

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 2007-14

No. 14

AN ORDINANCE

Relating to Indemnification

Approved January 2, 2007

Be it ordained by the City of Providence:

SECTION 1: The City Clerk, whose job duties are described in Article VI, Section 601 of the Providence Home Rule Charter, and below;

(a) The city clerk shall have the status of a department head and shall have all powers and perform all duties vested in the office of the city clerk by the provisions of this Charter or otherwise, including, without limitation, the following:

- (1) To act as clerk of and to attend all meetings of the city council and to keep a journal of the acts and proceedings thereof. In case of the absence of the city clerk from any meeting of the city council, the first deputy city clerk shall act as city clerk during such absence. In case of the absence of the city clerk and the first deputy city clerk, the second deputy city clerk shall act as city clerk during such absence. If at any meeting of the city council, no person is present as required by this section, the city council shall elect one of its members as clerk pro tempore;
- (2) To keep on file all official documents, papers, reports and records of the city as are required by law to be filed in the department of city clerk and the rules, regulations and organizational charts of departments, boards, commissions and other agencies of the city developed pursuant to Article XII, section 1201(c) of this Charter; and to make due provision for public inspection of such papers as are required to be open to inspection pursuant to the provisions of section 1203, of Article XII of this Charter and of applicable state law.

(b) [Division of archives and history.] There shall be a division of archives and history, which shall be a responsibility of the city clerk and shall be part of the department headed by the city clerk. The division of archives and history shall be headed by a city archivist, appointed by the city clerk, who shall be a person with at least a bachelor's degree from an accredited college or university, who shall be trained in history, archival management, library science or some combination thereof, and who shall have had at least five (5) years' experience as an archivist, manager of records, or equivalent training or experience. The city archivist will serve at the pleasure of the city clerk. The city archivist shall be in charge of the division of archives and history under the general supervision of the city clerk and shall be responsible for the custody, management and preservation of all historical records of the city and of such non current records as shall be transferred to the division by the city clerk or any department or agency of the city. The city archivist shall make provision for access to the materials in the custody of the division, under appropriate conditions and safeguards, to qualified individuals desiring to make use thereof.

The City Treasurer, whose job duties as described in Article VI , Section 602 of the Providence Home Rule Charter, and below;

(a) [Powers and duties.] The powers and duties of the city treasurer shall be, without limitation, the following:

- (1) To maintain, independent of the city controller, a schedule of appropriations and allotments as approved by the city council;
- (2) To review the decisions of the controller as to the sufficiency's of funds before approving payment of any bill, payroll or other claim, demand or charge against the city;
- (3) To maintain records which accurately reflect the financial condition of the city;
- (4) To have custody of all public funds belonging to or under the control of the city, or any office, department or agency of city government;
- (5) To select depositories from among those financial institutions approved by the finance director pursuant to Article VIII, section 813(a)(6), and deposit all funds coming into the treasurer's hand in such depositories, subject to the requirements of all as to surety and the payment of interest on deposits; but all such interest shall be the property of the city, and shall be accounted for and credited to the proper account;
- (6) To have custody of all investments and invested funds of the city government, or in possession of such government, in a fiduciary capacity, and have the safekeeping of all bonds and notes of the city and the receipt and delivery of city bonds and notes for transfer, registration, or exchange;
- (7) To supervise the preparation of bond ordinances, bonds, advertisements for sale of bonds and delivery of bonds, subject to provisions of state law and city ordinance.

The Internal Auditor, whose job duties as described in Article VIII section 816 of the Providence Home Rule Charter, and below;

(a) Powers and duties of the internal auditor. The powers and duties of the internal auditor shall be, without limitation, the following:

- (1) To perform audits of all offices, departments and other agencies of the city, and additional audits as directed by the president of the city council or by resolution of the city council;
- (2) To report the findings of such audits to the city council at least quarterly;
- (3) To issue a report to the city council at least annually on all operations of the city;
- (4) To submit such reports and financial data, information and statements to the city council as it may from time to time require;
- (5) To perform such other duties as may be assigned by ordinance and perform other auditing services of an official nature as may be required by the city council.

SECTION 2: It is critical that these officers be able to discharge their Charter directed duties as well as issue reports or statements without prior restraint, such as litigation, for the performance of their duties.

- (1) The above stated positions are elected by the Providence City Council.
- (2) The City of Providence shall indemnify, exonerate and/or hold harmless these Charter officials for any and all liability resulting from their faithful performance of their Charter duties.
- (3) This indemnity does not cover a liability of an intentional act of the officer or bad faith intended to cause harm.

SECTION 3: This Ordinance Shall take effect upon passage