

CITY OF PROVIDENCE
RHODE ISLAND



CITY COUNCIL
JOURNAL OF PROCEEDINGS

No. 19 City Council Special Meeting, Tuesday, August 1, 2006, 7:00 o'clock P.M. (E.D.T.)

PRESIDING
COUNCIL PRESIDENT
JOHN J. LOMBARDI

ROLL CALL

Present: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN ALLEN, APONTE, BUTLER, DeLUCA, HASSETT, IGLIOZZI, JACKSON, LUNA, MANCINI, COUNCILWOMEN ROMANO, WILLIAMS and YOUNG - 13.

Absent: COUNCILWOMAN DiRUZZO and COUNCILMAN SEGAL - 2.

Also Present: Anna M. Stetson, City Clerk; Claire E. Bestwick, First Deputy City Clerk, Sheri A. Petronio, Assistant Clerk, Adrienne G. Southgate, Deputy City Solicitor and Vincent J. Berarducci, City Sergeant.

IN CITY COUNCIL
OCT 19 2006

APPROVED: Anna M. Stetson CLERK

INVOCATION

The Invocation is given by **COUNCILWOMAN CAROL A. ROMANO.**

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

COUNCILWOMAN BALBINA A. YOUNG
Leads the Members of the City Council and the Assemblage in the Pledge of Allegiance to the Flag of the United States of America.

CALL FOR SPECIAL MEETING

COMMUNICATION FROM

COUNCIL PRESIDENT JOHN J. LOMBARDI

Request, filed with the City Clerk, July 28, 2006, Requesting a Special Meeting of the City Council to be Called on the 1st day of

August, 2006 at 7:00 o'clock P.M. (E.D.T.), in the City Council Chamber, Third Floor, City Hall.

JUL 28 2006

Clerk

July 28, 2006

Anna M. Stetson
City Clerk
City Hall
Providence, RI 02903

Dear Ms. Stetson:

In accordance with the Provisions of Sections 406 of the Providence Home Rule Charter of 1980, I am, this day, calling a Special Meeting of the City Council to be held on Tuesday, the 1st day of August 2006 at 7:00 o'clock P.M., in the City Council Chamber, Third Floor, City Hall for the purpose of acting upon the following:

An Ordinance Amending Section 17-33 in Article I of Chapter 17 of the Code of Ordinances Entitled: "Officers and Employees", As Amended.

Resolution Authorizing Amendments to the Providence Home Rule Charter.

Respectfully,

Council President
John J. Lombardi

WARRANT FOR SPECIAL MEETING

Warrant of the City Clerk to Members of the Providence Police Department with Return Certification that they have notified each Member of the City Council of the Special Meeting Called for the 1st day of August, 2006 at 7:00 o'clock P.M., in the City Council Chamber, Third Floor, City Hall.

**DEPARTMENT OF CITY CLERK
CITY HALL**

July 28, 2006

TO THE PROVIDENCE POLICE DEPARTMENT:

Whereas, Council President John J. Lombardi has, pursuant to Sections 406 of

the Providence Home Rule Charter of 1980, requested the City Clerk, in writing, to Call a Special Meeting of the City Council to be held on the 1ST day of August, 2006, A.D. at 7:00 o'clock P.M., in the Chamber of the City Council, Third Floor, City Hall for the purpose of Enacting the following:

An Ordinance Amending Section 17-33 in Article I of Chapter 17 of the Code of Ordinances Entitled: "Officers and Employees", As Amended.

Resolution Authorizing Amendments to the Providence Home Rule Charter.

You are therefore, hereby commanded and required to summon each Member of the City Council to that Special Meeting, as Called.

Hereof, Fail Not, and make a true return of this Warrant, with your doings thereon.

Given under my Hand and the Official Seal of the City of Providence, State of Rhode Island and Providence Plantations this 28th day of August, 2006, A.D.

Anna M. Stetson
City Clerk

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS THE CITY
OF PROVIDENCE, Sc.
JULY 28, 2006

We, Members of the Providence Police Department do hereby certify that we have notified each Member of the City Council of

the Special Meeting scheduled to be held on Tuesday, August 1, 2006 at 7:00 o'clock P.M., in the Chamber of the City Council, City Hall, Providence, in accordance with the subject warrant by delivering to each member a copy thereof.



07-28-06
Date

COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters.

COUNCIL PRESIDENT LOMBARDI, Receives the foregoing Communication and Warrant.

REPORTS FROM COMMITTEE

COMMITTEE ON ORDINANCES

COUNCILWOMAN RITA M. WILLIAMS, Chairwoman

**Transmits the Following with
Recommendation the Same be Adopted,
As Amended:**

An Ordinance Amending Section 17-33 in Article I of Chapter 17 of the Code of Ordinances Entitled: "Officers and Employees", As Amended

COUNCILMAN HASSETT Moves to Amend page 5(e)3 "Former Employees/ Officials" by striking the words "or award" from the third and sixth sentences, seconded by COUNCILWOMAN WILLIAMS.

COUNCILMAN APONTE Moves Passage of the Ordinance the First Time, As Amended, seconded by COUNCILWOMAN WILLIAMS, by the Following Roll Call Vote:

Transmits the Following with Recommendation the Same be Approved, As Amended:

Resolution Authorizing Amendments to the Providence Home Rule Charter.

Whereas, on August 14, 2002, the 2002 Charter Review Commission submitted its report and recommended amendments to the Providence Home Rule Charter to the City Council; and

Whereas, the City Council accepted the 2002 Charter Review Commission Report on August 19, 2002, and set up a Public Hearing on the recommended amendments; and

Whereas, the City Council Committee on Ordinances conducted a public hearing on September 26, 2002; and

Whereas, the City Council Committee on Ordinances considered various aspects of the 2002 Charter Review Commission Report and

AYES: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN ALLEN, APONTE, BUTLER, DeLUCA, HASSETT, IGLIOZZI, JACKSON, LUNA, MANCINI, COUNCILWOMEN ROMANO, WILLIAMS and YOUNG - 13.

NAYES: NONE.

ABSENT: COUNCILWOMAN DiRUZZO and COUNCILMAN SEGAL - 2.

The Motion for Passage the First Time, As Amended, is Sustained.

recommended amendments on five occasions prior to action to adopt certain of the amendments on July 27, 2006; and

Whereas, the various amendments to the Providence Home Rule Charter adopted by the City Council Committee on Ordinances must be transmitted to the Rhode Island Secretary of State not later than August 9, 2006, in order to appear on the ballot for the General Election to be held in November 2006;

Now, Therefore, It Is Resolved, Decreed And Ordered:

That the following ballot questions be submitted to the Rhode Island Secretary of State, as adopted on August 3, 2006:

Commencing on the first Monday in January, 2011, shall any mayor be limited to serving two (2) consecutive full terms, excluding any partial term of less than two (2) years previously served? (Amends Section 202)

Commencing on the first Monday in January, 2001, shall any council member be limited to serving three (3) consecutive full terms, excluding any partial term of less than two (2) years previously served? (Amends Section 202)

Shall the legislative powers of the city council be amended to allow the council thirty-five calendar days from the date a mayoral appointment first appears upon the agenda of the city council to act to approve or reject the appointment? (Amends Section 401(b))

Shall the city council have the power by a simple majority vote to retain and fix the salaries of those consultants it deems necessary for the exercise of its functions? (Amends Section 401 (d))

Shall the time period in which the city council must act to override a mayoral veto or reduction run from the time such mayoral veto or reduction is delivered to the city clerk? (Amends Section 412)

Shall the city solicitor attend, or designate a subordinate to attend, all meetings of any standing committee of the city council? (Amends Section 603(b)(3))

Shall the mayor be empowered to appoint a school board nominating committee with responsibility to narrow the field of school board appointees? (Amends Section 701 (a) and adds Section 701 (b))

Shall the credentials of both school board and nominating committee members reflect ethnic and racial diversity, and diversity of backgrounds, experiences and training that are representative of the city? (Amends Section 702)

Shall the city's fiscal year be established by the city council by ordinance? (Amends Section 801)

Shall the retirement board membership be changed to substitute the city treasurer for the mayor, and the finance director for the city controller, to allow the chairperson of the city council committee on budgetary matters to appoint a designee, and to add two members who shall not be officers or employees of the city, to be appointed by the mayor? (Amends Section 908(a)(1))

Shall the duties of the retirement board be set forth by ordinance? (Amends Section 908(b)(1))

Shall the functions of the department of sewer management be transferred to the department of public works? (Amends Section 1002)

Shall the department of department of sewer management be abolished? (Amends Section 1015)

Shall the city council have the power to 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? (Amends Section 1101)

Shall the Providence Civic Center Authority be abolished? (Amends Section 1104)

Shall the reference to section 1205 be corrected to make reference to section 1207? (Amends Section 1208)

COUNCILMAN HASSETT Moves to strike the foregoing language, in its entirety, which reads, "Commencing on the first Monday in January, 2011, shall any mayor be limited to serving two (2) consecutive full terms, excluding any partial term of less than two (2) years previously served?" (Amends Section 202), seconded by **COUNCILMAN IGLIOZZI**, by the Following Roll Call Vote:

AYES: COUNCILMEN ALLEN, APONTE, HASSETT, IGLIOZZI, JACKSON, MANCINI and COUNCIL WOMAN ROMANO - 7.

NAYES: COUNCIL PRESIDENT LOMBARDI, COUNCILMAN LUNA, COUNCILWOMEN WILLIAMS and YOUNG - 4.

ABSENT: COUNCILMEN BUTLER, DeLUCA, COUNCILWOMAN DiRUZZO and COUNCILMAN SEGAL - 4.

The Motion to Strike said language in its entirety is Sustained.

COUNCILMAN IGLIOZZI, Moves to Amend said language to read, "Two (2) four year term limits for the Mayor and three (3) four year term limits for the Council", seconded by **COUNCILWOMAN YOUNG**, by the Following Roll Call Vote:

AYES: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN ALLEN, IGLIOZZI, LUNA, COUNCILWOMEN WILLIAMS and YOUNG - 6.

NAYES: COUNCILMEN APONTE, HASSETT, JACKSON, MANCINI and COUNCILWOMAN ROMANO - 5.

ABSENT: COUNCILMEN BUTLER, DeLUCA, COUNCILWOMAN DiRUZZO and COUNCILMAN SEGAL - 4.

The Motion to Amend said language is Sustained.

Shall the legislative powers of the City Council be amended to allow the Council sixty calendar days from the date a mayoral appointment first appears upon the agenda of the City Council to act to approve or reject the appointment? (Amends Section 401(b))

COUNCILMAN APONTE Moves to Amend the language to read, "Shall the legislative powers of the City Council be amended to allow the Council thirty-five calendar days from the date a mayoral appointment first appears upon the agenda of the City Council to act to approve or reject the appointment?" as recommended by the Charter Review Commission (Amends Section 401 (b)), seconded by **COUNCILWOMAN WILLIAMS**.

The Motion Amend said language is Sustained.

Shall the City Council have the power by a simple majority vote to retain and fix the salaries of those consultants it deems necessary for the exercise of its functions? (Amends Section 401 (d))

COUNCILMAN APONTE Moves Approval of said language, seconded by COUNCILWOMAN WILLIAMS.

The Motion to Approve said language is Sustained.

Shall the time period in which the City Council must act to override a mayoral veto or reduction run from the time such mayoral veto reduction is delivered to the City Clerk? (Amends Section 412)

COUNCILMAN APONTE Moves Approval of said language, seconded by COUNCILWOMAN WILLIAMS.

The Motion to Approve said language is Sustained.

Shall the City Solicitor attend, or designate a subordinate to attend, all meetings of any standing committee of the City Council? (Amends Section 602(b)(3))

COUNCILMAN APONTE Moves Approval of said language, seconded by COUNCILWOMAN WILLIAMS.

The Motion to Approve said language is Sustained.

Shall the Mayor be empowered to appoint a School Board Nominating Committee with responsibility to narrow the field of School Board appointees? (Amend Section 701 (a) and adds Section 701(b))

COUNCILMAN APONTE Moves Approval of said language, seconded by COUNCILWOMAN WILLIAMS.

The Motion to Approve said language is Sustained.

Shall the credentials of both School Board and Nominating Committee members reflect ethnic and racial diversity, and diversity of backgrounds, experiences and training that are representative of the City? (Amends Section 702)

COUNCILMAN APONTE Moves Approval of said language, seconded by COUNCILWOMAN WILLIAMS.

The Motion to Approve said language is Sustained.

COUNCILMAN ALLEN REQUESTS TO BE RECORDED AS VOTING "NO"

Shall the City's fiscal year be changed to begin on August first and end on the next thirty-first day of July, commencing with the 2008 Fiscal Year (Amends Section 801)

COUNCILMAN APONTE Moves to Strike said language in it's entirety, seconded by COUNCILWOMAN WILLIAMS.

The Motion to Strike said language is Sustained.

Shall the Retirement Board membership be changed to substitute the City Treasurer for the Mayor, and the Finance Director for the City Controller, to allow the Chairperson

of the City Council Committee on Budgetary matters to appoint a designee, and to add two members who shall not be officers or employees of the City, to be appointed by the Mayor? (Amends Section 908(a)(1))

COUNCILMAN APONTE Moves Approval of said language, seconded by COUNCILWOMAN WILLIAMS.

The Motion to Approve said language is Sustained.

Shall the duties of the Retirement Board be set forth by Ordinance? (Amends Section 908(b)(1))

COUNCILMAN APONTE Moves Approval of said language, seconded by COUNCILWOMAN WILLIAMS.

The Motion to Approve said language is Sustained.

Shall the functions of the Department of Sewer Management be transferred to the Department of Public Works? (Amends Section 1002)

COUNCILMAN APONTE Moves Approval of said language, seconded by COUNCILWOMAN WILLIAMS.

The Motion to Approve said language is Sustained.

Shall the Department of Sewer Management be abolished? (Amends Section 1015)

COUNCILMAN APONTE Moves Approval of said language, seconded by COUNCILWOMAN WILLIAMS.

The Motion to Approve said language is Sustained.

Shall the City Council have the power to 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 (Amends Section 1101)

COUNCILMAN APONTE Moves Approval of said language, seconded by COUNCILWOMAN WILLIAMS.

The Motion to Approve said language is Sustained.

Shall the Providence Civic Center Authority be abolished? (Amends Section 1104)

COUNCILMAN APONTE Moves Approval of said language.

COUNCILMAN APONTE Withdraws his motion to approve the Amendment.

COUNCILMAN APONTE Moves to Strike the foregoing language in its entirety, seconded by COUNCILWOMAN WILLIAMS.

COUNCILMAN APONTE Moves to Withdraw his Motion to Strike and COUNCILWOMAN WILLIAMS Moves to Withdraw her second.

COUNCILMAN APONTE Moves Approval of said language, seconded by COUNCILWOMAN WILLIAMS.

The Motion to Approve said language is Sustained.

COUNCILMAN IGLIOZZI Requests to abstain from voting on said motion.

Shall the City Council have the power to elect members to the Providence Housing Authority who are not presently members of the City Council, provided that such members serve a term concurrent with the term of the City Council? (Amends Section 1107)

COUNCILMAN APONTE Moves to Strike said language, in its entirety, seconded by COUNCILMAN LUNA.

The Motion to Strike said language in its entirety is Sustained.

Shall the City Council have the power to elect members to the Providence Redevelopment Agency who are not presently members of the City Council, provided that such members serve a term concurrent with the term of the City Council? (Amends Section 1108)

Shall the membership of the Providence Redevelopment Agency be increased to nine (9), with two (2) additional members to be elected by the City Council? (Amends Section 1108)

COUNCILMAN APONTE Moves to Strike the foregoing language, in its

entirety, seconded by COUNCILWOMAN WILLIAMS.

The Motion to Strike said language in its entirety is Sustained.

Shall the reference to Section 1205 be corrected to make reference to Section 1207? (Amends Section 1208)

COUNCILMAN APONTE Moves Approval of said language, seconded by COUNCILWOMAN WILLIAMS.

The Motion to Approve said language is Sustained.

COUNCILMAN JACKSON Moves to Reconsider the following language, seconded by COUNCILMAN IGLIOZZI.

The Motion to Reconsider is Sustained.

Shall the City's Fiscal year be changed to begin on August first and end on the next thirty-first day of July, commencing with the 2008 Fiscal Year?

COUNCILWOMAN WILLIAMS Moves to Amend said language to read, "The Fiscal Year of the City shall be established by the City Council by ordinance", as recommended by the Charter Review Commission, seconded COUNCILMAN APONTE.

COUNCILMAN APONTE Moves Approval of said language and moves to accept the language recommended by the Charter Review Commission to allow the Council by Ordinance, to set

the Fiscal Year, seconded by COUNCILWOMAN WILLIAMS.

The Motion to Approve said language is Sustained.

Resolution Authorizing Amendments to the Providence Home Rule Charter.

COUNCILMAN APONTE Moves Passage of the Resolution, As Amended, seconded by COUNCILWOMAN WILLIAMS, by the Following Roll Call Vote:

AYES: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN ALLEN,

APONTE, HASSETT, IGLIOZZI, JACKSON, LUNA and COUNCILWOMAN WILLIAMS - 8.

NAYES: NONE.

ABSENT: COUNCILMEN BUTLER, DeLUCA, COUNCILWOMAN DiRUZZO, COUNCILMAN MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL and COUNCILWOMAN YOUNG - 7.

The Motion for Passage, As Amended is Sustained.

ADJOURNMENT

There being no further business, on Motion of COUNCILMAN APONTE, seconded by COUNCILWOMAN WILLIAMS, it is voted to adjourn at 8:15 o'clock P.M. (E.D.T.), to meet again on THURSDAY, AUGUST 3, 2006 UPON THE RISE OF THE 6:30 CITY COUNCIL MEETING.



ANNA M. STETSON
CITY CLERK

