



Mayor of Providence

Angel Taveras

Executive Order 2013-0001

**Continuing Authorization for City Solicitor to
Prosecute or Pursue Legal Claims Regarding
Securities, Housing or False Claims Accruing
To the Benefit of City Taxpayers**

February 5, 2013

WHEREAS, Section 603(b) of the City of Providence Home Rule Charter entrusts the City Solicitor with the duty and power "to prosecute... all suits or cases to which the city... may be a party;" and

WHEREAS, Section 603(b) of the City of Providence Home Rule Charter entrusts the City Solicitor with the duty and power "to be the chief legal advisor of and attorney for the city and all departments, boards, commissions, bureaus and officers thereof in the matters relating to their official powers and duties;" and

WHEREAS, Rule 1.13 of the Rhode Island Rules of Professional Conduct, provides that "[a] lawyer employed or retained by an organization represents the organization acting through its duly authorized constituents" and the Official Commentary to Rule 1.13 expressly states that Rule 1.13 applies to governmental organizations; and

WHEREAS, there have been matters in which the city has been harmed, and the City Solicitor has asserted claims and/or lawsuits on behalf of the city to recover damages with minimal risk or expense in prosecuting and pursuing these claims and lawsuits; and

WHEREAS, the City Solicitor has successfully filed claims and prosecuted and pursued civil actions pursuant to the powers in Section 603(b) of the Home Rule Charter; and

WHEREAS, the City has periodically pursued legal claims arising out of its holding of securities in various entities; and

WHEREAS, the City has periodically pursued legal claims arising out of housing issues, including those related to transfer taxes, recording fees and the Fair Housing Act; and

City of Providence, Rhode Island 02903-1789
Phone (401) 421-7740 Fax (401) 274-8240

IN CITY COUNCIL
FEB 21 2013

READ
WHEREUPON IT IS ORDERED THAT
THE SAME BE RECEIVED.
[Signature] CLERK
ACTING

WHEREAS, the City has periodically pursued legal claims arising out of causes of action such as the False Claims Act which are actionable on the city level due to a 2012 change in state law; and

WHEREAS, there will continue to be matters where the city suffers harm, and the city may assert claims and/or lawsuits to recover damages with minimal risk or expense in prosecuting and pursuing these claims and lawsuits; and

WHEREAS, damages and other remedies may be available to the City and the City is in need of all potential revenue which can contribute to our fiscal stability;

NOW THEREFORE, do I, Angel Taveras, Mayor of the City of Providence, order the following, effective immediately:

1. The City Solicitor and/or his designee is authorized to continue pursuing and prosecuting legal claims and lawsuits arising out of the City's holdings of securities in various entities; housing issues, including those related to transfer taxes, recording fees or the Fair Housing Act; and causes of action such as the False Claims Act.

2. Such continuing authorization is contingent on the legal action(s) not requiring the dispersal of City funds outside of the City Solicitor's control.

3. Such continuing authorization is contingent on the proceeds that are payable to the City as a result of any successful legal claim or lawsuit be payable to the general fund or the pension fund of the City so as to accrue to the benefit of the taxpayers, or the beneficiaries of the pension fund, respectively.

4. This Executive Order shall remain in full force and effect until it is repealed.



Angel Taveras
Mayor

Dated: February 5, 2013