LEGISLATIVE ORDER

AN ORDER OF THE CITY COUNCIL OF THE CITY OF PROVIDENCE

WHEREAS, The City of Providence is eligible to receive Community Development Block Entitlement Funds for the Fiscal Year 1999, under Section 106(a) of (h) of Title I of the Housing and Community Development Act of 1974, (Public Laws 93-383); and

WHEREAS, The said Application for Funding has been authorized by the City Council for the last eighteen (18) years.

SECTION 1.   The City Council of the City of Providence, County of Providence, State of Rhode Island, hereby authorizes the City of Providence, through its official representative, the Mayor, to file an application for Community Development Block Grant Entitlement Funds for the fiscal year 1999, under Section 106(a) or (h) of Title I of the Housing and Community Development Act of 1974, (Public Laws 93-383) to do all acts necessary to successfully acquire said funds.

SECTION 2.   All monies received by the City of Providence from the federal government under the provisions of Section 106(a) or (h) of Title I of the Housing and Community Development Act of 1974, (Public Laws (93-383), shall be expended in accordance with the provisions of said Act and shall be by Ordinance of the City Council. The City Council will consider all comments made at the Public Hearings, but it shall retain to itself the final approval for the expenditure of funds. No funds received under said Act shall be allocated for specific projects nor expended without the approval of the City Council by Ordinance.

SECTION 3.   The Mayor and City Council may require any and all information relative to the expenditure of Community Development Act

funds and at any item conduct investigations pursuant to the existing provisions of the City Charter, and shall require that all employees of the said program shall be qualified electors and residents in the City of Providence, Rhode Island.

SECTION 4. Upon the written request of the City Council of the City of Providence, Rhode Island, names, addresses and salaries of all personnel engaged in this program shall be submitted to the said Council.

SECTION 5. There shall be submitted to the City Council by the Finance Director of the Community Development Act, on a monthly basis a line item budget showing (a) Project Account, (b) Amount Budgeted, (c) Amount Expended, (d) Balance.

SECTION 6. The Mayor shall submit to the City Cou8ncil and on a Quarterly basis a narrative progress report on each program including supporting data.

SECTION 7. The Mayor shall be responsible for negotiating all contracts with outside agencies subject to approval by Ordinance of the City Council.

SECTION 8. Amendments to the Community Development Program during the program year necessitating the reallocation of funds or the designation of new activities shall be subject to at least one Public Hearing, and final approval by Ordinance of the City Council.

SECTION 9. This Order shall take effect upon its passage by a majority of the City Council.

6/10/99

I hereby
Also approve + Veto
Vincent A. Cianci),
Mayor

53

June 10, 1999

The Honorable
 The City Council of the City of Providence
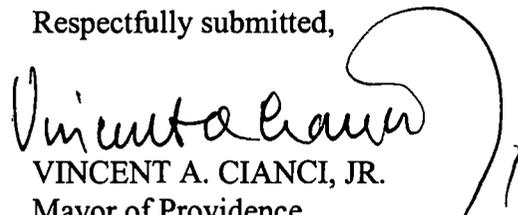City Hall
Providence, RI 02903

I herewith re-transmit the Legislative Order, so-called, captioned "An Order of the City Council of the City of Providence," and enumerated as Item #53 on the docket for the meeting of the City Council on June 3, 1999 ("Item #53").

The legislative prerogatives of the City Council must be exercised in the form of ordinances. There is no provision for a legislative action which styles itself as a legislative order. Such an action is beyond and in excess of the City Council's legislative power as provided for under Section 401(a) of the Providence Home Rule Charter of 1980. Specifically, Section 401(a) provides that the City Council shall have the power to enact ordinances (not orders) as it may deem necessary to insure the welfare and good order of the city. The Council may not circumvent or expand upon its Charter-given authority by issuing, promulgating or passing "legislative orders" instead of ordaining ordinances. Section 409 of the Charter provides that each legislative act shall be by ordinance. Section 412 further states: "The mayor shall either approve [an] ordinance or resolution adopted by the city council…, or the mayor shall disapprove and veto any resolution or ordinance." Ergo, the City Council is limited to transmitting to the Mayor only ordinances and resolutions, not "legislative orders." Consequently, the City Council's action to issue and/or promulgate and/or pass a legislative order results in an act that is a nullity and void of any legal effect or consequence.

The Honorable
 The City Council of the City of Providence
Page 2
June 10, 1999

        Nevertheless, in order to preclude any interpretation of this transmittal back to the
City Council as a failure on my part to veto this document, I, therefore, in accordance
with Section 302(f) and 412 of the Providence Home Rule Charter hereby disapprove and
veto the Legislative Order, so-called, captioned "An Order of the City Council of the City
of Providence," and enumerated as Item #53 on the docket of the City Council for its
meeting on June 3, 1999 transmitted to me by the City Clerk among the final papers of
the meeting of the City Council held on June 3, 1999. I have taken this action as a
precautionary measure against any effort to construe the nature of Item #53 as having any
legal effect or consequences.

                                        Respectfully submitted,

                                        VINCENT A. CIANCI, JR.
                                        Mayor of Providence