

**CITY OF PROVIDENCE  
RHODE ISLAND**



**CITY COUNCIL**

**JOURNAL OF PROCEEDINGS**

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**No. 1 City Council Special Meeting, Wednesday, January 3, 2018, 6:00 o'clock P.M.**

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**PRESIDING**

**COUNCIL PRESIDENT  
DAVID A. SALVATORE**

**CALL TO ORDER**

**PRESENT: COUNCIL PRESIDENT SALVATORE, COUNCILMAN APONTE,  
COUNCILWOMAN CASTILLO, COUNCILMAN CORREIA,  
COUNCILWOMAN HARRIS, COUNCILMEN HASSETT, IGLIOZZI, JENNINGS,  
COUNCILWOMEN LAFORTUNE, MATOS, COUNCILMEN NARDUCCI,  
PRINCIPE, COUNCILWOMAN RYAN, COUNCILMEN YURDIN AND ZURIER –  
15.**

**ALSO PRESENT: LORI L. HAGEN, CITY CLERK, TINA L. MASTROIANNI,  
FIRST DEPUTY CITY CLERK, SHERI A. PETRONIO, SECOND DEPUTY CITY  
CLERK AND JEFFREY DANA, CITY SOLICITOR**

**IN CITY COUNCIL**  
**JAN 18 2018**  
APPROVED: \_\_\_\_\_  
CLERK

**ROLL CALL**

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**INVOCATION**

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**PLEDGE OF ALLEGIANCE**

**COUNCILMAN IGLIOZZI Moves to Dispense with the Invocation and Pledge of Allegiance, Seconded by COUNCILMAN JENNINGS.**

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**CALL FOR SPECIAL MEETING**

**COMMUNICATION FROM**

**COUNCIL PRESIDENT DAVID A. SALVATORE**

Request filed with the City Clerk December 29, 2017, Requesting a Special Meeting of the City Council to be Called on the 3<sup>rd</sup> day of January, 2018 at 6:00 o'clock P.M., in the City Council Chamber, Third Floor, City Hall.

**COUNCIL PRESIDENT SALVATORE Receives the foregoing Communication.**

<b>RESULT:</b>	<b>RECEIVED</b>
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## WARRANT FOR SPECIAL MEETING

Warrant of the City Clerk to David Tassoni, City Sergeant, with Return Certification that he has notified each member of the City Council of the Special Meeting Called for the 3<sup>rd</sup> day of January, 2018 at 6:00 o'clock P.M., in the City Council Chamber, Third Floor, City Hall.

**COUNCIL PRESIDENT SALVATORE** Receives the foregoing Warrant.

**RESULT: RECEIVED**

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### APPOINTMENTS FROM COUNCIL PRESIDENT SALVATORE

Communication from Council President David A. Salvatore, dated December 28, 2017, Informing the City Clerk of the following Committee appointments:

Councilwoman Nirva LaFortune to the Committee on Claims and Pending Suits

Councilwoman Jo-Ann Ryan to the Committee on City Property

Councilman Wilbur W. Jennings, Jr. to the Special Committee on Municipal Operations and Oversight

**COUNCIL PRESIDENT PRO-TEMPORE MATOS: Question to the Solicitor. When I made the appointments to those positions was I entitled to make the appointments as being the Acting President?**

**CITY SOLICITOR DANA: The appointments that are on the docket for this evening are the appointments that were made by President Salvatore for Councilwomen LaFortune, Ryan and Councilman Jennings to the respectful committees.**

**COUNCIL PRESIDENT PRO-TEMPORE MATOS: The question is there are no vacancy for those committees. Can we make appointments to committees that have no vacancies right now?**

**CITY SOLICITOR DANA: If there are no vacancies.**

**COUNCIL PRESIDENT PRO-TEMPORE MATOS: Did the Clerk get three communications from me in my role as Acting President making appointments to the same committees that were prior to the ones that we just got right now?**

**CITY SOLICITOR DANA:** Your question is relating to a matter that is not on this evenings agenda. I believe it's on the agenda for the meeting that is scheduled for tomorrow, which will be held on January 8<sup>th</sup>.

**COUNCIL PRESIDENT PRO-TEMPORE MATOS:** There are no vacancies on those committees. Can we take action on those committees when there are no vacancies on them right now on them?

**CITY SOLICITOR DANA:** If there is no vacancy, yes.

**COUNCIL PRESIDENT PRO-TEMPORE MATOS:** So, those committee have already been appointed so there are no vacancies, so what is the purpose of having this meeting right now.

**CITY SOLICITOR DANA:** I think that goes beyond asking a legal question of me. I can't really respond to a question about an agenda item that is not on this evenings meeting agenda. If there is a question regarding appointments that were made prior to this, that's asking a question about something that's on an agenda for a different meeting.

**COUNCIL PRESIDENT PRO-TEMPORE MATOS:** My question is, if there is no vacancy on those committees should we be taking action on those items right now?

**CITY SOLICITOR DANA:** It depends on what you mean by taking action. I think that these are communications from the Clerk to the City Council that as I understand it is an appropriate communication from the Clerk to the City Council. The City Council is merely receiving them this evening. I think what you're relating to is whether or not it's an appropriate receipt of the City Council verses something that the City Council may be receiving at a subsequent meeting and I can't really discuss a receipt that is anticipated at a subsequent Council Meeting when that is not something that is on the agenda for this evenings meeting.

**COUNCILMAN APONTE:** Mr. Solicitor, as you understand it per the Rules of the City Council and the City Charter, with whom lies the authority to appoint council members to fill vacancies to existing committees?

**CITY SOLICITOR DANA:** Per the Charter, it is with the City Council President.

**COUNCILMAN APONTE:** And per the Rules of the Council.

**CITY SOLICITOR DANA:** Per the Rules of the Council, the City Council President makes appointments to City Council committees.

**COUNCILMAN APONTE:** To fill vacancies on committees on the Providence City Council, is that correct?

**CITY SOLICITOR DANA:** To fill all positions within City Council committees.

**COUNCILMAN APONTE:** Councilwoman Matos prior to her stepping down as Acting Council President submitted to the Clerk a list of appointments for the very committees which are being appointed tonight. When she did that, was she acting in her capacity as Acting Council President legitimately to make those appointments?

**CITY SOLICITOR DANA:** Again, that is not something on the agenda for this evening's meeting. You're asking me for an opinion on something that's not actually before the Council this evening.

**COUNCILMAN APONTE:** I understand why you don't want to answer the question, but it is clearly germane because if she acted in her capacity legally, lawfully and timely to make those appointments they were received by the Clerk then that in and of itself suggests that there are no vacancies to be filled, and what is before us tonight is inappropriate.

**CITY SOLICITOR DANA:** All I have is what's on the agenda for this evening. I understand there is an agenda for the full Council Meeting that was scheduled for tomorrow, which has now been continued to January 8<sup>th</sup>. I would suggest that it appears that the question you're asking is an appropriate question from an agenda item that is on the agenda for a different Council Meeting not this meeting.

**COUNCIL PRESIDENT PRO-TEMPORE MATOS:** Question to the Solicitor.

**COUNCIL PRESIDENT SALVATORE:** Pro Tempore Matos.

**COUNCIL PRESIDENT PRO-TEMPORE MATOS:** The question is which is pertaining to the items on the agenda today is because there are no vacancies for those positions that we are receiving today. So, that's why it's pertaining to the items that are on the agenda today. There are no vacancies for those people.

**COUNCILMAN IGLIOZZI:** Council President, Point of Order.

**COUNCIL PRESIDENT SALVATORE:** Leader Igliazzi, what is your Point of Order?

**COUNCILMAN IGLIOZZI:** We're making statements versus questions, but first a point of clarification. The Charter doesn't talk about empowering the President of the City Council to make appointments, the City Council Rules do. As you know, the City Council Rules are approved by the body itself and the rules themselves, it's the majority of the body who then empowers those rules, and those rules, as you know, at Council Meetings we suspend the rules and then we make whatever appropriate adjustments we feel accordingly, but if you read the rules it's talking about submission to the Clerk's Office. The Clerk's main role isn't the approving the appointing authority, it's the body itself and my question, of course, is it's the idea that why would you submit to the Clerk because it has to go to the body and to the public and, therefore, the body of the public has every opportunity to reject or approve. So, I would ask the City Solicitor, here is the question. Is it the act of simply writing the letter, is it the act of submitting to the Clerk or the fact that the letter to the Clerk and the Clerk to the body, which by the way the body empowers the President. I mean this is not a dictatorship, it's a democracy. So, therefore, it's the rule of the majority. So, I would ask as a question of clarification just to explain that step.

**CITY SOLICITOR DANA:** Again, I'm going to reiterate that we have a certain agenda that is a publicly posted agenda for this meeting that merely includes receipt of a communication from the Clerk, nothing else. So, I've referenced the agenda for a different Council Meeting so I understand the genesis for these questions, but I'm concerned about going far off field on what's actually on the noticed agenda for this evening's meeting and getting ahead of ourselves because in addition to the various Council Rules and the Charter that of course we all want to follow, we also want to follow the State Open Meetings Law, and I don't want to start getting into some detailed discussion or any discussion of items that aren't actually on the agenda that's been noticed for this evening's meeting.

**COUNCILMAN IGLIOZZI:** Thank you. Then, Mr. President, I would ask for a motion to do an affirmative vote of the submission of your appointments.

**COUNCIL PRESIDENT SALVATORE:** Leader, have you made a motion for a roll call vote?

**COUNCILMAN IGLIOZZI:** Yes.

**COUNCILWOMAN RYAN:** I second that motion.

**COUNCILMAN IGLIOZZI** makes a motion to do an affirmative vote of the submission of Council President Salvatore's appointments, Seconded by **COUNCILWOMAN RYAN**.

**COUNCIL PRESIDENT SALVATORE:** Discussion.

**COUNCILMAN APONTE:** Mr. President, I would like to make a friendly amendment and the motion would be to suspend the Rules of the City Council to allow this matter to go forward because my colleague referenced Rule 24 of the Rules of the City Council that speaks to the appointing authority. So, if the body wishes to suspend the rules then that should be the affirmative action of the body.

**COUNCIL PRESIDENT SALVATORE:** The motion has been made and seconded, Madame Clerk please call the roll?

**COUNCILMAN YURDIN:** This is a Point of Order to the Solicitor. It seems like there are two ways that the Council can proceed on this matter. One, is to do what Councilman Aponte suggested, which is to suspend the rules, but there is also a second Point of Order that I think council members have asked for you to opine on, which you have not, which is simply when is an appointment effective by the City Council President or the Acting City Council President. Is it effective upon submission to the Clerk's Office or is it effective upon receipt in front of this body. I think that is the question about the rules. It's my understanding that the rules are silent on that question and do you have a position on that. So, there are two ways we can proceed right. We could suspend the rules or we could interpret the rules to determine when this appointment is effective.

**CITY SOLICITOR DANA:** Ok, so to that question, I wouldn't say that the rules are silent. I would say that the rules are clear in terms of when the appointment of a President becomes effective. There seems to be two possibilities. One, that is when the President submits appointments to the Clerk, or secondly when said appointments are transmitted by the Clerk to the City Council body to be received. I would submit that the Council Rules are not sufficiently clear as to when a vacancy is filled.

**COUNCILMAN YURDIN:** This is a follow-up to that Point of Order. Is it correct that the majority of the City Council members can vote to settle a Point of Order and resolve a Point of Order under Roberts Rules? In other words, a majority of the council can answer these questions in an affirmative vote.

**CITY SOLICITOR DANA:** If I understand your question, yes, the Council Rules are established by the Council to govern the Council and they're only established by the Council. So, yes the Council can establish the rules that govern itself.

**COUNCIL PRESIDENT PRO-TEMPORE MATOS:** So, a question, Mr. President, to the Solicitor. When the Mayor makes an appointment to a committee of committee members that doesn't require council approval it's just to be received, so those appointments are not effective until they are received by the City Council or can those board members participate in the committee meetings even though they have not been officially received by this body?

**CITY SOLICITOR DANA:** I will have to look into that question. I haven't reviewed that question.

**COUNCILMAN IGLIOZZI:** Mr. President.

**COUNCIL PRESIDENT SALVATORE:** Leader Igliazzi.

**COUNCILMAN IGLIOZZI:** Through all this discourse, we always want to do what's best for the people. So, I would request to withdraw my motion and whoever seconded could do the same, then I would make the appropriate motion from there.

**COUNCILWOMAN RYAN:** I withdraw my second.

**COUNCIL PRESIDENT SALVATORE:** Leader Igliazzi withdraws his motion as does Councilwoman Ryan.

**COUNCILMAN IGLIOZZI:** So, then I would make the appropriate motion for the body to resolve this Point of Order in an affirmative yeah or nay and I will put the motion this way. The motion for the body is does the appointments by the President take effect upon the submission to the Council, yeah or nay.

**COUNCILWOMAN RYAN:** Second.

**COUNCIL PRESIDENT SALVATORE:** The motion has been made by Leader Igliazzi, Seconded by COUNCILWOMAN RYAN. Discussion. Councilman Aponte.

**COUNCILMAN APONTE:** Mr. President, through you to the Solicitor. This question does not appear on our docket and that's why I would suggest your opinion as to whether this constitutes a violation of the Open Meetings Law.

**COUNCILMAN IGLIOZZI:** Point of Order. First of all, the Solicitor is also an advisor not the final arbiter, but we are settling per Robert's Rules of Order a Point of Order. That's where this comes. As you all know the way this works is Federal Law, State Law, City Law. Federal Constitution, State Constitution, City Constitution, then of course City Council Rules or Robert's Rules or the will of the body. At this point in time on this particular issue it has nothing to do with Federal Law, State Law, City Law nor Federal Constitution, State Constitution or City Constitution. This has to do with a city rule and/or Robert's Rules. There has been questions about Point of Order and now we're trying to resolve this as the interpretation and the rule of the body. It's a live motion, it was seconded, I would then call the motion.

**COUNCILMAN APONTE:** Mr. President.

**COUNCIL PRESIDENT SALVATORE:** Councilman Aponte.

**COUNCILMAN APONTE:** With all due respect to my brother, what is before us is the vote of the body, and essentially it is to amend our rules. We have a committee established, the Rules Committee, that conducts their affairs in public. One of the committees that was appointed to be in this term. So, to suggest that we can bypass that process when we've established a process for it on a whim without publically noticing whether or not this matter is appropriate. So, we suggest that it is less than transparent and perhaps if there was a suggestion to change the rules then send it to the Rules Committee. I think there is a much cleaner expedient process by which we can Suspend Rule 24 of the Rules of the City Council and accomplish the same thing without perhaps violating for intentionally violating the Open Meetings Law.

**COUNCIL PRESIDENT SALVATORE:** Any further discussion?

**COUNCILMAN IGLIOZZI:** Mr. President, actually it's not reinterpreting or changing the rule, it's the Council affirmatively saying what their interpretation of the rule that has been passed. The body can simply say yes they interpret it that way or they don't. So, they're not changing it, they are now here for per the Solicitor's own statement that particular portion of the rule is somewhat ambiguous, so therefore, it subs the interpretation of the will of the body and, therefore, the motion before the body is to determine whether or not how you interpret it. That is what the motion is. It's not changing the rule, it's officially saying this is the interpretation of said rule. I would just say I called the vote and move forward.

**COUNCIL PRESIDENT SALVATORE:** Motion had been made by Leader Igliazzi, Seconded by Councilwoman Ryan. Pro Tempore Matos.

**COUNCIL PRESIDENT PRO-TEMPORE MATOS:** Mr. President, I think what you guys are trying to do here is your trying to bend the rules in your favor, to favor yourself and this doesn't send a good precedent and it goes against your statement that you did last week talking about trying to unite the City Council and work with everybody. You can do this because you think you're able to do it that doesn't make it okay. I think I expected for you to be true to your statement. As a follow-up, I tried to be open and transparent with you. I had a meeting to inform you about everything that was happening and this doesn't set the right tone of a Council that is going to be united and that everyone is going to work together. Thank you.

**COUNCILWOMAN RYAN:** Motion to Call the Question.

**COUNCILMAN HASSETT:** Second.

**COUNCILMAN PRINCIPE:** Mr. President, could you please re-read the motion Madam Clerk.

**COUNCIL PRESIDENT SALVATORE:** The question was called. Clerk, please call the roll:

On Motion of **COUNCILMAN IGLIOZZI**, Seconded by **COUNCILWOMAN RYAN**, it is voted that does the appointments by the President to take effect upon the submission to the Council.

**AYES:** Council President Salvatore, Councilmen Hassett, Iglizzo, Jennings, Narducci, Councilwoman Ryan, Councilmen Yurdin and Zurier - 8.

**NAYES:** Councilman Aponte, Councilwoman Castillo, Councilman Correia, Councilwoman Matos and Councilman Principe - 5.

**NOT VOTING:** Councilwomen Harris and LaFortune - 2.

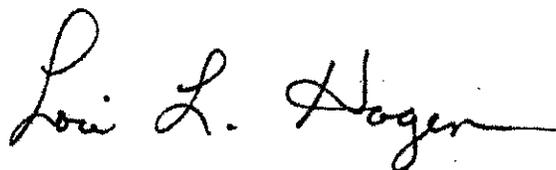
**CITY CLERK:** The motion Carries the matter is approved.

**COUNCIL PRESIDENT SALVATORE** Receives the foregoing Communication.

<b>RESULT:</b>	<b>RECEIVED</b>
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**CONVENTION**

There being no further business, on Motion of **COUNCILMAN IGLIOZZI**, Seconded by **COUNCILWOMAN RYAN**, it is voted to adjourn at 6:27 o'clock P.M., to meet again **THURSDAY, JANUARY 18, 2017 at 7:00 o'clock P.M.**

A handwritten signature in black ink that reads "Lori L. Hagen". The signature is written in a cursive style with a long, sweeping underline.

**LORI L. HAGEN  
CITY CLERK**