

# RESOLUTION OF THE CITY COUNCIL

No. 275

*Approved* May 20, 1997

RESOLVED, That the City Council is requested to retain Kelly R. Sheridan, Esquire, outside legal counsel of 10 Weybosset Street, Providence, Rhode Island 02903, to review the court decision relative to the Cost of Living Adjustment (COLA) Regarding advice on any legal options, in an amount not to exceed Twenty Four Thousand Seventy Five Dollars and Seventeen (\$24,075.17) Cents.

IN CITY COUNCIL  
MAY 15 1997  
READ AND PASSED  
*Enrique V. Fargnoli*  
PRES.  
*Michael R. Clement*  
CLERK

**APPROVED**  
MAY 20 1997  
*Vincent A. Cianci*  
MAYOR

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Clerk

THE COMMITTEE ON  
FINANCE  
Approves Passage of  
The Within Resolution

*Barbara A. Parier*  
May 6, 1997 Clerk

# ROBERTS, CARROLL, FELDSTEIN & PEIRCE

INCORPORATED

ATTORNEYS AT LAW

EVELYN FARGNOLI, PRESIDENT  
OFFICE OF CITY COUNCIL  
PROVICENCE CITY HALL  
PROVIDENCE, RI 02905

April 22, 1997  
Invoice: 071866  
Clt ID: 001690-000004  
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Ten Weybosset Street  
Providence, Rhode Island  
02903-2808  
Telephone 401-521-7000  
Telecopier 401-521-1328  
TIN: 05-0344970

## *Professional Services*

RE: COLA CONSENT DECREE/LABOR CONTRACTS

| DATE     | Atty | DESCRIPTION  | Hours |
|----------|------|--|-------|
| 08/09/96 | RKS  | REVIEW ENTRY OF APPEARANCE FROM MR. PARTINGTON ALONG WITH OBJECTION TO MOTION OF THE CITY COUNCIL TO INTERVENE.  | .10   |
| 08/16/96 | RKS  | RESEARCH ISSUES; REVIEW BRIEFS AND PREPARE FOR HEARING BEFORE JUDGE ISRAEL.  | 2.80  |
| 08/20/96 | RKS  | REVIEW PRE-BRIEFING STATEMENT FROM MR. RIENDEAR.   | .30   |
| 08/21/96 | RKS  | REVIEW MEMORANDUM OF CITY SOLICITOR IN SUPPORT OF OUR MOTION TO VACATE CONSENT DECREE.   | .40   |
| 08/27/96 | RPL  | REVIEW RULE 16(B) STATEMENT AND MOTION TO VACATE CONSENT DECREE AND SUPPORTING MEMORANDUM FILED BY CITY SOLICITOR.   | .30   |
| 08/27/96 | RKS  | PREPARE MEMORANDUM TO COUNCIL REGARDING STATUS OF COLA LITIGATION.   | .40   |
| 09/06/96 | RKS  | REVIEW MOTION TO ENLARGE FROM COUNSEL FOR THE RETIREMENT BOARD.  | .10   |
| 09/09/96 | RKS  | DISCUSSION WITH MR. MCGAIR REGARDING STANDING ISSUE AND LACK OF REPRESENTATION OF THE CITY OF PROVIDENCE; DISCUSSION WITH COUNSEL FOR THE RETIREMENT BOARD REGARDING | 1.10  |

UPCOMING HEARING BEFORE JUDGE ISRAEL AND  
TIMETABLE FOR FILING MEMORANDUM IN  
OPPOSITION TO OUR MOTION TO VACATE.

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| 09/11/96 | RKS | REVIEW MEMORANDUM FROM FIREFIGHTERS' UNION<br>IN OPPOSITION TO OUR MOTIONS TO INTERVENE<br>AND TO VACATE CONSENT DECREE; DISCUSSION<br>WITH MR. RIENDEAU AND MCGAIR REGARDING<br>SAME.   | .90  |
| 09/12/96 | RKS | REVIEW BRIEF FROM COUNSEL FOR THE<br>RETIREMENT BOARD IN OPPOSITION TO OUR<br>MOTIONS TO INTERVENE AND TO VACATE;<br>DISCUSSION WITH MR. MCGAIR AND MR.<br>RIENDEAU REGARDING ISSUES RAISED IN BRIEF<br>AND RESPONSE TO SAME.  | 2.40 |
| 09/13/96 | RPL | REVIEW MEMORANDUM OF RETIREMENT BOARD;<br>RESEARCH STATE LAW REGARDING<br>ENFORCEABILITY OF JUDGMENT.  | 2.10 |
| 09/13/96 | RKS | REVIEW BRIEF FROM COUNSEL FOR THE<br>RETIREMENT BOARD IN OPPOSITION TO OUR<br>MOTIONS TO INTERVENE AND TO VACATE;<br>RESEARCH CASE LAW IN PREPARATION FOR<br>HEARING BEFORE JUDGE ISRAEL; PREPARE MEMO<br>TO CITY COUNCIL REGARDING BRIEFS FILED BY<br>THE RETIREMENT BOARD AND IAFF; REVIEW<br>REPLY MEMORANDUM FROM MR. RIENDEAU; REVIEW<br>REPLY MEMORANDUM FROM MR. PARKER.      | 5.50 |
| 09/13/96 | CKA | RESEARCH ISSUE OF RELATION OF CONTRACT<br>CLAUSE TO MOTION TO VACATE; RESEARCH<br>CALLATERAL ESTOPPEL ISSUE IN RELATION TO<br>MOTION TO VACATE.  | 5.60 |
| 09/16/96 | RKS | PREPARE FOR AND ATTEND HEARING AND BEFORE<br>JUDGE ISRAEL ON OUR MOTIONS TO INTERVENE<br>TO VACATE CONSENT DECREE, SOLICITOR'S<br>MOTION TO CLARIFY AND THE RETIREMENT<br>BOARD'S MOTION TO ADJUDGE IN CONTEMPT;<br>REVIEW RECENTLY FILED BRIEFS OF THE<br>RETIREMENT BOARD AND THE UNIONS SEEKING TO<br>ADJUDGE THE CITY IN CONTEMPT; PREPARE<br>SCHEDULE OF RETIREES AND EMPLOYEES | 9.50 |

## TRANSCRIPT OF JUDGE ISRAEL'S DECISION.

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| 10/04/96 | RKS | REVIEW ORDER ON CONTEMPT ISSUE FROM MR. PARKER; NEGOTIATE WITH OTHER COUNSEL REGARDING TERMS OF ORDER.   | .80  |
| 10/08/96 | RPL | RESEARCH STATE LAW REGARDING EQUITABLE ESTOPPEL ISSUE AND RIGHT TO INTERVENE; REVIEW CASES AND PLEADINGS; PREPARE REPLY MEMORANDUM IN SUPPORT OF MOTION TO VACATE. | 6.40 |
| 10/08/96 | RKS | DISCUSSION WITH MR. RIENDEAU REGARDING ORDER GRANTING CONTEMPT MOTION.   | .30  |
| 10/09/96 | RPL | PREPARE MEMORANDUM OF LAW; REVIEW CASES.   | 3.20 |
| 10/09/96 | CKA | RESEARCH ISSUES REGARDING DENIAL OF MOTION TO REARGUE.   | .90  |
| 10/10/96 | RKS | RESEARCH LEGAL ISSUES RAISED IN RETIREMENT BOARD'S BRIEF.  | 1.10 |
| 10/11/96 | RPL | REVIEW AND REVISE MEMORANDUM OF LAW, RESEARCH REGARDING RATIFICATION ISSUES AND ESTOPPEL.  | 3.80 |
| 10/16/96 | RPL | PREPARE MEMORANDUM OF LAW.   | 2.20 |
| 10/21/96 | RKS | RESEARCH ISSUES; DRAFT REPLY BRIEF.  | 7.50 |
| 10/22/96 | RPL | REVIEW AND REVISE MEMORANDUM OF LAW; REVIEW CASES REGARDING DENIAL OF PETITION TO REARGUE.   | .30  |
| 10/22/96 | RKS | DRAFT REPLY BRIEF; DISCUSSION WITH MR. ANDREWS, MR. IGLIOZZI AND MR. MANSOLILLO REGARDING RESOLUTION OF COLA DISPUTE.  | 4.80 |
| 10/24/96 | RKS | REVIEW LETTER FROM MR. PARKER REGARDING HEARING ON OUR MOTION TO VACATE.   | .10  |
| 10/29/96 | RKS | COMPLETE DRAFTING REPLY MEMORANDUM IN SUPPORT OF OUR MOTION TO VACATE.   | 3.40 |
| 10/30/96 | RKS | PREPARE LETTER TO JUDGE ISRAEL REGARDING   | 3.90 |

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REPLY MEMORANDUM IN SUPPORT OF OUR MOTION TO VACATE; ATTEND TO FILING AND SERVICE OF REPLY MEMORANDUM; PREPARE MEMORANDUM TO CITY COUNCIL REGARDING REPLY BRIEF AND STATUS OF COLA CASE; NEGOTIATE WITH MR. ANDREWS REGARDING POSSIBLE TERMS TO SETTLE COLA DISPUTE; DISCUSSION WITH MR. WOERNER AND MR. MANSOLILLO REGARDING FINANCIAL AND LEGAL BARRIERS TO SETTLEMENT; FURTHER DISCUSSION WITH MR. ANDREWS.

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| 10/31/96 | RKS | DISCUSSION WITH MR. RIENDEAU REGARDING ISSUES TO BE ARGUED AND DECIDED ON NOVEMBER 8 HEARING.  | .40  |
| 11/04/96 | RPL | REVIEW MEMORANDUM OF BOARD AND CITY REGARDING CONSENT DECREE.  | .30  |
| 11/04/96 | RKS | REVIEW REPLY MEMORANDA FROM COUNSEL FOR THE RETIREMENT BOARD AND MR. RIENDEAU.   | .70  |
| 11/07/96 | RKS | REVIEW BRIEFS AND CASE LAW; PREPARE ORAL ARGUMENT FOR HEARING BEFORE JUDGE ISRAEL.   | 2.70 |
| 11/08/96 | RKS | PREPARE FOR AND ATTEND HEARING BEFORE JUDGE ISRAEL ON OUR MOTION TO VACATE CONSENT DECREE.   | 4.90 |
| 11/12/96 | RKS | PREPARE FOR AND ATTEND HEARING IN THE SUPERIOR COURT ON OUR MOTIONS TO INTERVENE AND VACATE; PREPARE MEMORANDUM TO CITY COUNCIL REGARDING HEARINGS.                                    | 1.80 |
| 11/18/96 | RKS | REVIEW MOTION TO QUASH SUBPOENA FROM MR. REINDEAU; DISCUSSION WITH MR. REINDEAU REGARDING HEARING ON 11-15-96.   | .60  |
| 11/19/96 | RKS | REVIEW AFFIDAVIT OF COUNCILMAN DILLON; DISCUSSION WITH MR. RIENDEAU REGARDING TERMS OF AFFIDAVIT AND AFFIDAVITS FROM OTHERS; REVISE DILLON AFFIDAVIT AND FORWARD SAME TO MR. RIENDEAU. | .70  |
| 11/22/96 | RKS | ATTEND MEETING WITH CITY SOLICITOR TO REVIEW STATUS OF ALL COLA LITIGATION AND   | 2.00 |

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| 12/16/96 | RKS | ATTEND MEETING WITH CITY SOLICITOR TO REVIEW STATUS OF LITIGATION AND PLAN STRATEGY ON APPEAL.   | 1.00 |
| 12/17/96 | RKS | REVIEW DECISION OF THE SUPREME COURT IN PARITY CASE; DISCUSSION WITH MR. MANSOLILLO REGARDING SAME.  | .60  |
| 12/18/96 | RKS | PREPARE NOTICE OF APPEAL; PREPARE OUTLINE OF EMPLOYEES/RETIREEES POTENTIALLY AFFECTED BY CONSENT DECREE; FORWARD SAME TO MR. MANSOLILLO; DISCUSSION WITH MR. RIENDAU REGARDING DATES OF ALL HEARINGS AND TRANSCRIPTS TO BE ORDERED FOR APPEAL; DISCUSSION WITH MR. KASLE REGARDING STATUS OF LABOR NEGOTIATIONS AND RESOLUTION OF COLA DISPUTE; DISCUSSION WITH MR. MANSOLILLO REGARDING COLA PROVISIONS OF LABOR CONTRACTS AND CITY ORDINANCES. | 2.20 |
| 12/19/96 | RKS | DISCUSSION WITH COUNCILMAN IGLIOZZI AND FARGNOLI REGARDING COLA LITIGATION AND LABOR NEGOTIATIONS.   | .30  |
| 12/20/96 | RKS | DISCUSSION WITH MR. SKOLNIK REGARDING COUNCIL PARTICIPATION IN TEACHER NEGOTIATIONS; REVIEW LETTER FROM CITY CLERK.  | .80  |
| 12/23/96 | RKS | REVIEW SUPPLEMENTAL MEMORANDUM OF THE RETIREMENT BOARD IN THE SUPREME COURT ALONG WITH MOTION TO ENLARGE TIME FROM MR. RIENDEAU AND NOTICE OF APPEAL; PREPARE FOR AND ATTEND MEETING OF CITY COUNCIL TO REVIEW STATUS OF COLA LITIGATION AND LABOR NEGOTIATIONS.   | 4.40 |
| 12/30/96 | RKS | DISCUSSION WITH PRESIDENT FARGNOLI REGARDING RESPONSE TO LETTER FROM MS. TENNIAN; DRAFT LETTER TO MS. TENNIAN AND FORWARD SAME TO MS. FARGNOLI.  | .70  |
| 01/06/97 | RKS | REVIEW REPORT FROM MR. KASLE REGARDING STATUS OF CONTRACT NEGOTIATIONS; DISCUSSION WITH MR. IGLIOZZI.  | .60  |

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| 01/22/97 | LMS | COMPARE 1995 CONTRACT WITH 1996-1999 CONTRACT; PREPARE MEMORANDUM REGARDING SAME.   | 2.20 |
| 01/23/97 | RKS | REVIEW CONTRACT WITH LOCAL 1033.  | 1.80 |
| 01/24/97 | RKS | REVIEW AND ANALYZE CONTRACT WITH LOCAL 1033; COMPARE SAME WITH 1995 CONTRACT; DISCUSSION WITH MS. KASLE REGARDING CONTRACT; PREPARE MEMO TO CITY COUNSEL REGARDING 1033 CONTRACT; DISCUSSION WITH COUNCIL PRESIDENT FARGNOLI REGARDING CONTRACT.  | 6.80 |
| 01/27/97 | RKS | DISCUSSION WITH VARIOUS COUNCILMEN REGARDING LABOR CONTRACTS.   | .80  |
| 01/27/97 | RKS | REVIEW COMPLAINT FOR INJUNCTIVE RELIEF FROM MR. RIENDEAU, OBJECTION AND MEMORANDUM FROM MR. REINDEAU IN OPPOSITION TO MOTION TO CONSOLIDATE APPEALS; REVIEW OBJECTION FROM THE RETIREMENT BOARD IN OPPOSITION TO OUR MOTION TO HOLD IN ABEYANCE AND REPLY MEMORANDUM IN SUPPORT OF MOTION TO CONSOLIDATE. | .60  |
| 01/28/97 | RKS | DISCUSSION WITH MR. CLEMENT; REVIEW TEACHERS CONTRACT; DISCUSSION WITH COUNCIL PRESIDENT FARGNOLI REGARDING TEACHER'S CONTRACT; REVIEW RETIREMENT BOARD'S REPLY MEMORANDUM IN SUPPORT OF MOTION TO CONSOLIDATE APPEALS.   | .80  |
| 01/29/97 | RKS | REVIEW AND ANALYZE TEACHERS' CONTRACT; COMPARE PROPOSED CONTRACT WITH PRESENT CONTRACTS; COMMENCE PREPARATION OF MEMORANDUM TO CITY COUNCIL REGARDING PROPOSED CONTRACT; DISCUSSION WITH COUNCILMAN IGLIOZZI REGARDING CONTRACT.  | 4.40 |
| 01/30/97 | RKS | REVIEW PROPOSED CONTRACT WITH TEACHERS' UNION; PREPARE MEMORANDUM TO COUNCIL REGARDING TEACHERS' CONTRACT.  | 5.50 |



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| 01/31/97 | RKS | COMPLETE PREPARATION OF MEMORANDUM TO CITY COUNCIL REGARDING TEACHERS' CONTRACT.   | 1.20 |
| 02/10/97 | RKS | REVIEW TENTATIVE CONTRACTS; DISCUSSION WITH NUMEROUS COUNCILMEN REGARDING SAME; ATTEND MEETING WITH COUNCILMAN.                              | 3.60 |
| 02/11/97 | RKS | DISCUSSION WITH NUMEROUS COUNCILMEN REGARDING LABORERS' CONTRACT.  | .60  |
| 02/12/97 | RKS | DISCUSSION WITH MR. WOERNER AND MR. KASLE REGARDING POSSIBLE TERMS TO RESOLVE LABORERS' AND FIREFIGHTERS CONTRACTS.                          | 1.30 |
| 02/17/97 | RKS | DISCUSSION WITH COUNCILMAN IGLIOZZI REGARDING LABOR CONTRACTS; REVIEW TEACHER CONTRACT IN PREPARATION FOR MEETING WITH COUNCIL.              | 1.20 |
| 02/18/97 | RKS | DISCUSSION WITH MR. WOERNER REGARDING VARIOUS CONTRACTS; REVIEW TEACHERS' CONTRACT; ATTEND FINANCE COMMITTEE.                                | 2.90 |
| 02/20/97 | RKS | REVIEW FIREFIGHTERS' CONTRACT IN PREPARATION FOR MEETING WITH MR. KASLE.   | .70  |
| 02/24/97 | RKS | PREPARE FOR AND ATTEND FINANCE COMMITTEE MEETING.  | 2.40 |
| 02/25/97 | RKS | DISCUSSION WITH NUMEROUS COUNCILMAN REGARDING LABOR CONTRACTS; REVIEW MOTION TO ENLARGE TIME FROM MR. RIENDEAU.                              | .70  |
| 02/27/97 | RKS | REVIEW TRUST AGREEMENT FROM MR. KASLE; DISCUSSION WITH MR. KASLE REGARDING SAME; ATTEND MEETING OF FINANCE COMMITTEE.                        | 3.10 |
| 02/28/97 | RKS | DISCUSSION WITH CITY CLERK REGARDING PROPOSED RESOLUTION FOR LOSS CONTRACT; DISCUSSION WITH NUMEROUS COUNCILMEN REGARDING PENDING CONTRACTS. | .80  |
| 03/04/97 | RKS | DISCUSSION WITH NUMEROUS COUNCILMAN REGARDING PENDING LABORERS' CONTRACT.  | .70  |

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| 03/05/97 | RKS | REVIEW LETTER AGREEMENT WITH LOCAL 1033;<br>DISCUSSION WITH MR. WOERNER, MR. MCGAIR<br>AND NUMEROUS COUNCILMEN REGARDING LEGAL<br>IMPORT OF LETTER; ATTEND MEETING WITH<br>COUNCILMEN FARGNOLI AND NOLAN AND MR.<br>VIRGILLIO TO REVIEW LOCAL 1033 CONTRACT. | 1.30 |
| 03/06/97 | RKS | DISCUSSION WITH NUMEROUS COUNCILMAN<br>REGARDING LOCAL 1033 CONTRACT; ATTEND<br>COUNCIL MEETING.   | 2.20 |
| 03/07/97 | RKS | DISCUSSION WITH CITY SOLICITOR AND MR.<br>SKOLNIK REGARDING LEGAL EFFECT OF PRIOR<br>ORDINANCE WITH RESPECT TO ONE YEAR<br>CONTRACTS.  | .70  |
| 03/11/97 | RKS | PREPARE FOR AND ATTEND MEETING WITH CITY<br>SOLICITOR TO REVIEW STATUS OF COLA<br>LITIGATION AND SETTLEMENT OPTIONS.   | 1.50 |
| 03/12/97 | RKS | REVIEW AGENDAS FOR RECENT SCHOOL BOARD<br>MEETINGS; DISCUSSION WITH CLIENT REGARDING<br>OPEN MEETINGS ISSUE.   | .70  |
| 03/14/97 | RKS | PREPARE COMPLAINT FOR COUNCILWOMAN YOUNG.  | .60  |
| 03/31/97 | RPL | REVIEW RI SUPREME COURT OPINION REGARDING<br>ESTOPPEL DOCTRINE INVOLVING MUNICIPALITY.   | .30  |
| 03/31/97 | RKS | PREPARE FOR AND ATTEND MEETING WITH WITH<br>CITY SOLICITORS TO REVIEW STATUS OF COLA<br>LITIGATION AND PLAN FURTHER STRATEGY.  | 2.60 |

FEE:

\$ 22,931.50

DISBURSEMENTS

AMOUNT

|                    |        |
|--------------------|--------|
| LEXIS SEARCH       | 223.00 |
| DELIVERY SERVICE   | 2.75   |
| COURT COSTS        | 150.00 |
| PHOTOCOPYING       | 715.40 |
| TELECOPIER CHARGES | 9.00   |

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POSTAGE

43.52

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TOTAL DISBURSEMENTS \$ 1,143.67  
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MATTER TOTAL \$ 24,075.17

TOTAL BALANCE DUE \$ 24,075.17  
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----- ATTORNEY SUMMARY -----

| <u>ATTORNEY</u> | <u>HOURS</u> | <u>RATE</u> | <u>AMOUNT</u> |
|-----------------|--------------|-------------|---------------|
| RKS             | 156.40       | 125.00      | 19,550.00     |
| RPL             | 19.30        | 125.00      | 2,412.50      |
| CKA             | 8.70         | 100.00      | 870.00        |
| LMS             | 2.20         | 45.00       | 99.00         |
|                 | -----        |             | -----         |
| TOTAL           | 186.60       |             | 22,931.50     |