiscal year a complete financial statement and report of the financial transactions of the city for the year;
- (5) To describe the format, form, and content of the records and accounts of the funds in the charge of the city treasurer;
- (6) To determine, with the approval of the board of investment commissioners, a listing of financial institutions within which city funds may be deposited.

(b) *City controller.* The city controller shall be a licensed public accountant or have equivalent training or experience. The powers and duties of the city controller shall include, without limitation, the following:

- (1) To supervise and be responsible for all disbursement of monies and have control over all expenditures to ensure that budget appropriations are not exceeded;
- (2) To maintain a general accounting system for the city government and each of its offices, departments and agencies; keep records for and exercise financial and budget control over each department, office and agency; keep separate accounts for the items of appropriations contained in the city budget and the allotments thereof, and encumber such items of appropriations and their respective allotments with the amount of each purchase order, payroll or contract, approved by the controller for sufficiency of funds, immediately upon such approval; and keep such records as shall show at all times for each account the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it, and the unencumbered balance;
- (3) To examine all contracts, purchase orders, and other documents which involve financial obligations against the city, and approve the same only upon ascertaining that monies have been appropriated and allotted, and that an unexpended and unencumbered balance is available in such appropriation and allotment to meet the same;
- (4) To audit before payment of all bills, invoices, payroll and other claims, demands or charges against the city, and approve the same only if proper, legal and correct;
- (5) To prescribe the form of receipts, vouchers, bills or claims to be used, and the accounts to be kept, by all departments, offices, and agencies of the city, and provide suitable instructions for their use;

- (6) To require reports of receipts and disbursements from each receiving and spending agency of the city government to be made daily or at such intervals as the controller may deem necessary;
 - (7) To inspect periodically and audit the accounts and records of financial transactions maintained in each department, office and agency of the city;
 - (8) To submit a monthly financial report to the city council through the mayor showing the financial condition of the city, including the condition of all items in the operating budget including estimated revenues, revenues received, appropriations and allotments for such appropriations;
 - (9) To prescribe the times at, and the manner in which monies received by any department, office or agency of the city shall be paid to the city treasurer or deposited to an account under his or her control to the credit of the city.
- (c) *Budget officer.* The budget officer shall be a college graduate with a degree in finance or business administration who shall have five (5) years' experience in the supervision of a budget process, or equivalent training or experience. The powers and duties of the budget officer shall include, without limitation, the following:
- (1) To be the deputy finance director and during the temporary absence or incapacity of the finance director have and perform all the powers and duties of the finance director;
 - (2) To compile, under the supervision of the finance director, the departmental estimates and other data necessary or useful to the mayor and the finance director, and plan and develop, under the direction of the mayor and the supervision of the finance director, the annual operating budget of the city, the capital budget and the five-year financial plan;
 - (3) To examine from time to time the departments, offices and agencies of the city government in relation to their organization, personnel and other requirements; ascertain the manner in which their respective budgets are carried out and their functions performed; call the attention of the department heads, the mayor, commissions, and other agencies, to any improvements or economies which might be made in their administrative practices and cooperate with the heads thereof in the preparation of their budget estimates for the ensuing fiscal year;
 - (4) With the advice and assistance of the controller, to write, revise and maintain a proper standard procedure instruction manual to be followed by all officers, departments, boards and other agencies of the government to insure uniform budgetary procedures;
 - (5) To receive and approve all requisitions from all departments, agencies and offices of the city before they are sent to the purchasing office.
- (d) *Budget analyst.* The budget analyst shall have a master's degree in business administration and five (5) years' supervisory experience in budget analysis and budget projection, or equivalent training or experience. The powers and duties of the budget analyst shall include, without limitation, the following:
- (1) To plan for the future fiscal integrity of the city;
 - (2) To conduct efficiency studies and project future payroll, maintenance and utility costs of the city;

- (3) To cooperate with the budget officer in the preparation of the operating budget, the capital budget and the five-year financial plan;
 - (4) To carry on a continuous research program in system and methods so as to keep current in all phases of data processing, business methods and the like;
 - (5) To make recommendations from time to time to the finance director for using the newest equipment and methods;
 - (6) To prepare and submit to the mayor and the city council a fiscal note for all ordinances with a fiscal impact.
- (e) *City collector.* The city collector shall bill and collect all taxes, real and personal, tangible and intangible, and shall collect or be responsible for the collection of all rents, fees, charges or taxes imposed by the city and any other monies due to the city or any agency of the city. All monies collected by the city collector shall be turned over to the city treasurer.
- (f) *City assessor.* The city assessor shall be a college graduate with a minimum of five (5) years' experience in real estate appraisal of commercial and residential property or equivalent training or experience. The city assessor shall exercise and perform the powers and duties with respect to the assessment of taxes in the city as prescribed by law.

Cross reference— City departments, Art. X; general provisions for department, § 1201.

814. - Board of tax assessment review.

There shall be a board of tax assessment review which shall consist of five (5) members, no more than three (3) of whom shall be members of the same political party. Members shall be appointed by the mayor with the approval of the city council. Of the five (5) members first appointed, two (2) shall serve a term of one year, two (2) shall serve a term of two (2) years, and one shall serve a term of three (3) years. All subsequent appointments or reappointments shall be for a term of three (3) years. No member may continue after his or her term expires without being reappointed by the mayor with city council approval. Any vacancy which may occur shall be filled by appointment by the mayor subject to the approval of the city council for the balance of the unexpired term.

- (a) *Qualifications and organization.* The members of the board of tax assessment review shall be selected upon the basis of their knowledge of the subject of property taxation and real estate values and shall be qualified electors of the city at the time of their appointment and shall have been domiciliaries of the city for at least the immediately preceding five (5) years. A majority of the members of said board shall constitute a quorum. The members at their first meeting shall elect one of their number as chairperson and thereafter shall elect a chairperson upon the appointment of any new member for a full term and whenever the office of chairperson may become vacant.
- (b) *Powers and duties.* It shall be the duty of the board of tax assessment review to receive and consider appeals regarding the amounts of assessments as determined by the city assessor. No appeal shall be considered unless it is made in writing and is received by the board within thirty (30) days of the date on which taxes become due and payable, and unless the tax levied on the valuation appealed or such portion of the tax as is due

and payable, has been paid. The board shall have the authority to adopt rules and regulations as to the procedure in presenting, considering and disposing of appeals and may hold public hearings, administer oaths and receive testimony and exhibits. It shall have the power to change any assessment so appealed and reviewed, but only after the city assessor has been given an opportunity to appear before it or otherwise present the assessor's case. The taking of an appeal to the board, or any action thereon shall not be construed to in any way alter legal requirements relative to city council review of abatements or the right of a taxpayer to apply to a court of competent jurisdiction in accordance with state law for relief from the assessment as originally made by the city assessor.

Cross reference— Boards and commissions, Art. XI; general provisions for boards, authorities and commissions, § 1202.

815. - Board of investment commissioners.

There shall be a board of investment commissioners consisting of the mayor, the chairperson of the committee in charge of budgetary matters of the city council, the finance director and the city treasurer, all ex officio, and three (3) additional members appointed by the mayor who shall not be officers or employees of the city. The appointed members of the board shall be selected on the basis of their knowledge of, and expertise in, investments and finance, and shall serve for a term of three (3) years. Of the three (3) members first appointed by the mayor, one shall serve a term of one year, one shall serve a term of two (2) years and one shall serve a term of three (3) years. The board shall have the control and management of all sinking funds established for the redemption of any bonds or notes issued by the city, or for the redemption of any bonds held by the city. The board shall hold any fire insurance fund, waterworks depreciation and extension fund, or any additional funds which the city council may by ordinance from time to time prescribe. It shall further be the responsibility of the board to direct the investment of all unencumbered and unappropriated funds of the city government, including but not limited to all bequests, devises and trusts, except as otherwise provided by the governing instrument.

Cross reference— Boards and commissions, Art. XI; general provisions for boards, authorities and commissions, § 1202.

816. - Internal auditor.

The city council by a majority of all its members shall appoint a city internal auditor who shall be a certified public accountant who shall have a minimum of five (5) years' experience in finance, operational auditing or equivalent training or experience. The city internal auditor shall have access to the books and records of all offices, departments and other agencies of the city, and it shall be the duty of all officers and employees thereof to supply such information and documents concerning the affairs of the city as the internal auditor may request.

(a) *Powers and duties of the internal auditor.* The powers and duties of the internal auditor shall be, without limitation, the following:

- (1) To perform audits of all offices, departments and other agencies of the city, and additional audits as directed by the president of the city council or by resolution of the city council;

- (2) To report the findings of such audits to the city council at least quarterly;
 - (3) To issue a report to the city council at least annually on all operations of the city;
 - (4) To submit such reports and financial data, information and statements to the city council as it may from time to time require;
 - (5) To perform such other duties as may be assigned by ordinance and perform other auditing services of an official nature as may be required by the city council.
- (b) *Scope of audits.* Audits shall include, but shall not be limited to determining:
- (1) Whether financial operations are properly conducted in accordance with standards for governmental accounting and generally accepted accounting controls;
 - (2) Whether the audited entity is operating within its budgetary limits;
 - (3) Whether the audited entity is in compliance with the state constitution, this Charter, city ordinances, and all other applicable laws and regulations;
 - (4) Whether the audited entity is managing and utilizing its resources in an economical and efficient manner;
 - (5) Whether the management information system, administrative procedures and organizational structure are adequate to insure the timeliness and reliability of management information;
 - (6) Whether the property of the city is properly accounted for and safeguarded from losses;
 - (7) Whether the objectives or benefits of the audited entity are being achieved.

817. - Annual audit.

Not later than six (6) months after the close of each fiscal year the city council shall provide for an audit of the financial accounts of the city as provided for by state law. For the purpose of this audit the city council shall employ either the services of state auditors or the services of one or more certified public accountants, none of whom shall be officers or employees of the city government. If the city council fails to provide for such an audit, the failure shall be deemed a direct request for state auditors to conduct the audit. The annual audit shall be conducted in accordance with municipal accounting and reporting standards for Rhode Island Municipalities as promulgated by the state auditor general. The period covered by the audit shall be for one complete fiscal year. All officers of the city shall be required to extend such assistance and make available such records as the accountant or accountants may request.

ARTICLE IX. - PERSONNEL DEPARTMENT^[4]

Footnotes:

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Cross reference— City departments, Art. X; general provisions for departments, § 1201.

901. - Human resources department.

There shall be a human resources department, the head of which shall be the director of human resources, who shall be a person holding at least a bachelor's degree from an accredited college or university, and who shall have had a minimum of five (5) years' experience in personnel management of an employment system, or an equivalent combination of training and

supervisory experience. The human resources department shall be responsible for instituting and operating a personnel management system for the city in accordance with the provisions of the following sections of this article.

(Res. No. 511, 8-7-12)

902. - Personnel policy.

There shall be established a personnel management system based on these principles:

- (a) Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge and skills. Equal opportunity shall be given to all qualified applicants for appointment;
- (b) Providing equitable and adequate compensation;
- (c) Training employees, as needed, to assure high quality performance;
- (d) Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;
- (e) Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, religious creed, physical handicap, age or marital status, and with proper regard for their privacy and constitutional rights as citizens;
- (f) Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with the result of an election or a nomination for office.

903. - Director of human resources; duties and powers.

The director of human resources shall, after consultation with department heads and in accordance with state law or applicable collective bargaining agreements:

- (a) Make annual and special reports to the mayor on the quality and status of personnel administration in the city government and make recommendations for improvements;
- (b) Prepare and revise at least once every four (4) years the classification plan for all city positions based on:
 - (1) The duties, authority and responsibility of each position,
 - (2) The degree of experience and/or education required,
 - (3) Standards for determining qualifications, and
 - (4) Job title and salary range. There shall be adequate provision for reclassification of positions if necessary;
- (c) Establish, with the approval of city council, a pay plan listing all the position classes in the city with the pay rates or ranges assigned to each class;
- (d) Establish, with the approval of city council, minimum qualifications for each class of position and standards for determining eligibility and fitness of the candidate(s) after consultation with the appropriate appointing officers;
- (e) Provide for a probationary period of six (6) months before the appointment or promotion becomes permanent, during which time the probationary employee may be discharged or reduced in class position;

- (f) Establish the standards for evaluating job performance and supervise the maintenance of personnel files by the appointing officers. Probationary employees shall be evaluated at least twice within the first six (6) months of employment on their job performance. Regular employees shall be evaluated annually according to the performance standards established by the appointing officer and the director of human resources. Personnel files shall also be current with regards to records and attendance at work, in-service training, and any other education and/or training taken on the initiative of the employee. These shall be considered as factors in determining promotions, demotions, discharges, and transfers;
- (g) Establish procedures for temporary appointments. These shall be made only with the approval of the director of human resources for a period of no longer than one hundred eighty (180) days, and are renewable once for an additional one hundred eighty (180) days;
- (h) Provide for emergency appointments only with the approval of the director of human resources and only when necessary to prevent serious impairment of the public business. These appointments are to continue only during the period of the emergency;
- (i) Provide for temporary transfer of employees between departments or other agencies of the city because of seasonal, abnormal or emergency conditions before any temporary employees are appointed;
- (j) Establish and enforce procedures for suspensions, discharge or reduction in class position, and layoffs;
- (k) Provide for transfers within the same class position;
- (l) The director of human resources shall certify that each salary or wage earner has been appointed and is being employed under the rules and regulations of the director of human resources and that the pay rates conform with the pay plan, and that regulations with regard to sick leaves, overtime and vacations have been observed;
- (m) Identify promotional paths within municipal service, organize this information and freely provide career planning assistance to all city employees;
- (n) Aid the mayor, city council, and all appointing officers in handling personnel matters under their jurisdictions;
- (o) Aid the mayor in all negotiations with collective bargaining units.

(Res. No. 402, 9-11-92; Res. No. 511, 8-7-12)

904. - Appointment, promotion, demotion, suspension and dismissal of employees.

All department heads and all boards, agencies and commissions of the city shall have the responsibility for the appointment, promotion, demotion, suspension and dismissal of all employees under their jurisdiction in accordance with the provisions of this Charter and such personnel rules and regulations as may be made pursuant thereto. Regular employees shall not be dismissed except for cause which shall be defined in rules developed by the director of personnel and shall be promulgated to all employees of the city.

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;
- (f) Experts 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.

906. - Affirmative action.

There shall be an affirmative action office, headed by an affirmative action officer appointed by the mayor, within the office of the mayor. It shall be the duty of the affirmative action officer, in cooperation with the director of personnel and appointing officers to ensure equal employment opportunities for all of the citizens of the city within the city government.

907. - Employee organization and collective negotiations.

Employees shall have the right of self-organization, and may form, join or assist any employee organization to negotiate collectively through representatives of their own choosing, as provided for in state law and city ordinances. It is the intent of this Charter that collective bargaining and personnel management are and shall be compatible employer/employee systems in the city government, and that compatibility can be preserved to the extent to which each of these systems respects the legitimate concerns of the other.

908. - Retirement board.

- (a) *Election and term.*

(1) There shall be an employee retirement board consisting of the city treasurer, the chairperson of the city council committee on budgetary matters or his designee and the 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 personnel and 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.

(Election of 11-7-06)

Cross reference— Boards and commission, Art. XI; general provisions for boards, authorities and commission, § 1202.

ARTICLE X. - CITY DEPARTMENTS^[5]

Footnotes:

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Cross reference— School department, Art. VII; finance department, Art. VIII; personnel department, Art. IX; general provisions for departments, § 1201.

1001. - Department of public safety.

There shall be a department of public safety, the head of which shall be the commissioner of public safety, hereinafter referred to as the commissioner, who shall be a person holding at least

a bachelor's degree from an accredited college or university and a minimum of five (5) years' supervisory experience in administration or community relations or the equivalent in training and supervisory experience. The department of public safety shall include a police department, a fire department, a department of communications, and an emergency management agency and homeland protection department. In addition to the requirement in section 1201, subsection (e), the commissioner shall make such reports to the mayor and city council as they may request. In the event of a vacancy in the office of commissioner, the mayor shall act as commissioner of public safety until a commissioner has been appointed and approved by the city council.

- (a) *Police department.* The head of the police department shall be the commissioner, who shall appoint a chief of police, who shall serve as the chief executive officer of the police department subject to the direction of the commissioner. The commissioner shall:
- (1) Be responsible for the administration and discipline of the police department;
 - (2) Be charged with and responsible for the enforcement of all laws and ordinances and the promulgation and enforcement of rules and regulations of the police department;
 - (3) Have authority to appoint, remove, organize and control the officers and personnel of the police department and the police surgeons, matrons and all other attaches of the police department, subject to applicable personnel rules;
 - (4) Have authority to make all rules and regulations necessary for the efficiency, management and direction of the police department. Said rules shall provide for the qualification, appointment, removal, organization, powers, duties, discipline and control of members of the police department;
 - (5) Have and exercise, together with the mayor and all police officers duly appointed, all such other powers granted by law or ordinance as have been heretofore vested in them.
- (b) *Fire department.* The head of the fire department shall be the commissioner, who shall appoint a fire chief, who shall serve as the chief executive officer of the fire department subject to the direction of the commissioner. The fire department shall continue to perform the functions and services relating to fire protection and fire prevention heretofore performed and such other duties as may be required by law or ordinance. The commissioner shall:
- (1) Have authority to appoint, remove, organize and control the officers and personnel of the fire department and all other attaches thereof, subject to applicable personnel rules;
 - (2) Have authority to make and promulgate all rules and regulations necessary for the efficiency, management and direction of the fire department. Said rules shall provide for the qualification, appointment, removal, organization, powers, duties, discipline and control of members of the fire department.
- (c) *Department of communications.* The head of the department of communications shall be the commissioner, who shall appoint a director of communications, who shall serve as the chief executive officer of the department of communications subject to the direction of the commissioner. The department of communications shall have

jurisdiction over all design, procurement, installation and operation of all municipal radio, television, teletype and other associated equipment. The commissioner shall:

- (1) Have authority to make and promulgate rules and regulations for the efficiency, management and direction of the department of communications;
- (2) Be responsible, through the director of communications, for the complete operation of the department of communications and for the design, procurement, installation and proper operation of all the equipment under its jurisdiction;
- (3) Insure that close liaison is maintained with other city departments and that they are provided with technical advice and specifications for the procurement of new communications equipment;
- (4) Insure the proper discharge of any and all additional responsibilities which may from time to time be assigned to the department of communications by the mayor or the city council.

(d) *Emergency management agency and department of homeland security.* The head of the department of the emergency management agency and department of homeland security shall be a director, who is appointed by and serves at the pleasure of the mayor. The director shall appoint, with the approval of the mayor, such deputy directors of divisions and the chiefs of services of such divisions as may be provided for by ordinance of the city council. The director shall serve as the chief executive officer of the agency and department, subject to the direction and supervision of the commissioner of public safety. The director shall be charged with all phases of comprehensive emergency management and homeland security, as provided for by state law and ordinance.

(Res. No. 513, 8-7-12)

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; street lighting; 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.

(Election of 11-7-06)

1003. - Board of park commissioners.

There shall be a board of park commissioners which shall have jurisdiction over all green spaces of the city, all parks including Roger Williams Park Zoo and Roger Williams Park Museum, the North Burial Ground and other city-owned or controlled cemeteries, public recreational areas of all types including those on or adjacent to school property and all forestry functions including the setting out, care and removal of trees, shrubs and other plants on the streets of the city as well as on the properties for which it is responsible. The board shall consist of seven (7) members, four (4) appointed by the mayor, two (2) elected by the city council, and the mayor ex officio. Of the four (4) members first appointed by the mayor, one shall serve a term of one year, one shall serve a term of two (2) years, one shall serve a term of three (3) years, and one shall serve a term of four (4) years. The members elected by the city council shall serve a term of four (4) years concurrent with the term of the city council. All subsequent appointments by the mayor and election by the city council shall be for a term of four (4) years.

(a) *Powers and duties.* The board shall:

- (1) Acquire, plan, develop, and maintain the areas and facilities under its charge. No other city department or agency may undertake any plan, activity, construction or operation in or involving any public park of the city except by permission of the board.
- (2) Determine policies, rules, regulations governing access to, and use of, the areas and facilities under its charge.
- (3) Appoint for a period of not more than five (5) years a superintendent of parks who shall be a person holding at least a bachelor's degree from an accredited college or university with a minimum of five (5) years' experience in fields related to parks' administration or the equivalent in training or experience; and remove the superintendent of parks for official misconduct or failure to perform the duties of the office, after notice and hearing by a majority vote of its members. The superintendent of parks shall have the status of a department head with all the powers and duties appertaining thereto, and shall be responsible, subject to the authority of the board of parks commissioners, for the administrative and supervisory details of all matters within the jurisdiction of the board.
- (4) To hold public hearings on its own initiative on any matter relative to program and policy decisions within the department of public parks and shall be required to hold such hearings not less than ten (10) days nor more than twenty (20) days following receipt of a petition signed by at least fifty (50) registered voters of the city.
- (5) To invest the assets of the Charles H. Smith bequest in conformity with the terms of the last will and testament of Charles H. Smith.

(b) *Use of bequests and income from sale of surplus property limited.* No funds bequeathed to the city, or income from trusts donated to the city, for facilities or programs of the board of parks commissioners may be transferred to or used to pay the bills of any other city department, board or agency. All income derived from the sale of surplus property under the jurisdiction of the board shall be applied to the capital improvement budget of the board and shall not be used for any purpose other than capital improvements of facilities under the jurisdiction of the board.

Cross reference— Boards and commissions, Art. XI; general provisions for boards, authorities and commissions, § 1202.

1004. - Department of recreation.

There shall be a department of recreation, the head of which shall be the director of recreation, who shall be a person with at least a bachelor's degree from an accredited college or university in health sciences, recreation, education or related fields and five (5) years' experience in a supervisory capacity or equivalent training or experience. The department of recreation shall be responsible for the planning and administration of recreation programs in the city for all age groups, and for such other programs and services as may from time to time be placed under its jurisdiction.

1005. - Recreational advisory board.

There shall be a recreational advisory board consisting of five (5) members, three (3) appointed by the mayor and two (2) elected by the city council. Of the three (3) members first appointed by the mayor, one shall serve a term of one year, one shall serve a term of two (2) years, and one shall serve a term of three (3) years. All subsequent appointments by the mayor shall be for a term of three (3) years. The members elected by the city council shall serve a term of four (4) years which shall be concurrent with the term of the city council. The recreational advisory board at its first meeting shall select a chairperson and such other officers as it may deem necessary from among its members and adopt rules of procedure for the conduct of its business not inconsistent with the provisions of this Charter. The board shall meet at least quarterly and shall hold special meetings upon the request of any two (2) members.

(a) *Duties and responsibilities.* The powers and duties of the recreational advisory board shall include, without limitation, the following:

- (1) To advise the mayor, the city council and the director of recreation on matters relating to the recreational facilities and activities to serve all the people of the city which fall under the jurisdiction of the department of recreation.
- (2) To hold public hearings on its own initiative on any matter relative to program and policy decisions within the department of recreation and shall be required to hold such hearings not less than ten (10) days nor more than twenty (20) days following receipt of a petition signed by at least fifty (50) registered voters of the city.
- (3) To make such budgetary recommendations to the director of recreation as it may think appropriate.
- (4) To be advised of all proposals for changes of policy by the director of recreation which would have the effect of discontinuing any existing programs or services; initiating any new programs or services; substantially altering any current program or service; effecting a transfer of funds of more than five hundred dollars (\$500.00) from one account to another within the budget of the department.

Cross reference— Boards and commissions, Art. XI; general provisions for boards, authorities and commissions, § 1202.

1006. - Department of public property.

There shall be a department of public property, the head of which shall be the director of public property, who shall be a person holding at least a bachelor's degree from an accredited college or university, or who shall have had a minimum of five (5) years of experience in the supervision of a centralized system for purchase, distribution and inventory of supplies, or supervision of building maintenance, or equivalent training or experience. The department of public property shall have jurisdiction over all land owned by the city which does not come under the jurisdiction of the department of public parks as set forth in section 1003 and over all buildings and other structures owned by or under the control of the city, and shall be responsible for the maintenance, planning, design, construction, alterations and repairs to all such city property under its jurisdiction. In the event of disagreement over whether a particular piece of city land, or a particular building or other structure falls under the jurisdiction of the department of public property, or of another department or agency of city government, such disagreement shall be resolved by the mayor. The department of public property shall also be responsible, subject to the provisions set forth hereinafter relating to the board of contract and supply, for all purchasing and procurement of materials, supplies, contractual services, equipment and all other necessary categories of procurement for the city.

- (a) *Powers and duties of the director.* The powers and duties of the director of the department of public property shall include, without limitation, the following:
- (1) To make such rules and regulations as may be necessary to carry out the responsibilities imposed upon the department; provided, however, that all rules and regulations relating to the conduct of the purchasing function including the manner of purchase, delivery, storage and distribution of materials and supplies, the manner of making and of submitting requisitions and estimates, the inspection and testing of materials, supplies and equipment, reports as to stocks and transfers thereof, and the manner of approval of payment therefor, shall be laid before the city council which shall have thirty (30) days to disapprove the same in whole or in part before they take effect;
 - (2) To sell all supplies, materials and equipment not needed for public use, or that may have become unsuitable for use, but only after authorization by the board of contract and supply;
 - (3) To transfer from one department or agency of city government to another any materials, supplies or equipment that any such agency shall have declared surplus;
 - (4) To control all central storerooms now or hereafter operated by the city or any department or agency thereof;
 - (5) To establish and enforce standard specifications, subject to the approval of the board of contract and supply and relevant department heads, for all supplies, materials and equipment purchased for use by any department or agency of city government;
 - (6) To supervise and control the municipal garage and its operation;
 - (7) To supervise and control the use and operation of all printing and duplicating equipment;
 - (8) To make and keep current an inventory of all movable equipment on property belonging to the city;

- (9) To be responsible for all other functions and duties which are or shall be hereafter assigned to the department of public property.
- (b) *Revolving fund.* There shall be a revolving fund into which payment shall be made by departments and agencies of the city in reimbursement for the cost of such maintenance and repair services as are performed by the department of public property on property, buildings or facilities under the jurisdiction of such department or agencies. The city council may specify the terms, conditions and accounting procedures for the operation of such revolving fund.
- (c) [*Purchases of less than two thousand dollars.*] All contracts for purchase of materials, supplies, services, equipment and property on behalf of the city, the price or consideration of which shall exceed five hundred dollars (\$500.00) but amount to less than five thousand dollars (\$5,000.00) shall be made by the director of public property on the basis of three (3) or more informal competitive bids, which may be solicited without advertising, but which must be submitted in writing. Upon receipt of said informal bids any such contract shall be awarded to the lowest responsible bidder among them. All purchases made on behalf of the city, the price or consideration of which shall be five hundred dollars (\$500.00) or less, shall be made by the department or agency requiring the materials, supplies, services, equipment or property involved, in accordance with rules and regulations established by the director of public property. No purchase request which is essentially a unit shall be divided for the purpose of evading the requirement of solicitation of competitive bids set forth in this subsection or that set forth in section 1007(c), clause (1) below; provided, however, that said requirements for competitive bidding may be dispensed with to allow emergency purchases upon the recommendation of the director of public property with the approval of a majority of all of the members of the board of contract and supply. Emergency shall be defined for the purposes of this subsection as an unforeseen situation, requiring immediate attention in order to safeguard the welfare of the people of the city, and one which renders the process of competitive bidding impractical or impossible.
- (d) [*When contracts or purchases are void.*] Whenever any purchase or contract for any supplies, materials, equipment or services is made on behalf of the city contrary to the provisions of this Charter or the rules or regulations made hereunder, such order or contract shall be void and of no effect. The person or persons responsible for authorizing any such order or contract shall be personally liable for the cost thereof, and if already paid for out of city funds, the amount may be recovered from such person or persons in the name of the city in an appropriate action instituted therefor.
- (e) [*Records.*] The director of public property shall cause to be maintained in his office a complete chronological record of all purchases and contracts made or attempted to be made, including the name of each bidder, the amount of each bid, an indication of the successful bidder, the originals of all sealed bids and, where competitive bidding was dispensed with, the name of the vendor or contractor, the price paid and the written approval of the board of contract and supply where required.

(Ord. No. 107, § 2, 3-13-97; Res. No. 512, 8-7-12)

1007. - Board of contract and supply.

There shall be a board of contract and supply whose members shall consist of the mayor, the president of the city council, the finance director, the city controller, the chairperson of the committee of the city council with jurisdiction over city property, the chairperson of the committee of the city council with jurisdiction over budgetary and financial matters, the director of public works, the commissioner of public safety, the city treasurer, the director of public property, the chairperson of the water supply board and the president of the school committee, all ex officio. In the absence of any of the above-named members, a deputy shall serve in the place of said member. On the first Monday of January, 1983, or as soon thereafter as may be practical, the members of the city council who are members of a political party or parties other than that of the mayor, or are independents, shall elect from their total number one member to serve on said board for a term of four (4) years. Any vacancy that may occur in the office of an elective member shall be filled for the unexpired term by those members of the city council eligible to vote for that elective member under the terms of this subsection. Failure to elect such elective member shall in no case prevent said board from acting. The city assessor shall likewise be, ex officio, a member of the board for such purposes as may be declared by ordinance.

- (a) The mayor, or in the absence of the mayor, the president of the city council, shall be the chairperson of said board. The city clerk, or in the absence of the city clerk, one of his or her deputies, shall act as clerk of said board.
- (b) In addition to the membership established herein, the city council, by ordinance, may appoint the heads of other city departments or agencies to the membership of the board of contract and supply, but may not deny membership to any member so named in this subsection unless the department or agency of which said member is the head shall have been abolished.
- (c) It shall be the responsibility of the board of contract and supply:
 - (1) To make all contracts for purchase of materials, supplies, services, equipment and property on behalf of the city, the price or consideration of which shall exceed five thousand dollars (\$5,000.00), on the basis of sealed bids solicited through public advertisement in a newspaper of general circulation in Providence, such bids to be submitted, opened and considered in accordance with rules and regulations approved by the board. The city council may increase the figure of five thousand dollars (\$5,000.00) by a two-thirds vote following a public hearing, but no more often than once every five (5) years;
 - (2) To insure before a contract is entered into that there exists sufficient appropriation to pay the cost thereof;
 - (3) To reject any or all bids submitted to it for a specific purpose if it considers that the public interest will be best served thereby.
- (d) The board of contract and supply shall have the authority to enter into agreements with the state, or the United States, or any public body having authority to condemn property of the city, with respect to the value of any such property so taken; and shall have the authority to employ such experts as it shall deem necessary to assist it in the purchase of real estate, or in connection with the condemnation thereof, under such terms and conditions as the city council may set.

(Ord. No. 107, § 2, 3-13-97)

Cross reference— Boards and commissions, Art. XI; general provisions for boards, authorities and commissions, § 1202.

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 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.

1009. - Zoning board of review.

There shall be a zoning board of review of five (5) members and one auxiliary member who shall sit in the absence of one of the regular members, all appointed by the mayor with the approval of the city council for five-year staggered terms, such terms to be so arranged that the term of one member shall expire each year for five (5) successive years, the auxiliary member also to serve for a five-year term. The city council shall provide by ordinance for the organization and procedures of the board. The board may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the zoning ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained, or where such exception is reasonably necessary for the convenience or welfare of the public.

Cross reference— Boards and commissions, Art. XI; general provisions for boards, authorities and commissions, § 1202.

1010. - Housing board of review.

There shall be a housing board of review of five (5) members appointed by the mayor with the approval of the council, one of whom shall be a medical doctor, one an engineer or architect, one a licensed professional engineer and two (2) to represent the general citizenry of the city. All of

the said members shall be appointed for five-year staggered terms, such terms to be so arranged that the term of one member shall expire each year for five successive years. The city council shall provide by ordinance for the organization and procedures of the board. The board shall hear appeals from findings by minimum housing inspectors under the minimum housing code of the city or of the state.

Cross reference— Boards and commissions, Art. XI; general provisions for boards, authorities and commissions, § 1202.

1011. - Building board of review.

There shall be a building board of review of five (5) members appointed by the mayor with the approval of the council, one of whom shall be a licensed civil engineer, one a licensed architect, one a licensed mechanical engineer, one a licensed electrician, and one a qualified builder. All of the said members shall be appointed for five-year staggered terms, such terms to be so arranged that the term of one member shall expire each year for five (5) successive years. The city council shall provide by ordinance for the organization and procedures of the board. The board shall hear, pursuant to the provisions of state law, appeals relating to the enforcement of the state building code.

Cross reference— Boards and commissions, Art. XI; general provisions for boards, authorities and commissions, § 1202.

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;
 - (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.

1013. - City plan commission.

There shall be a city plan commission of seven (7) members. The mayor shall appoint, and the city council approve, five (5) members, who shall be qualified voters of the city, to serve for staggered five-year terms, with appointments arranged so that the term of one member shall expire each year. One member shall have experience in real estate, development or finance; one member shall have experience in city planning, architecture or urban design; one member shall have experience in human services or environmental sciences; and two (2) members shall represent the general citizenry of the city. The president of the city council and the mayor, or their designees, shall serve as members, ex officio. Any vacancy among the appointed members of the commission shall be filled by the mayor with the approval of the city council to serve for the remainder of the unexpired term. No member shall serve beyond the date of expiration of said term unless reappointed.

(a) *Powers and duties.* The powers and duties of the city plan commission shall include, without limitation, the following:

- (1) To prepare a comprehensive plan for the city of Providence;
- (2) To submit advisory opinions and recommendations on all zoning amendments referred to it under the provisions of the city zoning ordinance and shall report on any other matter referred to it by the city council or by the mayor;
- (3) To perform such other duties as may be assigned to the commission from time to time by any state law or by any ordinance or resolution of the city council or by the mayor; and
- (4) To review and approve for submission to city council the capital improvement plan as prepared by the department of planning and urban development.

Cross reference— Boards and commissions, Art. XI; general provisions for boards, authorities and commissions, § 1202.

1014. - Comprehensive plan.

- (a) [*Purpose; scope.*] There shall be a comprehensive plan for the development of the city. The comprehensive plan shall set goals for the city and policies for achieving those goals, such goals and policies to include but not be limited to land use, transportation routes and facilities, public facilities and services, renewal and rehabilitation of blighted areas, housing programs, conservation areas, historic preservation areas, environmental protection programs, economic and industrial development, downtown and commercial center revitalization and protection from disaster. It shall be the responsibility of the city plan commission to prepare, monitor the implementation of, and periodically revise the comprehensive plan, in consultation with the director of planning and urban development, pursuant to the procedures set forth herein. It shall also be the responsibility of the commission to gather and evaluate, in conjunction with the department of planning and urban development, all pertinent information, statistical

and otherwise, including but not limited to the economic and social characteristics of the population of the city, as may be useful in carrying out its planning responsibilities. The comprehensive plan shall be developed in general conformance with the applicable goals and policies contained in state plans. Upon adoption of the comprehensive plan for the development of the city, the city plan commission shall use said plan as a guide to its actions in areas relating thereto, and at least every five (5) years, shall review the plan and propose any amendments deemed necessary. Both in the course of the development of the comprehensive plan by the commission, and during consideration of any amendments thereto, the commission shall solicit the views of all city department and agency heads.

- (b) *Adoption of comprehensive plan.* Upon completion of the comprehensive plan, the commission shall hold at least one public hearing thereon. After making such changes as it deems necessary, the commission shall adopt the plan by a majority vote of its members and forward the plan to the city council. Upon receipt of the plan, and following at least one public hearing thereon by the city council, the city council shall within sixty (60) days of the date of submission either adopt, reject, or amend the plan by a majority vote of all of its members. If the entire plan is rejected, the city council shall return said plan to the commission together with its reasons for rejection and its recommendations. If the city council amends the plan, it shall, prior to final passage, notify the commission and lay the plan on the table for a period of thirty (30) days from the date of notification. Upon receipt of any comment by the commission or the expiration of thirty (30) days, whichever is sooner, the city council shall complete final consideration of the plan and vote thereon.

Amendments to and revisions of the comprehensive plan shall be developed from time to time by the commission and following at least one public hearing thereon, adopted by the commission. Such amendments and revisions shall thereupon be submitted to the city council, which shall, following at least one public hearing thereon, adopt, reject, or amend the same in the same manner as is provided herein for city council action on the comprehensive plan.

- (c) *Implementation of comprehensive plan.* The city plan commission shall develop detailed analyses of the needs and resources of the community in conformance with the comprehensive plan. These analyses shall conform to the comprehensive plan as adopted by the city council and shall be made subject to at least one public hearing no less than thirty (30) days prior to adoption by the commission. Prior to such hearings, expanded written explanations of the analyses to be considered shall be made available to the public.

- (d) *The effect of the comprehensive plan.*

(1) No public or private improvement or project or subdivision or zoning ordinance shall be initiated or adopted unless it conforms to and implements the comprehensive plan and elements thereof.

(2) No capital improvement shall be funded unless that improvement is consistent with the comprehensive plan.

(3) All development and project plans and proposals and all privately developed projects and developments which require approval by the city council or by other city boards, commissions or committees shall be submitted by the appropriate aforementioned public agency to the director of the department of planning and urban development for determination as to compliance with the comprehensive plan and its elements. All appeals from the director's decisions shall be submitted to the city plan commission for a determination as to compliance with the comprehensive plan.

1015. - Reserved.

Editor's note— Pursuant to the results of the election of November 7, 2006, § 1015 has been repealed. Former § 1015 pertained to the department of sewer management, and derived from the Charter adopted September 18, 1980.

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 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 who 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— Boards and commissions, Art. XI; general provisions for boards, authorities and commissions, § 1202.

1017. - Department of traffic engineering.

There shall be a department of traffic engineering, the head of which shall be the traffic engineer, who shall be a person who has had professional training in the field of traffic engineering and has been employed for and [at] least five (5) years in the field of traffic engineering or a closely related field, or who has had equivalent training or experience.

- (a) Powers and duties of the department of traffic engineering [are as follows:]
 - (1) To make all needful rules and regulations for the regulation and control of traffic in the city not inconsistent with the laws of the state; provided, however, that all regulations relative to the establishment of one-way streets shall first be approved by resolution of the city council, except that the traffic engineer without prior approval of the city council, but with approval of the mayor, may establish temporary or emergency one-way streets where construction projects or detours are involved.
 - (2) To collect and analyze all traffic, physical and economic data needed to measure existing, and to estimate future, street and highway traffic characteristics and needs, including parking needs; and report recommendations thereon.
 - (3) To prepare and submit to the mayor plans for the proper location, function and operation of city highways, parking terminals and appurtenances thereto.
 - (4) To establish rules and regulations governing the use of public highways and public off-street parking facilities, which may be parking lots, garages, or other structures.
 - (5) To perform such other functions, exercise such other powers and fulfill such other responsibilities as may from time to time be assigned to the department.
- (b) All design drawings prepared by other departments of the city government for the construction of proposed highways, bridges, parking terminals and other traffic-handling facilities shall be submitted to the traffic engineer for a review and recommendation, but nothing in this subsection shall be construed to prevent the city council from acting on such matters without such review or recommendation.

- (c) Rules and regulations made pursuant to this article shall be promulgated by publication at least once in a newspaper of general circulation in the City of Providence, and the traffic engineer shall have printed copies thereof available for distribution to the public.

ARTICLE XI. - BOARDS AND COMMISSIONS^[6]

Footnotes:

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Cross reference— Board of canvassers, § 203; salary review commission, § 415; school board, § 701; board of tax assessment review, § 814; board of investment commissioners, § 815; retirement board, § 908; board of park commissioners, § 1003; recreational advisory board, § 1005; board of contract and supply, § 1007; zoning board of review, § 1009; housing board of review, § 1010; building board of review, § 1011; city plan commission, § 1013; port commission, § 1016; general provisions for boards, authorities and commissions, § 1202; charter review commission, § 1302.

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. The city council may elect members to the water supply board who are not presently members of the city council, provided that such members 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.

- (a) *Powers and duties.* The powers and duties of the water supply board shall include, without limitation, the following:
- (1) To supervise, manage and control water collection, storage, purification, and distribution system of the city and other areas within its jurisdiction;
 - (2) To protect and conserve the water supply of the city and other areas within its jurisdiction;
 - (3) To appoint for a period of not more than five (5) years a chief engineer who shall be a professional engineer with at least five (5) years of service as such; and to remove the chief engineer for official misconduct or failure to perform the duties of the office, after notice and hearing, by a vote of a majority of its members.
 - (4) To appoint a legal advisor, subject to the approval of the mayor, to hold office at the pleasure of the board, for the purpose of advising the water supply board upon all questions involving its official actions and business; provided that said legal advisory shall be subordinate to the city solicitor and in all litigation to which the city may be a party, said legal advisor shall be under the direction of the city solicitor.

- (b) *Chief engineer's powers and duties.* The chief engineer shall have sole charge of the city water system in every particular, being subject at all times to the prescribed orders and direction of the water supply board, and shall personally attend to all administrative and supervisory details of operating the water system subject to the orders and direction of the board. The chief engineer shall annually prepare a report for presentation to the board, mayor and city council containing a description of the general operation of the water system, a detailed statement of expenditures and income and such other data and information as the board may require.

(Election of 11-7-06)

1102. - Board of licenses.

- (a) There shall be a board of licenses which shall have and exercise such power and duties relating to licenses as may be prescribed by law or ordinance. The board shall consist of five (5) members appointed by the mayor with the approval of the city council. Of the five (5) members first appointed, two (2) shall serve a term of one year, two (2) shall serve a term of two (2) years, and one shall serve a term of three (3) years. All subsequent appointments or reappointments shall be for a term of three (3) years. At its first meeting following qualification of the member appointed for that year, the board shall elect from among its membership a chairperson and secretary. In the event of a vacancy in the office of chairperson or secretary, 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 with the approval of the city council.
- (b) The board of licenses, subject to such terms, limitations and conditions as prescribed by state law, this Charter or ordinance of the city council, shall:
- (1) Require an inspection, investigation and report by the police department on the application for any license and of the person making such application in all cases in which the police department has an interest or concern therein. Such board, in the same or other cases, may require a similar inspection, investigation and report to be made by said department or by any other officer, department or agency of the city.
 - (2) Receive from the police department notification of the violation of the terms of any license and any information concerning a person holding any such license which relates to the fitness of such person to be licensed. Similar information shall be furnished to the board of licenses by any officer, department or agency of the city as to matters within the officer's or agency's jurisdiction.
 - (3) Unless otherwise provided by state law, suspend, annul, rescind, cancel or revoke any license issued by the board of licenses for any reason which the board may deem to be in the public interest; provided, however, that no license shall be suspended for more than seventy-two (72) hours or annulled, rescinded, cancelled or revoked unless the licensee shall have been given at least three (3) days' written notice of the action proposed to be taken and of the grounds therefor and the time and place of the hearing. The said licensee shall also be notified of the right to be represented at said hearing by legal counsel.

- (4) Submit an annual report to the mayor and city council.
- (c) In the discharge of its duties, the board of licenses shall have the following powers:
 - (1) Members of the board are hereby severally authorized to administer oaths;
 - (2) To summon witnesses by subpoena signed by any member and to compel such witnesses to attend and testify;
 - (3) To compel the production of all papers, books, documents, records, certificates or other legal evidence that may be necessary or proper for the determination and decision of any question or for the discharge of any duty required by law of said board, by issuing subpoena duces tecum signed by any member;
 - (4) Any person disobeying any such subpoena shall be considered in contempt and said board may seek a citation in contempt from the superior court of Providence County.

1103. - Human relations commission.

There shall be a human relations commission which shall act to further amicable relations among various segments of the population; help make it possible for each citizen, regardless of race, color, sex, religion, marital status, handicap, age, or country of ancestral origin, to develop talents and abilities without limitation; aid in permitting the community to benefit from the fullest realization of its human resources; and preserve and further the good name of Providence and its people for tolerance and fair play.

- (a) *Appointment.* The commission shall consist of thirteen (13) members who shall be appointed by the mayor with the approval of the city council to serve for three-year terms. Members shall not be entitled to compensation for their service to the commission, but shall be reimbursed for actual expenses incurred in the performance of their duties. Annually at its first meeting following the qualification of the members appointed that year, the commission shall elect from among its membership a chairperson and such other commission officers as may from time to time be established by said commission. In the event of a vacancy in the office of chairperson or in any other office of the commission, the members thereof shall fill the vacancy for the balance of the unexpired term. No member of the commission shall continue in office after his or her term expires without being reappointed by the mayor with the approval of the city council.
- (b) *Functions and duties.* The commission shall:
 - (1) Make studies, surveys and investigations, and recommend to the mayor and the city council such measures as it deems necessary to carry out the objectives of the commission.
 - (2) Receive, initiate, investigate, hear, and determine charges of violation of federal and state law, this Charter, and ordinances of the city council forbidding discrimination as provided for by ordinance.
 - (3) Prevent unlawful discriminatory practices and issue remedial orders after notice and public hearing, requiring cessation of such practices, as provided for by ordinance; provided that before instituting a formal hearing, the commission shall seek to induce voluntary compliance.

- (4) Employ an executive director, who shall be a person holding at least a bachelor's degree from an accredited college or university and [or have] a minimum of three (3) years' experience in the field of social relations or a combination of both; and to appoint and remove legal advisers and hearing examiners which the commission deems necessary to carry out the objectives and responsibilities of the commission.
- (5) Establish by a majority vote of its members such rules and regulations as it may deem essential to carry out the objectives and responsibilities of the commission.
- (6) Compel the attendance of witnesses and the production of evidence relevant to the matter in question for investigatory and determinative purposes by subpoena issued by the city council upon request in writing by said commission, and obtain enforcement of said subpoena in superior court;
- (7) Render each year to the mayor and city council a full written report of its activities and its recommendations.

1104. - Reserved.

Editor's note— Pursuant to the results of the election of November 7, 2006, § 1104 has been repealed. Former § 1104 pertained to the civic center authority, and derived from the Charter adopted September 18, 1980.

1105. - Commissioners of the Dexter Donation.

There shall be a board of commissioners of the Dexter Donation which shall be elected in accordance with the provisions of the last will and testament of Ebenezer Knight Dexter. The board of commissioners shall transact business relating to the property and estate left to the city by the last will and testament of Ebenezer Knight Dexter.

1106. - Charles H. Smith Estate.

The investment of the assets of the Charles H. Smith bequest, and the expenditure of income therefrom, shall be determined by the board of parks commissioners, in conformity with the terms of the last will and testament of Charles H. Smith.

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. 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 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.

- (a) When the office of chairman of the housing authority becomes vacant, the authority shall select a chairman from among its members. The authority shall also select from among its members a vice-chairman, and it may employ a secretary (who shall be executive director), technical experts and such other officers, agents and employees, permanent and temporary, as it may require and shall determine their qualifications, duties and compensation. The authority may call upon the city solicitor for such legal services as it may require or it may employ its own counsel and legal staff. The authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper. Seven (7) commissioners of the authority shall constitute a quorum. The city council shall set the compensation for commissioners in accordance with the provisions of section 415 of Article IV.
- (b) Commissioners may be removed from office pursuant to the provisions of section 403, Article IV, and the procedures set forth therein.
- (c) The Providence Housing Authority shall have all of the powers, duties and responsibilities in connection with the provisions of adequate housing for the people of the city, and for all other purposes, as set forth in applicable laws of the state and of the federal government, and this Charter, now or hereafter in effect for housing authorities generally or the Providence Housing Authority in particular.

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. 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.

- (a) The redevelopment agency shall elect a chairman and vice-chairman from among its members. The agency shall elect or appoint a secretary who need not be a member of the agency. The term of office of the chairman, vice-chairman and secretary, unless otherwise prescribed by the city council, shall be for the calendar year, or for that portion remaining after each such officer is designated or elected.
- (b) Members of the agency may be removed from office pursuant to the provisions of section 403, Article IV, and the procedures set forth therein.

- (c) The Providence Redevelopment Agency shall have all of the powers, duties and responsibilities in connection with the redevelopment of blighted and substandard areas in the city, and for all other purposes, as set forth in applicable laws of the state and of the federal government, and this Charter, now or hereafter in effect for redevelopment agencies generally or the Providence Redevelopment Agency in particular.

ARTICLE XII. - GENERAL PROVISIONS

1201. - General provisions for departments.

The following provisions shall apply to all heads of departments and to all departments of city government, subject to any exceptions and qualifications set forth in this Charter or in state law.

- (a) *Qualifications of department heads.* It shall be the responsibility of the mayor in the making of all appointments of department heads pursuant to section 302(b), to appoint, and it shall be the responsibility of the city council to approve, only persons who are qualified by training, education or previous experience for the positions they are to hold, and who meet the qualifications for any such position as may be specified in this Charter or by ordinance.
- (b) *Deputies, appointment.* As soon as may be after each department head's appointment is approved by the city council, said department head may appoint a deputy or deputies, without the necessity of any approval or confirmation by any other person or body, and shall designate in writing the respective rank and duties of said deputy or deputies. During the absence from the city or disability for any cause of any such department head, or at his or her request, any such deputy or deputies shall perform such duties as shall be prescribed by said department head. Subject to any applicable personnel regulations that may hereafter be adopted, all such deputies shall serve at the pleasure of their respective department heads.
- (c) *Authority of department heads.* Each department head shall have the supervision and control of the department of city government committed to his or her charge by the provisions of this Charter. Each department head shall have power to prescribe rules and regulations not inconsistent with this Charter and the resolutions and ordinances passed pursuant thereto, for the distribution and performance of the business of the department, and for the custody and preservation of the books, records, papers and property under his or her control. Except in the case of the department of the city clerk, and subject to such other exceptions as may be set forth in this Charter or in state law, all powers granted in this subsection shall be exercised under and subject to the direction of the mayor. Copies of all rules, regulations and organizational charts issued hereunder shall be deposited with the city clerk and be open for public inspection.
- (d) [*Delegation of work.*] Except as otherwise provided in this Charter, any department head may with the approval of the mayor, assign the functions vested in his or her department to such subordinate officers and employees as may seem desirable and may establish within the department such subdivisions or other administrative or organizational units as may seem desirable in order to expedite the work of the

department in the interest of economy and efficiency and in accordance with good administrative principles and practices.

- (e) [*Annual report.*] Within sixty (60) days after the end of each fiscal year, each department head shall render to the mayor a full report in writing of the operations of his or her department for the preceding fiscal year and shall at the same time forward one copy to each member of the city council and to the city clerk.
- (f) [*Delivery of records to successor upon leaving office.*] Whenever any department head or other officer shall resign or be removed from office, or the term for which he or she shall have been elected or appointed shall expire, said individual shall on demand deliver over to his or her successor in office all the books, records, monies and effects in his or her custody as such officer.

Cross reference— School department, Art. VII; finance department, Art. VIII; personnel department, Art. IX; city departments, Art. X.

1202. - General provisions for boards, authorities and commissions.

The following provisions shall apply to all boards, authorities and commissions of the city, subject to any exceptions or qualifications set forth in this Charter or in state law.

- (a) If during a term of office a board, authority, or commission member dies, resigns, is convicted of a felony or crime of moral turpitude or a violation of official duties, or is absent from five (5) consecutive regular meetings of the board, authority or commission on which such member serves without the consent of the appointing authority, the office shall thereupon be declared vacant by the appointing authority and the vacancy shall be filled for the remainder of the term in the same manner as the original appointment.
- (b) No member of a board, authority or commission shall continue in office after his or her term expires without being reappointed by the appointing authority.

Cross reference— Board of canvassers, § 203; salary review commission, § 415; school board, § 701; board of tax assessment review, § 815; retirement board, § 908; board of park commissioners, § 1003; recreational advisory board, § 1005; board of contract and supply, § 1007; zoning board of review, § 1009; housing board of review, § 1010; building board of review, § 1011; city plan commission, § 1013; port commission, § 1016; boards and commissions, Art. XI; charter review commission, § 1302.

1203. - Public records.

All public records in the charge of or under the control, custody or supervision of any officer of the city, or any agency or public body thereof, shall be open at all times during business hours to any and all persons, without giving any reasons therefor, for the purpose of inspecting the same or for making or obtaining copies and/or abstracts thereof. "Public record" shall be defined as written or recorded information made or received by a public body relating to public business. Every public body shall make, keep and maintain written or recorded minutes of its meetings and shall be deemed to be public records to the extent permitted under state law. The only records or forms of recorded information maintained by an office, agency or public body of the city which

shall not be deemed to be public records are those categories thereof specifically so designated and exempted by state law. Persons seeking access to public records of the city and its officers, agencies and public bodies shall have the same rights of access and appeal as provided by state law, and the same obligations as provided by state law to bear the costs of retrieval or copying thereof.

1204. - Open meetings.

All meetings of all public bodies of the city convened to discuss or act upon any matter over which such public body has supervision, control, jurisdiction or advisory power shall be open to the public; provided, however, that any such public body may, by roll call and upon affirmative vote of the majority of its members, hold a meeting closed to the public solely and exclusively for such purposes or subjects as permitted under state law. A "public body" shall be defined for the purposes of this section as the city council, any department, agency, commission, committee, authority or board or any subdivision thereof of the executive or legislative branches of the government of the city. All public bodies of the city shall give written notice of their regular meetings at the beginning of each calendar year including the dates, times and places thereof, and shall give written notice of any rescheduled or special meetings at least twenty-four (24) hours in advance.

1205. - Public hearings.

Any public hearings required by this Charter shall be preceded by a notice setting forth the date, time and a brief description of the subject matter of the hearings, such notice to be published in a newspaper of general circulation in the City of Providence not less than ten (10) days prior to the hearing and posted in the office of the city clerk.

1206. - Prohibited activities and conflicts of interest.

(a) Prohibitions concerning partisan political activities.

- (1) No officer or employee of the city shall discriminate or threaten to discriminate in favor of or against any employee or candidate for prospective employment within the personnel system, to include those employees otherwise exempt from the personnel system listed in section 904(f), (i), (j), (k), (l) and (m), on any political basis.
- (2) Employees and appointed officers are prohibited from engaging in political activities during working hours.
- (3) Employees and/or appointed officers are prohibited from becoming official candidates and from holding any elected public office of the government of the City of Providence. Employees and/or appointed officers who become candidates for such offices in the City of Providence shall be granted an unpaid leave of absence for up to six (6) months, with no individual receiving more than six (6) months leave of absence within a four-year period, dating from the beginning of the first leave of absence. Upon election to a public office of the government of the City of Providence, the individual shall cease to be an employee or appointed officer of the City of Providence.
- (4) No officer or employee of the city shall be required to solicit money on a partisan political basis.
- (5) No officer or employee of the city shall be required to contribute money for any partisan political purpose.

- (6) No person shall, in a room or building occupied in the discharge of official duties by an officer or employee, solicit for any partisan political purpose.
- (7) The foregoing prohibited activities shall not be deemed to preclude the right of any appointed officer or employee to vote as he or she chooses and to express opinions on all political subjects and candidates or to be a member of any political party, organization or club.
- (b) [*Certain activities required to be disclosed.*] Any elected or appointed officer of the city, or any employee thereof, who engages in any of the following prohibited activities shall, within ten (10) days, make full disclosure in writing of such activity or activities in such form as may be prescribed by the city solicitor, said disclosure to be filed in the office of the city solicitor.
- (1) Solicit or accept any gift, directly or indirectly, whether in the form of money, gratuity, favor, service, thing, promise, or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence him or her in the performance of his or her official duties. Nothing herein shall preclude the solicitation or acceptance of lawful contributions for election campaigns.
- (2) Accept any service or thing of value directly or indirectly upon more favorable terms than those granted to the public generally from any person, corporation or firm having dealings with the city.
- (3) Make available confidential information gained by reason of his or her office or position or use such information for the personal gain or benefit of anyone.
- (4) Solicit or receive any compensation for his or her services as an officer or employee of the city, except as otherwise provided by this Charter or by ordinance.
- (5) Represent private interests in any action or proceeding against the interests of the city or appear in behalf of private interests before any boards, commissions, authorities or agencies except as otherwise provided by law.
- (c) [*State provisions adopted.*] All definitions of prohibited activities contained in state conflict of interest statutes, and the applications thereof as provided therein to elected and appointed officers of the city, their families and business associates, are 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 possessed 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) [*Prohibition against influence in hiring.*] However, no officer or official shall use the authority or influence of his/her position to secure employment for any person within his or her family and/or for business associates.

(Res. No. 514, 8-7-12)

1207. - Officers, defined.

The term "officer" or "official" as used in this Charter shall refer to and include the mayor, the members of the city council and of the school board, the members of all boards, commissions and authorities whose members are appointed by the mayor with or without city council approval and those appointed or elected by the city council, all department heads, deputy department heads and all persons serving in positions of whatever sort that are specifically established by the provisions of this Charter.

1208. - Oath of office; entry upon duties of office.

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

- i. "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;"
- ii. 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.

(Election of 11-7-06)

1209. - Separability.

The unconstitutionality or invalidity of any section or part thereof of this Charter shall not invalidate or impair the validity, force or effect of any other section or part thereof unless it clearly appears from the context that such other section or part thereof is wholly and necessarily dependent for its operation upon the section or part thereof held unconstitutional or invalid.

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 report any 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)

Editor's note— Res. No. 402, adopted Sept. 11, 1992, providing for enforcement of residency requirements, § 1210, was approved by the voters at the general election Nov. 3, 1992.

1211. - Bonds of officers and employees.

The city council may require any officer of the city as defined in section 1207 above, and any employee of the city, to give a bond to be deposited with the city treasurer for the faithful and proper performance of the duties of such office or employment with such surety and in such amount as the city council may deem necessary.

ARTICLE XIII. - CHARTER AMENDMENT

1301. - Charter amendments.

Amendments to this Charter shall be proposed by the city council and adopted by the people of the city in the manner provided by the Constitution of the State of Rhode Island.

1302. - Charter review commission.

In the month of January 1992, and every tenth year thereafter until 2012, a charter review commission shall be appointed to review the operation of the Charter and to recommend to the city council such amendments as it may deem appropriate. Each such commission shall comprise nine (9) members, four (4) of whom shall be appointed by the mayor and five (5) of whom shall be appointed by the city council, and shall have a maximum of eight (8) months from the date of the appointment of its members to complete its report and submit the same to the city council. Following the appointment of the 2012 commission, such commission shall be appointed in September 2021 and every tenth year thereafter. At any time the appointment of a charter review commission may be requested by petition containing at least three thousand (3,000) valid signatures of qualified voters of the city. Upon submission of such petition to the city council, a commission shall be appointed in the same manner as aforesaid to submit its report in a maximum of eight (8) months from the date of its appointment; provided, however, that no such commission shall be appointed if a charter review commission shall have been appointed within one (1) year of the submission of said petition, and provided further, that no such commission shall be appointed during the life of any charter review commission or any home rule charter commission elected by the voters of the city.

(Res. No. 510, 8-7-12)

Cross reference— Boards and commissions, Art. XI; general provisions for boards, authorities and commissions, § 1202.

ARTICLE XIV. - TRANSITIONAL PROVISIONS

1401. - Effective dates of Charter.

With the exceptions set forth in this section, this Charter shall take effect on the first Monday in January, A.D. 1983. Sections 201, 202 and 204 of Article II shall take effect upon approval of this Charter by the electors of the city, and subsequent to such approval, the city council shall take all necessary action to implement section 204 of Article II to the end that the election of members of the city council held on the first Tuesday after the first Monday in November, A.D. 1982, shall be conducted on the basis of ward boundary lines drawn in conformity with the provisions of this Charter. Unless otherwise noted, amendments approved by the electors of the city at a general election shall take effect upon such approval.

(Res. No. 510, 8-7-12)

1402. - Continuity in office.

All officers of the city as the same are defined in section 1205 [1207] of Article XII of this Charter, who are holding office on the effective date of this Charter, shall continue to serve in their respective offices until the expiration of their terms, or until they shall have been removed from office pursuant to the terms of this Charter applicable to their respective offices, or until their offices shall have been abolished conformable to the provisions of this Charter. In all cases of expiration of term or vacancy in such offices from any cause other than the abolition thereof, said offices shall be filled in the manner provided for by the terms of this Charter. The offices of the members of the board of park commissioners who are holding office upon the date of the taking effect of this Charter shall be deemed to have been vacated upon the appointment or election and qualification of the members of the board of park commissioners provided for in section 1003 of Article X, but in any event no later than the thirtieth day following the date of the taking effect of this Charter. The offices of the members of the school board who are holding office upon the date of the taking effect of this Charter shall be deemed to have been vacated upon the appointment, approval by the council and qualification of the members of the school board pursuant to section 701 of Article VII, but in any event no later than the thirtieth day following the date of the taking effect of this Charter. The offices of the members of the board of tax assessment review who are holding office upon the date of the taking effect of this Charter shall be deemed to have been vacated upon the appointment, approval by the council and qualification of the members of the board of tax assessment review pursuant to section 814 of Article VIII, but in any event no later than the thirtieth day following the date of the taking effect of this Charter. The offices of the members of the board of licenses who are holding office upon the date of the taking effect of this Charter shall be deemed to have been vacant upon the appointment, approval by the council and qualification of the members of the board of licenses pursuant to section 1102 of Article XI, but in any event no later than the thirtieth day following the date of the taking effect of this Charter.

1403. - Council powers to implement Charter.

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

1404. - Inconsistent acts and ordinances.

Upon the taking of effect of this Charter and the validation of this section by the General Assembly, this Charter shall be deemed to have superseded Chapter 832 of the Public Laws of 1940 and all acts in amendment thereto which are inconsistent with this Charter and shall be deemed to have superseded all other acts and parts of acts applicable to the City of Providence which are inconsistent with this Charter. Upon the taking of effect of this Charter, all ordinances and resolutions inconsistent therewith shall be deemed to have been repealed, and all ordinances and resolutions which are consistent therewith shall remain in effect until amended or repealed by the city council in conformity with the terms of this Charter.

CHARTER COMPARATIVE TABLE

Listed below, the user of this volume will find all amendments to the Providence Home Rule Charter, as they are enacted.

| Date of Adoption | Disposition |
|-----------------------------|--------------------|
| 9-18-80 (Home Rule Charter) | §§ 101—105 |
| | 202—209 |
| | 301—304 |
| | 401—416 |
| | 501, 502 |
| | 601—606 |
| | 701—708 |
| | 801—817 |
| | 901—908 |
| | 1001—1017 |
| | 1101—1108 |
| | 1201—1211 |
| | 1301, 1302 |

| Number/Type | Date | Section | Charter Section |
|-------------|----------|---------|-----------------------|
| 481(Res.) | 10-13-90 | | 1210(a) |
| 482(Res.) | 10-13-90 | | 1210(b) |
| 483(Res.) | 10-13-90 | | 1210(c) |
| 402(Res.) | 9-11-92 | | 1210 |
| | | | 903(p) |
| 404(Res.) | 9-11-92 | | 416(3), (8) |
| 107(Ord.) | 3-13-97 | 2 | 1006(c) 1007(c)(1) |
| Election of | 11- 7-06 | | 202 401(b) |
| | | | 412 603(b)(3) |
| | | | 701, 702 |
| | | | 801 908 |
| | | | 1002 1101 |
| | | | 1208 |
| | | Rpld | 1015 |
| | | Rpld | 1104 |
| 509(Res.) | 8- 7-12 | Added | 107 |
| 510(Res.) | 8- 7-12 | | 1302 |
| | | | 1401 |
| 511(Res.) | 8- 7-12 | | 901 |
| | | | 903 |
| 512(Res.) | 8- 7-12 | | 1006 |
| 513(Res.) | 8- 7-12 | | 1001 |
| 514(Res.) | 8- 7-12 | Added | 1206(e) |

| | | | |
|-----------|---------|--|-----|
| 515(Res.) | 8- 8-12 | | 204 |
|-----------|---------|--|-----|