

CHAPTER 1986-20

No. 223 **AN ORDINANCE** IN AMENDMENT OF CHAPTER 1982-11, EFFECTIVE MARCH 14, 1982, ENTITLED: "AN ORDINANCE APPORTIONING THE FIFTEEN WARDS IN THE CITY OF PROVIDENCE IN ACCORDANCE WITH SECTION 204 OF THE PROVIDENCE HOME RULE CHARTER OF 1980 AS APPROVED BY THE ELECTORS OF THE CITY OF PROVIDENCE AT THE GENERAL ELECTION HELD NOVEMBER 4, 1980, AS AMENDED."

Approved April 10, 1986

***Be it ordained by the City of Providence:***

SECTION 1. Chapter 1982-11 of the Ordinances of the City of Providence, effective March 14, 1982, is hereby amended as follows:

a. Delete the Ninth Ward in its entirety and insert in lieu thereof:

**"NINTH WARD**

The Ninth Ward of the City of Providence shall consist of all that part of the City bounded by a line beginning at the point of intersection of Ontario Street and Elmwood Avenue; thence southeasterly along Elmwood Avenue crossing Interstate Route 95 to the on-ramp of Rhode Island Route 10; thence easterly on the on-ramp of Rhode Island Route 10 to the Center Line of Rhode Island Route 10; thence southerly on the Center Line of Rhode Island Route 10 to the Park Avenue on-ramp; thence southerly along the Park Avenue on-ramp to the northerly side of Park Avenue and the Providence, Cranston Boundary Line; thence southeasterly, and generally northeasterly along said boundary line to Montgomery Avenue; thence easterly along the Providence, Cranston Boundary Line to the intersection of Broad Street and the Providence, Cranston Boundary Line; thence northwesterly along Broad Street crossing Interstate Route 95 to Potters Avenue; thence westerly along Potters Avenue to Hamilton Street; thence southerly along Hamilton Street to Congress Avenue; thence westerly along Congress Avenue to Melrose Street; thence southerly along Melrose Street to Ontario Street; thence westerly along Ontario Street to Elmwood Avenue to the point and place of beginning."

b. Delete the Eleventh Ward in its entirety and insert in lieu thereof:

**"ELEVENTH WARD**

The Eleventh Ward of the City of Providence shall consist of all that part of the City bounded by a line beginning at the point of intersection of Broad Street and Public Street; thence easterly along Public Street to an extension of Public Street to the center line of the Providence River; thence northwesterly along said center

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**CHAPTER**

**AN ORDINANCE**

line of the Providence River to a point in the easterly extension of Elm Street; thence westerly along the easterly extension of Elm Street to Elm Street; thence westerly along Elm Street and a line extension of Elm Street to the center line of Interstate Route 95; thence northwesterly along Interstate Route 95 to its intersection with Washington Street; thence southwesterly along Washington Street to Dean Street; thence southerly along Dean Street to Westminster Street; thence westerly along Westminster Street to Bridgham Street; thence southerly along Bridgham Street to Cranston Street; thence southwesterly along Cranston Street to Dexter Street; thence southerly along Dexter Street to Bucklin Street; thence southerly along Bucklin Street to Carter Street; thence easterly along Carter Street to Elmwood Avenue; thence southeasterly along Elmwood Avenue to Ontario Street; thence easterly along Ontario Street to Melrose Street; thence northerly along Melrose Street to Congress Avenue; thence easterly along Congress Avenue to Hamilton Street; thence northerly along Hamilton Street to Potters Avenue; thence easterly along Potters Avenue to Broad Street; thence northerly along Broad Street to Public Street to the point and place of beginning."

SECTION 2. This Ordinance shall take effect upon its passage.

IN CITY COUNCIL

JAN 16 1986

First Reading Read and Passed  
Referred to Committee on

ORDINANCES

*Rose M. Mendonca* CLERK

IN CITY COUNCIL

APR 3 1986

FINAL READING  
READ AND PASSED

*Nicholas W. Euton*

PRESIDENT

*Rose M. Mendonca*  
CLERK

APPROVED  
APR 10 1986  
*[Signature]*

THE COMMITTEE ON  
ORDINANCES

*February 14, 1986*

Recommends *Be Continued*

*Michael R. Clement*  
Clerk

THE COMMITTEE ON  
CITY REDEVELOPMENT  
~~RENEWAL & PLANNING~~

Approves Passage of  
The Within Ordinance

*, the Second Time*

*Robert Mendonca*  
Chairman

Clerk

*March 31, 1986*

COUNCIL PRESIDENT  
NICHOLAS W. EASTON



RESIDENCE  
219 Lenox Avenue  
Providence, R.I. 02903

Telephone  
(Res.) 461-6919  
(Office) 521-7477

## Council Chamber, City of Providence, Rhode Island

March 13, 1986

Councilman Thomas M. Glavin  
Chairman  
Committee on Ordinances  
City Hall  
Providence, Rhode Island 02903

Dear Councilman Glavin:

The basic argument for this legislation is it is necessitated by State law governing the size of voting districts. The specific law 17-11-1 dictates that voting districts shall not exceed 1600 voters nor be less than 150 voters. There are several districts in the City which currently are either over this limit or under it. As of the November 5, 1985 election canvass there were fifteen districts which are on the borderline. In Wards 1,2,5,6,8,9,11,13,14 and 15 these conditions create a situation which violates the law. In most situations, the problem can only be corrected by action of the General Assembly and the City Council because they may involve changing not only Ward lines but Senate and Representative lines as well. A sister Bill introduced at the same time as this Ordinance is before the General Assembly. Speaker Smith has appointed Representative Anthony Carnevale to study and find ways to address those cases which require General Assembly action.

This Bill concerning the 9th and 11th Wards needs only to be addressed by the City Council because it, unlike the other cases, does not involve modification of any other lines other than Ward lines. It does not change Senate or Representative lines or create any problems with those lines since it is within the same Senate, and the same Representative district.

The motivation for this type of legislation comes from the fact that Providence currently has over 90 polling places requiring substantial dollars to staff during elections and resolving these problems would reduce the number of polling places and thus, reduce the cost of elections to the City.

Enacting this kind of legislation would be in the best interest of the City regardless of who might be affected.

Sincerely,

A handwritten signature in cursive script that reads "Nicholas W. Easton".

NICHOLAS W. EASTON  
Council President

NWE:r

City of Providence



Rhode Island

Department of City Clerk

**MEMORANDUM**

**DATE:** March 28, 1986

**TO:** Edward C. Clifton, City Solicitor

**SUBJECT:** AN ORDINANCE APPORTIONING THE FIFTEEN WARDS

**CONSIDERED BY:** Committee on Ordinances

**DISPOSITION:** I have been directed by Councilman Thomas M. Glavin, Chairman of the Committee on Ordinances, to request from you in writing as to the legality of the attached Ordinance.

It is also requested that you provide your legal opinion prior to the next scheduled meeting of the Committee to be held on Monday, March 31, 1986.

*Michael R. Clement*  
Michael R. Clement,

First Deputy City Clerk



Department of Law  
*"Building Pride In Providence"*

March 31, 1986

Councilman Thomas M. Glavin  
Chairman, Committee on Ordinances  
c/o Office of the City Clerk  
City Hall  
Providence, Rhode Island 02903

Dear Councilman Glavin:

Please be advised that this communication is in response to your request dated March 28, 1986 requesting that our department look into the legality of "An ordinance in amendment of chapter 1982-11, effective March 14, 1982, entitled: 'An Ordinance Apportioning the Fifteen Wards in the City of Providence in Accordance with Section 204 of the Providence Home Rule Charter of 1980 as Approved by the Electors of the City of Providence at the General Election Held November 4, 1980, as Amended'" prior to your next meeting. One must examine several different documents in order to arrive at a conclusion regarding the legality of this ordinance. The first item in the Providence Home Rule Charter, specifically Section 204 entitled "Wards and ward boundaries." The applicable section of the charter states as follows:

"The city shall be divided into fifteen (15) wards, the boundaries of which shall be drawn pursuant to the provisions of this section.

- (a) The city council shall, following each federal decennial census, enact an ordinance providing for the establishment of the boundary lines of the fifteen (15) wards of the city, said boundary lines to be established following the federal census of 1980, and to be revised as necessary to conform to the criteria set forth in subsection (b) of this section, following the federal census of 1990 and each census thereafter.

Councilman Thomas M. Glavin  
Chairman, Committee on Ordinances  
March 31, 1986

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It is the opinion of this writer that pursuant to Section 204, specifically the language that states "and to be revised as necessary to conform to the criteria in subsection (b)," that this ordinance is in legal form and properly before this committee. The council can amend the ward "boundaries" periodically in order that said boundaries and ordinances conform to Section 204.

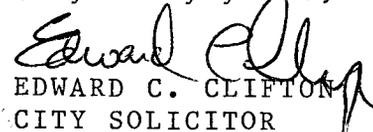
In examining the lines themselves and whether they meet the criteria of Section 204 and applicable state law, it is our opinion that they do. When drawing ward boundaries, one must follow the criteria enumerated in the Providence Home Rule Charter, Section 204(c), "The committee on ward boundaries and the city council shall insure that said boundaries are drawn in accordance with the following criteria: (1) Equality of ward populations so far as practicable; (2) Compactness and contiguousness of the territory of each ward; (3) The use of natural boundaries, and the inclusion of recognized neighborhoods within wards without arbitrary divisions thereof, so far as practicable."

After researching and examining the ordinance, the writer feels that it meets the compactness and contiguousness of the territory of each ward and the City in general and that it uses recognized neighborhoods within this particular ward. More importantly, it equalizes the district and ward populations of this ward.

The principle of Reynolds v. Sims, 377 U.S. 533, 84 S. Ct. 1362, which is the broad principle to be applied is that districting not violate the one person, one vote concept. The writer believes that this ordinance is valid because it falls within that concept.

In closing, it is my opinion that the ordinance is valid and properly before this committee.

Very truly yours,

  
EDWARD C. CLIFTON  
CITY SOLICITOR

  
FRANK MASTRATI, JR.  
Assistant City Solicitor

FILED

MAR 31 4 13 PM '86

DEPT. OF CITY CLERK  
PROVIDENCE, R.I.