

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 1995 - 15

No. 393

AN ORDINANCE TO AMEND ARTICLE VII SECTIONS 21-141 - 21-149 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE REGARDING PROVIDENCE REVIEW COMMISSION, AS AMENDED.

Approved JUNE 21, 1995

Be it ordained by the City of Providence:

SECTION 1. That Article VII, Sections 21-141 through 21-149 of the Code of Ordinances entitled "Providence Review Commission" is hereby repealed.

SECTION 2. That Article VII, Sections 21-141 through 21-147 of the Code of Ordinances shall read as follows:

Sec. 21-141. Declaration of Policy.

The city council finds that it is in the interest of the residents of the City of Providence (hereinafter sometimes called the "City," "City of Providence" or "Providence") to establish the Providence Review Commission to assist in:

- (1) Ensuring the fiscal solvency of the City of Providence through the improvement of local financial management and the avoidance of financial obligations that exceed the capacity of the city;
- (2) Ensuring effective management and spending controls on Providence city government;
- (3) Reviewing and recommending correction of any deficiencies in said city's fiscal management.

Sec. 21-142. Creation of review commission.

- (a) The City Council hereby establishes the Providence Review Commission (hereinafter referred to as the "commission") for the purpose of monitoring the management of the financial affairs of the City of Providence.
- (b) The commission shall be composed of eleven (11) members having the qualifications and/or offices set forth below and selected in the following manner: Six (6) members to be selected by the City Council on the recommendation of the Finance Committee of the City Council. Of the six (6) members so appointed by the City Council, two (2) shall

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- serve for a term of one year, two (2) will serve for a term of two years, and two (2) will serve for a term of three years.
- (c) All subsequent appointments or reappointments made by the City Council shall be for a term of three (3) years. Of the six (6) members of the Commission appointed by the City Council, one (1) member shall be a practicing attorney; one (1) member an independent certified public accountant; one (1) member shall be engaged in business, banking or finance; one (1) member shall be a member of a labor union; one (1) member shall have experience in the study of or a profession related to governmental finance; and one (1) member shall be a representative of the general public. None of the members of the commission so appointed shall be an elected or appointed officer or an employee or paid consultant of the City of Providence, or any of its departments, boards, agencies or commissions other than as a member of the Providence Review Commission.
- (d) The remaining five (5) members shall serve at the pleasure of the appointing officer and shall be selected as follows:
One (1) member to be selected by the Mayor of the City of Providence; one (1) member to be selected by the Governor of the State of Rhode Island; one (1) member to be selected by the speaker of the Rhode Island House of Representatives; one (1) member to be selected by the majority leader of the Rhode Island Senate; and the Auditor General of the State of Rhode Island, who shall serve as a member, ex officio.
- (e) Each member of the commission, other than the Auditor General, shall be a qualified elector and resident of the City of Providence.
- (f) The chairperson of the commission shall be selected by the commission from its membership, and the commission shall adopt by-laws and rules of procedure consistent with the Providence Home Rule Charter and the Code of Ordinances.

Sec. 21-143. Authority of the commission.

The Commission is hereby authorized and empowered to take any of the following actions with respect to the City of Providence:

- (1) To make an analysis of all factors and circumstances contributing to the financial condition of the City of Providence and to recommend steps to be taken to correct any deficiencies in such conditions.
- (2) To monitor and review expenditures against the total amount of appropriations of any fiscal year.
- (3) To monitor the estimates of revenues to fund any fiscal year operating budgets of the City of Providence and to monitor the receipt and collection of those revenues.

- (4) To require and prescribe the form of special reports to be made by the City of Providence finance director, internal auditor, city collector, city controller and any department directors or other officers or employees of the city to keep the commission continually informed of the financial affairs of the city.
- (5) To review and make recommendations regarding:
 - (a) Bidding or purchasing procedures and decisions;
 - (b) Investments, loans or borrowings by the city or any of its departments or agencies; and
 - (c) City accounts and methods of administration of such accounts;
 - (d) Personnel staffing levels;
 - (e) Contracts by and between any third party and the city; and
 - (f) Any collective bargaining agreement between any union and the city.
- (6) To coordinate its activities with any management, reorganization or efficiency studies of all or any portion of the city's operations which may be conducted at the request of or under the sponsorship of the mayor, finance committee of the city council, the city council or the finance director. In the event that the mayor, the city council, the finance committee of the city council or any city department director proposes or requests a reorganization of any city department or operation or any efficiency, cost-saving or management study of any city operations within its, his or her jurisdiction, the commission shall assist in carrying out such study and shall report its evaluation of the proposed reorganization or management efficiency or cost-saving measures.

The Commission may recommend that the City Council investigate, pursuant to the authority set out in Sections 402 and 403 of the Providence Home Rule Charter of 1980, as amended, any alleged violation of law brought to the attention of the City Council by the Commission.

Sec. 21-144. Cooperation.

All departments, employees, agencies, and elected and appointed officers of the City of Providence shall cooperate with the commission. The commission shall have access to all records and books of account of the city. The commission may recommend that the city council conduct an investigation pursuant to Sections 402 and 403 of the Providence Home Rule Charter of 1980.

Sec. 21-145. Operation of the commission

The members of the commission shall receive no salary, but may receive such per diem allowance as may be appropriated by the city council and shall be reimbursed for their ordinary and necessary expenses incurred in carrying out their duties as members of the commission provided such members are not, at the time such expenses are incurred, public employees otherwise entitled to such reimbursement. Such reimbursement shall also be subject to the commission's rules and city payment and fiscal procedures. The commission is authorized to employ such consultants, experts, legal counsel and other persons subject to the prior approval of the City Council. The finance director, city treasurer and internal auditor shall assist the commission in carrying out its responsibilities by providing services and facilities for the commission; provided, however, that provision of said services and facilities by the finance director, city treasurer and internal auditor shall be subject to the performance of other duties as set forth in said Providence Home Rule Charter of 1980, as amended.

Sec. 21-146. Reports by the commission.

The commission shall make a semiannual report to the general assembly, governor, the city council, finance director, mayor and members of the commission on or before each January 31st and July 31st of each year regarding its findings and recommendations for the six-month period ending thirty-one (31) days before each such date. All actions of the Commission shall be advisory only and shall be consistent with the provisions of the Providence Home Rule Charter of 1980, as amended, and the Providence Code of Ordinances, and no action of the Mayor, the City Council or any City officer, employee, board or commission shall be made void by any action of the commission.

Sec. 21-147. Prohibitions; penalties, disciplinary action, etc.

Any city employee or officer who willfully violates or fails to comply with any request of the commission which is within the commission's authority, and any city employee or officer who willfully prepares, presents or certifies any document, instrument, agreement or information, including without limitation any projections or estimates of revenue or expenditure requested by the commission or any agent or employee of the commission, knowing the same to be false or misleading or knowing that same omits to state a material fact or if any such person, upon learning that any such document, instrument, agreement or information is false, misleading or omits to state a material fact, fails promptly to advise the commission thereof, shall be reported to the City Council.

SECTION 3. This Ordinance shall take effect upon its passage.

Chairman Charles E. Brooks Stewart
June 3, 1995 Chairman

THE COMMITTEE ON
FINANCE
Approves Passage of
The Within Ordinance

IN CITY COUNCIL
MAY 9 1995
FIRST READING
READ AND PASSED, AND REFERRED
BACK TO THE COMM.
Michael L. Clement CLERK ON FINANCE

IN CITY
COUNCIL
JUN 15 1995
FINAL READING
READ AND PASSED
Richard V. Fargnoli
ACTING CLERK
Michael L. Clement
CLERK

Chairman Charles E. Brooks Stewart
June 1, 1995 Chairman

THE COMMITTEE ON
FINANCE
Approves Passage of
The Within Ordinance, as amended

APPROVED
JUN 21 1995
Vincent A. Cramp
MAYOR