

CITY OF PROVIDENCE RHODE ISLAND



The Credo of the Providence City Council is to be Industrious, to be Watchful and to Promote Peace. The bee, as a symbol of industry, is derived from the early colonial saying "Busy as a Bee"; the goose, as a symbol of watchfulness, is derived from the story of the goose whose cackling saved Rome; and the lamb, as a symbol of peace, is derived from the biblical use of the lamb as a symbol of peace.



IN CITY COUNCIL

~~SEP 01 2022~~

APPROVED

Jina L. Masterson CLERK
ACTING

CITY COUNCIL

JOURNAL OF PROCEEDINGS

No. 29 City Council Special Meeting, Wednesday, August 10, 2022, 12:30 o'clock P.M.

PRESIDING

COUNCIL PRESIDENT

JOHN J. IGLIOZZI

CALL TO ORDER

PRESENT: COUNCIL PRESIDENT IGLIOZZI, COUNCILWOMAN ANTHONY, COUNCILWOMAN CASTILLO, COUNCILMAN CORREIA, COUNCIL PRESIDENT PRO TEMPORE ESPINAL, COUNCILMAN GONCALVES, COUNCILWOMAN HARRIS, COUNCILWOMAN LAFORTUNE, COUNCILOR MILLER, COUNCILMAN NARDUCCI, COUNCILWOMAN RYAN, COUNCILOR SALVATORE, COUNCILMAN TAYLOR, COUNCILMAN VARGAS – 14.

ABSENT: COUNCILOR KERWIN – 1.

ALSO PRESENT: TINA L. MASTROIANNI, ACTING CITY CLERK, ANGELA J. HARRIS, FIRST DEPUTY CITY CLERK, CLAIRE E. GIRARD, CLERK LIAISON, HUASCAR BEATO, CITY SERGEANT AND JEFFREY DANA, CITY SOLICITOR

INVOCATION

PLEDGE OF ALLEGIANCE

COUNCILMAN TAYLOR Moves to Dispense with the Reading of the Invocation and Pledge of Allegiance, Seconded by COUNCILWOMAN HARRIS.

CALL FOR SPECIAL MEETING

COMMUNICATION FROM

COUNCIL PRESIDENT JOHN J. IGLIOZZI

Request filed with the Acting City Clerk August 5, 2022, Requesting a Special Meeting to be called on the 10th day of August, 2022 at 12:30 o'clock P.M., in the City Council Chamber, Third Floor, City Hall.

WARRANT FOR SPECIAL MEETING

Warrant of the Acting City Clerk to Huascar D. Beato, City Sergeant with Return Certification that he has notified each member of the City Council of the Special Meeting called for the 10th day of August, 2022 at 12:30 o'clock P.M., in the City Council Chamber, Third Floor, City Hall.

COUNCILMAN TAYLOR Moves to Waive the Reading of items 1 and 2, Seconded by COUNCILWOMAN HARRIS.

COUNCIL PRESIDENT IGLIOZZI Receives the Communication and Warrant.

RESULT: RECEIVED

VETO FROM HIS HONOR THE MAYOR

Consideration of Mayor Jorge O. Elorza's **VETO** of the Resolution forwarding Ballot Questions to the Secretary of State for placement on the November Ballot.

WHEREAS, On July 14, 2022, the 2022 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 2022 Charter Review Commission Report on July 14, 2022, and scheduled three (3) Public Hearings on the recommended amendments; and

WHEREAS, The City Council conducted public hearings on July 25, 2022; July 26, 2022; and July 28, 2022; and

WHEREAS, The City Council considered various aspects of the 2022 Charter Review Commission Report and recommended amendments prior to action to adopt certain of the amendments on July 28, 2022; and

WHEREAS, The various amendments to the Providence Home Rule Charter adopted by the City Council must be transmitted to the Rhode Island Secretary of State no later than August 8, 2022 in order to appear on the ballot for the General Election to be held on November 8, 2022.

NOW, THEREFORE, IT IS RESOLVED, DECREED AND ORDERED:

That the following ballot question be submitted to the Rhode Island Secretary of State, as adopted on July 28, 2022:

- 1. Shall Department Directors be required to appear before the City Council for re-appointment every four years. [Amends Section 302 (b)]***
- 2. Shall the City Council be allowed to hire consultants by vote of a simple majority. [Amends Section 401 (d)]***
- 3. Shall the removal procedure for appointed officers be defined by ordinance and allow the City Council to remove council appointees by a vote of a simple majority. [Amends Section 403]***
- 4. Shall the purchasing threshold be increased from five thousand (\$5,000.00) dollars to ten thousand (\$10,000.00) dollars for regular purchasing and twenty thousand (\$20,000.00) dollars for construction contracting. [Amends Section 1007 (c)(1)]***

5. *Shall the new position of General Manager of the Water Supply Board be established with oversight authority over all personnel matters of the Water Supply Board separate and apart from the position of Chief Engineer. [Amends Section 1101(a)(3)(4)(5)and(b)]*
6. *Shall the Charter clarify that all department heads and appointed officers are subject to all applicable personnel regulations of the City. [Amends Section 1201]*
7. *Shall the number and composition of school board members be increased from nine (9) to ten (10), to include five (5) members elected in a non-partisan manner at the November 2024 general election, one from each of five (5) equal electoral regions representing the North, South, East, West, and Central areas of the City; and five (5) members appointed by the mayor with the approval of the city council, with one appointee from each of the five (5) equal electoral regions. [Amends Section 701]*
8. *Shall the terms "chairman" and "vice-chairman" be replaced with the terms "chair" and "vice-chair" wherever they appears in the charter.*
9. *Shall the City Treasurer be provided direct access to records of all receipts, appropriations, and allotments of the City, and be required to ensure compliance with the City Charter and Code of Ordinances prior to issuing any payments. [Amends Section 602]*
10. *Shall the Composition of the City Plan Commission be amended to increase representation from the general citizenry of the City of Providence. [Amends Section 1013]*

COUNCILMAN TAYLOR Moves to Waive the Reading of item 3 and Override the Mayor's VETO, Seconded by COUNCILWOMAN HARRIS, by the following Roll Call Vote:

RESULT:	OVERRIDDEN [11 TO 3]
MOVER:	Councilman Taylor
SECONDER:	Councilwoman Harris
AYES:	Council President Iglizzi, Councilwoman Castillo, Councilmen Correia, Espinal, Goncalves, Councilwoman Harris, Councilor Miller, Councilman Narducci, Councilwoman Ryan, Councilmen Taylor and Vargas – 11.
NAYS:	Councilwomen Anthony, LaFortune and Councilor Salvatore – 3.
ABSENT:	Councilor Kerwin – 1.

ORDINANCE SECOND READING

The Following Ordinance was in City Council August 3, 2022, Read and Passed the First Time, As Amended and Laid on the Table and is Returned for Passage the Second Time:

**COUNCIL PRESIDENT IGLIOZZI, COUNCILMAN ESPINAL,
COUNCILWOMAN HARRIS AND COUNCILMAN TAYLOR**

An Ordinance Authorizing the City of Providence to issue not to exceed \$125,000,000 General Obligation Bonds, Notes and other Evidences of Indebtedness to Finance the Construction, Renovation, Improvement, Alteration, Repair, Landscaping, Furnishing and Equipping of Schools and School Facilities throughout the City and all costs related thereto, subject to approval of State Housing Aid at a reimbursement rate or State Share Ratio of not less than 75% at the time of issuance for those expenditures which are eligible for State Aid and provided that the authorization shall be reduced by the amount of certain grants received from State Bond Proceeds, from the Rhode Island Department of Education or from the Rhode Island School Building Authority.

WHEREAS, The City of Providence (the “City”) desires to finance the construction, renovation, improvement, alteration, repair, landscaping, furnishing and equipping of schools and school facilities throughout the City and all costs related thereto (the “Projects”) and to finance the Projects through the issuance of bonds; and

WHEREAS, The estimated maximum cost of the Projects is \$125,000,000; and

WHEREAS, The period of usefulness of the Projects are expected to be approximately thirty (30) years; and

WHEREAS, The net general obligation debt of the City (secured by the full faith and credit and taxing power of the City) after the issuance of the Bonds (defined below) is expected to be \$269,097,063, and together with the \$140,000,000 in authorized but unissued school bonds approved by the electors in 2020 (the “2020 School Bond Authorization”), would be \$409,097,063, assuming the full principal amounts were issued; and

WHEREAS, the amount of borrowing authorized pursuant to this Ordinance, the 2020 School Bond Authorization and the 2018 School Bond Authorization shall be reduced by the amount of certain grants actually received by the City from State of Rhode Island (“State”) bond proceeds, from the Rhode Island Department of Education (“RIDE”) or from the Rhode Island School Building Authority and therefore, the Bonds actually issued will be within all debt and other limitations prescribed by the Constitution and laws of the State.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PROVIDENCE:

SECTION 1. In addition to sums heretofore appropriated, the sum of \$125,000,000, plus any premium received on the sale of the Bonds and Notes (defined below) is appropriated to finance the Projects.

SECTION 2. Pursuant to Rhode Island General Laws § 45-12-2 and Section 807(e) of the Providence Home Rule Charter, the City Treasurer and the Mayor are authorized to issue general obligation bonds of the City in a principal amount not to exceed \$125,000,000 (the “Bonds”) in order to meet the foregoing appropriation.

SECTION 3. The said officers from time to time may issue and refund not exceeding \$125,000,000 interest bearing or discounted notes (the “Notes”) in anticipation of the issue of said Bonds pursuant to Section 807(h) of the Providence Home Rule Charter. Such Notes may be issued in the amount of \$140,000,000 without any reduction for any grant for the Projects received from State bond proceeds, from RIDE or from the Rhode Island School Building Authority.

SECTION 4. The City may be eligible for school housing aid reimbursement on debt service pursuant to chapter 7 of title 16, or for a grant, loan or other financial assistance from proceeds of bonds issued by the State, from RIDE or from the Rhode Island School Building Authority for such Projects. The amount of borrowing authorized pursuant to this Ordinance shall be reduced by the amount of certain grants actually received by the City from State bond proceeds, from RIDE or from the Rhode Island School Building Authority; provided however, that the amount of borrowing authorized shall not be reduced by the amount of any grant received by the City for any portion of the projects funded by capital reserve funds. Bonds, Notes or other evidences of indebtedness shall not be issued under this Ordinance unless the City has received a letter from RIDE confirming that the then-current school housing aid reimbursement rate under chapter 7 of title 16, as amended from time to time, or financial assistance from the School Building Authority Capital Fund, or pursuant to any other law hereafter enacted providing for funds to municipalities for school housing purposes, is not less than seventy five percent (75%) for those expenditures which are eligible for state aid at the time of issuance. In addition, Bonds, Notes or other evidences of indebtedness shall not be issued under this Ordinance unless the principal amount of such obligations will be within all debt and other limitations prescribed by the State Constitution and laws of the State at the time of issuance.

SECTION 5. The manner of sale, forms, amount, denominations, maturities, conversion or registration privileges, interest rates, and other conditions and details of the Bonds and Notes authorized herein shall be fixed by the said officers.

SECTION 6. Subject to Sections 13 and 14 of this Ordinance, the City Council hereby authorizes the City Treasurer and the Mayor, acting on behalf of the City, to issue the Bonds and Notes for the purposes set forth herein and to take all actions as they deem necessary to effect the issuance of the Notes and Bonds. The Bonds and Notes shall be issued by the City under its corporate name and seal or a facsimile of such seal. The Bonds and Notes shall be signed by the manual or facsimile signature of the City Treasurer and the Mayor.

SECTION 7. The City Treasurer and the Mayor are hereby authorized to issue the Bonds and Notes and deliver them to the purchaser and said officers are hereby authorized and instructed to take all actions, on behalf of the City, necessary to ensure that interest on the Bonds and Notes or any loan funding such Projects will be excludable from gross income for federal income tax purposes and to refrain from all actions which would cause interest on the Bonds and Notes or loans to become subject to federal income taxes.

SECTION 8. The Bonds and Notes may be issued either alone or consolidated with other issues of notes or bonds of the City.

SECTION 9. The City's Finance Director is authorized to execute and deliver continuing disclosure certificates in connection with the Bonds and Notes issued by the City, in such form as shall be deemed advisable by the City's Finance Director. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of each continuing disclosure certificate, as it may be amended from time to time. Notwithstanding any other provision of this Ordinance or the Bonds or Notes, failure of the City to comply with any continuing disclosure certificate shall not be considered an event of default; however, any bondholder or noteholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Ordinance and under any continuing disclosure certificate.

SECTION 10. The City Treasurer and the Mayor are also authorized, empowered and directed, on behalf of the City, to: (i) execute, acknowledge and deliver any and all other documents, certificates or instruments necessary to effectuate such borrowing, including, without limitation, a Preliminary Official Statement, a final Official Statement, all in such form and with such provisions as such officer shall deem advisable; (ii) amend, modify or supplement the bonds or notes and any and all other documents, certificates or instruments at any time and from time to time, in such manner and for such purposes as such officers shall deem necessary, desirable or advisable; (iii) do and perform all such other acts and things deemed by such officers to be necessary, desirable or advisable with respect to any matters contemplated by this Ordinance in order to effectuate said borrowing and the intent hereof.

SECTION 11. This Ordinance is an affirmative action of the City Council of the City of Providence toward the issuance of Bonds and/or Notes in accordance with the purposes of the laws of the State. This Ordinance constitutes the City's declaration of official intent pursuant to Treasury Regulation Section 1.150-2 to reimburse the City's General Fund for certain capital expenditures for the Projects paid on or after the date which is sixty (60) days prior to the date of this Ordinance, but prior to the issuance of the Bonds and/or Notes. Such amounts to be reimbursed shall not exceed \$125,000,000, and shall be reimbursed not later than eighteen (18) months after (a) the date on which the expenditure is paid, or (b) the date the Projects are placed in service or abandoned but in no event later than three (3) years after the date the expenditure is paid.

SECTION 12. No Bonds or Notes shall be issued pursuant to the authority of this Ordinance until a majority of the electors of the City has approved the loan. The question of the approval of the loan shall be placed before the qualified electors of the City of Providence at the state general election to be held on November 8, 2022, shall be submitted in substantially the following form:

“Shall an Ordinance of the City Council effective on August 10, 2022 authorizing the issuance of up to \$125,000,000 general obligation bonds of the City pursuant to Rhode Island General Laws § 45-12-2 and § 807 of the City's Home Rule Charter in order to finance the construction, renovation, improvement, alteration, repair, landscaping, furnishing and equipping of schools and school facilities throughout the City and all costs related thereto, subject to approval of state housing aid at a reimbursement rate or state share ratio of not less than 75% for those expenditures which are eligible for state aid at the time of issuance and provided that the authorization shall be reduced by the amount of certain grants received from State bond proceeds, from the Rhode Island Department of Education or from the Rhode Island School Building Authority, be approved?”

SECTION 13. If and when the City issues said Bonds or Notes, it will issue them in one or more tranches. Notes, if any, may be issued in anticipation of Bonds not more than one (1) more year prior to the issuance of each series of Bonds. The City Council hereby extends the time limit for bond issuance pursuant to Article VIII, Section 807(p) of the City's Home Rule Charter, to the date which is five (5) years after the date the electors approve this Ordinance. Any Bonds must be issued not later than November 8, 2027.

SECTION. 14. Prior to any issuance of any series of Bonds or Notes, the administration shall submit a spending plan for such Bonds or Notes to the City Council for review and approval by Resolution of the City Council.

SECTION 15. This Ordinance shall take effect upon its approval by the Mayor after its passage.

COUNCILMAN TAYLOR Moves to Waive the Reading of item 4 and Pass for the 2nd Time, Seconded by COUNCILWOMAN HARRIS, by the following Roll Call Vote:

RESULT:	READ/PASSED SECOND TIME [UNANIMOUS]
MOVER:	Councilman Taylor
SECONDER:	Councilwoman Harris
AYES:	Council President Igliazzi, Councilwomen Anthony, Castillo, Councilmen Correia, Espinal, Goncalves, Councilwomen Harris, LaFortune, Councilor Miller, Councilman Narducci, Councilwoman Ryan, Councilor Salvatore, Councilmen Taylor and Vargas – 14.
ABSENT:	Councilor Kerwin – 1.

The Motion for Passage the Second Time is Sustained.

PERSONAL EXPRESSION

COUNCILWOMAN LAFORTUNE Requests the privilege of the floor to speak on a Point of Personal Expression and states:

"Thank you for this opportunity. So, this is more than once that I have followed protocol to be acknowledged to speak and I have been denied the opportunity to speak. It is quite disrespectful as a council colleague, it's oppressive and it's problematic. This has happened in council meetings from being muted to having my hand up for forty minutes and now sitting here patiently waiting to be selected to speak and being denied the opportunity. This is not leadership, this is not how you conduct an open and public meeting and this is not respect to your fellow councilperson. I hope in your next journey once you exit your Council Presidency, I hope you reflect on the time that you were here and how you treated individuals because this is truly unacceptable and if it were me in your position and I conducted myself in the way that you have I would have been scolded. This is unacceptable and I am tired of it."

CONVENTION

There being no further business, on Motion of **COUNCILMAN TAYLOR**, Seconded by **COUNCILWOMAN HARRIS**, it is voted to adjourn at 1:04 o'clock P.M., to meet again **THURSDAY, SEPTEMBER 1, 2022 at 6:00 o'clock P.M.**

Tina L. Mastroianni

**TINA L. MASTROIANNI
ACTING CITY CLERK**

