

# RESOLUTION OF THE CITY COUNCIL

*No.* 359

*Approved* June 26, 1998

WHEREAS, a case on the Show Cause Calendar entitled "City of Providence, et al v. The Employees' Retirement Board of the City of Providence, et al", No. 96-265 - Appeal (PC 90-2119) was called for oral argument before the Supreme Court on May 6, 1998 or related appeals filed by the City of Providence, the City Council and the City Treasurer; and

WHEREAS, the City of Providence as a municipal corporation and the City Council of Providence and the City Treasurer have intervened separately and have appealed from a Superior Court order which denied motions filed by the City Treasurer and the City Council to vacate the Consent Decree of December 18, 1991 entered in the above-referenced matter; and

WHEREAS, the basis for the Motions to Vacate said Consent Decree was lack of authority of Joseph V. Cavanagh, Esquire, who then represented the Plaintiffs to execute the Consent Decree which the City Treasurer and the City Council now seek to vacate; and

WHEREAS, a Superior Court Justice who entered the Judgment and Order from which the appeals have been taken found that the then attorney for the Plaintiffs, viz, Joseph V. Cavanagh, Esquire, who assented to the Consent Decree, did not have specific authority from the City Council to sign said decree; and

WHEREAS, after hearing the arguments of counsel and examining the extensive memoranda filed by the parties, the Supreme Court found that cause has been shown and assigned the case to the calendar for full briefing and argument; and

WHEREAS, the Supreme Court in its Order entered on May 15, 1998 requires that the named attorney or attorneys who represent the City of Providence in this litigation be authorized by a resolution of the City Council and signed by the Mayor to act on behalf of the City of Providence and all its agencies and officers including the City Treasurer and authorize such attorneys to make representations and/or stipulations of facts on behalf of the City which will bind the City and all of its subordinate agencies and officers,

Council President Jorguli (By request)

**NOW, THEREFORE, BE IT RESOLVED THAT** in response to the Order of the Supreme Court of May 15, 1998, this City Council by resolution hereby authorizes its attorneys, City Solicitor Charles R. Mansolillo and Assistant City Solicitor Richard G. Riendeau, to act on behalf of the City of Providence and all of its agencies and officers including the City Treasurer, and attorney R. Kelly Sheridan, to act on behalf of the City Council in the litigation entitled "City of Providence, et al v. The Employees' Retirement Board of the City of Providence, et al, No. 96-265-Appeal (PC 90-2119)); and

**BE IT FURTHER RESOLVED THAT** said attorneys are hereby authorized to make representations and/or stipulations of fact which will bind the City of Providence, its subordinate agencies and officers, including the City Treasurer, and the City Council, respectively.

IN CITY COUNCIL  
JUN 18 1998  
READ AND PASSED  
*Enslin V. Fargnoli*  
PRES  
*Michael R. Clement*  
CLERK

**APPROVED**  
JUN 26 1998  
*Vincent DiBianca*  
MAYOR