

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

Enrico V. Fargnoli
PRES.
Michael R. Clement
CLERK

APPROVED
MAY 20 1997
Vincent A. Cianci
MAYOR

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THE COMMITTEE ON
FINANCE
Approves Passage of
The Within Resolution

Richard A. Carver
May 6, 1977 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
Page: 1

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.

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

TRANSCRIPT OF JUDGE ISRAEL'S DECISION.

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

OFFICE OF CITY COUNCIL

Invoice: 071866

PAGE: 5

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.

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

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

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

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

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

FEE:

\$ 22,931.50

DISBURSEMENTSAMOUNT

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

OFFICE OF CITY COUNCIL

Invoice: 071866

PAGE: 12

POSTAGE 43.52

TOTAL DISBURSEMENTS \$ 1,143.67

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
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TOTAL	186.60		22,931.50