

**CITY OF PROVIDENCE
RHODE ISLAND**



CITY COUNCIL

JOURNAL OF PROCEEDINGS

**No. 35 City Council Special Meeting, Thursday, November 16, 2017
Upon The Rise of the 7:00 o'clock Regular City Council Meeting**

PRESIDING

**ACTING COUNCIL PRESIDENT
SABINA MATOS**

CALL TO ORDER

**PRESENT: ACTING COUNCIL PRESIDENT MATOS, COUNCILMAN APONTE,
COUNCILWOMAN CASTILLO, COUNCILMAN CORREIA,
COUNCILWOMAN HARRIS, COUNCILMEN IGLIOZZI, JENNINGS,
COUNCILWOMAN LAFORTUNE, COUNCILMEN NARDUCCI, PRINCIPE,
COUNCILWOMAN RYAN AND COUNCILMAN ZURIER – 12.**

ABSENT: COUNCILMEN HASSETT, SALVATORE AND YURDIN – 3.

**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
DEC-07 2017**

APPROVED:

CLERK

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

COUNCILMAN PRINCIPE Moves to Dispense with the Invocation and Pledge of Allegiance, Seconded by COUNCILMAN CORREIA.

CALL FOR SPECIAL MEETING

COMMUNICATION FROM

ACTING COUNCIL PRESIDENT SABINA MATOS

Request filed with the City Clerk November 13, 2017, Requesting a Special Meeting of the City Council to be Called on the 16th day of November 2017 Upon The Rise of the 7:00 o'clock Regular City Council Meeting, in the City Council Chamber, Third Floor, City Hall.

ACTING COUNCIL PRESIDENT MATOS Receives the foregoing Communication.

RESULT:	RECEIVED
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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 16th day of November, 2017 Upon The Rise of the 7:00 o'clock Regular City Council Meeting, in the City Council Chambers, Third Floor, City Hall.

ACTING COUNCIL PRESIDENT MATOS Receives the foregoing Warrant.

RESULT: RECEIVED

PRESENTATION OF RESOLUTIONS

ACTING COUNCIL PRESIDENT MATOS, COUNCILMEN APONTE, CORREIA, COUNCILWOMAN HARRIS, COUNCILMAN JENNINGS, COUNCILWOMAN LAFORTUNE, COUNCILMEN NARDUCCI, PRINCIPE, ZURIER AND COUNCILWOMAN CASTILLO

Resolution Affirming the City of Providence's Memorandum of Understanding with Local 799, International Association of Firefighters, AFL-CIO, resolving certain grievances, demands for arbitration, petitions, and other causes of action.

WHEREAS, Local 799 filed a Fair Labor Standards Act complaint in 2013 in the United States District Court for the District of Rhode Island; and

WHEREAS, Local 799 also filed a series of legal actions and petitions in the Rhode Island Superior Court, including a declaratory judgment action, an injunctive relief action, and a petition to compel arbitration under collective bargaining agreement; and

WHEREAS, On or about October 27, 2017, the parties agreed to the terms of a Memorandum of Understanding (MOU), reflecting the conditions under which the various actions and petitions would be resolved, subject to certain conditions precedent beyond the direct control of the parties; and

WHEREAS, The first condition precedent includes Local 799's ratification of the MOU and the Rhode Island Superior Court's entry of a consent decree in the declaratory judgment case; and

WHEREAS, The second condition precedent includes Local 799's voluntary withdrawal and dismissal with prejudice of its motion to compel arbitration, and the Rhode Island Superior Court's granting of the union's voluntary dismissal of the declaratory judgment action, the injunctive relief action, and the petition to compel arbitration as well as numerous demands for arbitration and underlying grievances, with prejudice and without rights of appeal; and

WHEREAS, The second condition precedent also includes the City's dismissal, with prejudice and without rights of appeal, of its two pending Rhode Island Supreme Court appeals; and

WHEREAS, The MOU provides for certain payments to all active or former members of the Providence Fire Department assigned to one of the three line firefighting and rescue divisions between August 2, 2015 and January 7, 2017 over a period of two fiscal years; and

WHEREAS, The MOU further provides for each active member of the Providence Fire Department assigned to one of the three line firefighting and rescue divisions between August 2, 2015 and January 7, 2017, a bank of restricted leave; and

WHEREAS, The MOU further sets a third condition precedent, requiring Local 799 to file an agreement by which the union agrees to dismiss the FLSA action; and

WHEREAS, The MOU further provides for the treatment of various union class members and payments, with various offsets, which payments shall be made over a period of two fiscal years.

NOW, THEREFORE, BE IT RESOLVED,

SECTION 1. The Providence City Council hereby affirms the Memorandum of Understanding.

SECTION 2. This resolution shall take effect upon passage.

Read and Passed, on Motion of COUNCILMAN PRINCIPE, Seconded by COUNCILMAN CORREIA.

RESULT:	READ AND PASSED [11 TO 0]
MOVER:	Councilman Principe
SECONDER:	Councilman Correia
AYES:	Acting Council President Matos, Councilman Aponte, Councilwoman Castillo, Councilman Correia, Councilwoman Harris, Councilman Jennings, Councilwoman LaFortune, Councilmen Narducci, Principe, Councilwoman Ryan and Councilman Zurier – 11.
ABSTAIN:	Councilman Igliazzi – 1.
ABSENT:	Councilmen Hassett, Salvatore and Yurdin – 3.

The Motion for Passage is Sustained.

COUNCILWOMAN LAFORTUNE

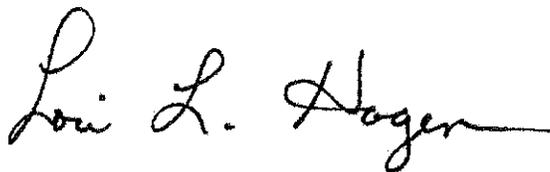
Resolution Requesting an evaluation of the Providence Police Department pursuit/high-speed policy and de-escalation practices and training.

ACTING COUNCIL PRESIDENT MATOS Refers the Resolution to the Special Committee on Municipal Operations and Oversight.

RESULT:	REFERRED
TO:	Special Committee on Municipal Operations and Oversight

CONVENTION

There being no further business, on Motion of **COUNCILMAN PRINCIPE**, Seconded by **COUNCILMAN CORREIA**, it is voted to adjourn at 8:27 o'clock P.M., to meet again **THURSDAY, DECEMBER 7, 2017 at 7:00 o'clock P.M.**

A handwritten signature in cursive script that reads "Lori L. Hagen". The signature is written in black ink and is positioned above the printed name and title.

LORI L. HAGEN
CITY CLERK

