

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No.

Approved

RESOLVED, That the members of the Providence City Council hereby request the placement of a 2012 ballot question amending the Providence Home Rule Charter to create an elected school board:

That the following ballot questions, as adopted on _____, 2012, be submitted to the Rhode Island Secretary of State to appear on the November 2012 ballot:

Effective 2014, shall the school board consist of fifteen (15) members, one elected from each of the fifteen (15) wards? [Amends Sections 201, 205, 208, and 701]

Shall the members of the school board be elected to four (4) year terms with a limit of three (3) consecutive terms? [Amends Sections 202 and 702]

Shall vacancies on the school board be filled in accordance with the laws already established for the filling of vacancies in other Providence elected offices? [Amends Sections 206, 207, and 703]

201. - Elected officials.

The elected officials of the city shall consist of a mayor, who shall be elected at-large by the qualified voters of the City of Providence, and a city council which shall consist of fifteen (15) members, one elected from each of the fifteen (15) wards into which the city shall be divided pursuant to section 204 of this article-, and a school board which shall consist of fifteen (15) members, one elected from each of the fifteen (15) wards into which the city shall be divided pursuant to Section 204 of this article.

202. - Date of election and terms of office.

(a) The mayor and the members of the city council shall each be elected for a term of four (4) years at a general city election to be held on the Tuesday next after the first Monday in November, A.D. 1982, and each fourth year thereafter. Said elections shall be conducted pursuant to applicable provisions of state election law, and the provisions of any special acts relating to the city. The term of office of the mayor and the terms of office of the members of the city council shall begin on the first Monday in January next following their election, and each person shall hold office until his or her successor is elected and qualified; provided, however, that no such office becomes vacant before the end of the term as a result of a recall pursuant to section 208 of this article, or from other causes, pursuant to section 206 of this article. The mayor shall be limited to serving two (2) consecutive full terms (excluding any partial term of less than two (2) years previously served); and council members shall be limited to serving three (3) consecutive full terms (excluding any partial term of less than two (2) years previously served).

(b) The members of the school board shall each be elected for a term of four (4) years at a general city election to be held on the Tuesday next after the first Monday in November, A.D. 2014 and each fourth year thereafter. Said elections shall be conducted pursuant to applicable provisions of state election law, and the provisions of any special acts relating to the city. The terms of office of the members of the school board shall begin on the first Monday in January next following their election, and each person shall hold office until his or her successor is elected and qualified. School board members shall be limited to serving three (3) consecutive full terms (excluding any partial term of less than two (2) years previously served).

The mayor, ~~and~~ the members of the city council, and the members of the school board, before taking office, shall first be sworn or affirmed to the faithful discharge of their duties, and to the support of the Constitution and laws of the State of Rhode Island and of the Constitution of the United States, in the form and manner provided by law. The oath shall be administered by the judge of the probate court of the City of Providence, or in the judge's absence by the clerk thereof; such oath shall be administered only to a candidate or candidates to whom a certificate of election has been issued as required by law; provided, however, that said oath may be refused to any candidate where the election of such candidate shall have been declared void by a court of competent jurisdiction.

206. - Vacancies in elective offices.

(a) Vacancies in the offices covered by the provisions of this article shall be defined and filled pursuant to the provisions of this section. For the purposes of this section, a vacancy in a city elective office shall be declared to exist by the city council in the event the incumbent thereof:

(1) Dies;

(2) Holds any other elective public office carrying a salary, whether such office be municipal, state, or federal;

(3) Ceases to be domiciled in, and a qualified elector of, the city; or, in the case of a member of the city council, ceases to be domiciled in, and a qualified elector of, the ward from which the member of the city council was elected. As used herein, domiciled shall mean "that place where a person has his or her, true, fixed, and permanent home and principal establishment, and to which whenever he or she is absent has the intention of returning";

(4) Resigns;

(5) Is convicted of a felony or a crime of moral turpitude and has exhausted all appeals from said conviction;

(6) Is recalled as provided hereafter; or

(7) Is otherwise permanently incapable of performing his or her duties of office.

The city council shall provide by ordinance such definitions and procedures as may be necessary and appropriate to carry out its duties under this section, including but not limited to the suspension of an official convicted of a felony from performing any official duties until said official's status is finally determined.

(b) If a vacancy occurs in the office of mayor or of a member of the city council or of a member of the school board more than one hundred eighty (180) days before the time of holding the next succeeding regular city election, the city council shall call a special election for the purpose of filling such vacancy for the remainder of such person's term, such special election to be held within ninety (90) days of the date of the occurrence of such vacancy. If any such vacancy occurs one hundred eighty (180) days or less before the time of holding the next succeeding regular city election, the city council shall call a special election for said purpose, to be held within said period of ninety (90) days, on demand in writing signed by at least one-third of all the members of the city council, and filed with the board of canvassers and the city clerk at least one hundred (100) days prior to the time of holding the next succeeding regular city election. In the event that any state election, regular or special, or any city election for any other purpose shall be held within said period of ninety (90) days, the city council may in its discretion order any special election required by the provisions of this section to be held at the same time as such other city or state election.

In the event that the city council does not declare a vacancy in the city council or the school board pursuant to section 206(a) above, any fifty (50) qualified electors of a single ward may file a signed statement with the city clerk charging that the member of the city council elected from said ward has ceased to possess one or more of the qualifications of office, and stating the particulars as to what lack of qualifications is charged. The city clerk shall present the charges to the city council at its next regular meeting, and at such meeting, the city council shall set a time and place for the holding of a public hearing thereon. Such hearing shall be held not more than fifteen (15) days after said meeting of the city council, and the city council shall determine whether the charges shall be sustained. Upon the affirmative vote of two-thirds of the entire city council, the seat shall be deemed vacant and shall be filled pursuant to the provisions of section 206(b) above.

208. - Recall.

The mayor, ~~and~~ members of the city council, and members of the school board may be removed from office by recall, provided that recall may not be initiated during either the first six (6) months or the last year of an incumbent's term. The procedure to accomplish removal by recall shall be as follows:

(a) A declaration of intent to petition for recall shall be filed with the city clerk; in seeking recall of the mayor said declaration shall include the signatures of one thousand (1,000) qualified city electors, or in the case of members of the city council or members of the school board shall include the signatures of three hundred (300) qualified electors of the ward from which such member was elected;

(b) Within one hundred twenty (120) days of the presentation of said declaration, a written petition demanding the removal of the mayor or member of the city council shall be filed with the city clerk. When removal of the mayor is demanded, said petition shall include the signatures of fifteen (15) per cent of all qualified city electors, provided that no more than fifteen (15) per cent of the total signatures thereon may be from any one ward of the city. When removal of a member of city council or member of the school board is demanded, said petition shall include the signatures of twenty (20) per cent of the qualified electors of the ward from which such member of city council was elected. The signatures on any recall petition provided for in this subsection may be on separate papers, but to each separate paper there shall be attached a signed statement of the circulator thereof, who states therein under oath, that each signature appended to said paper was made in the presence of the circulator. All such papers comprising a recall petition may be bound together and filed as one instrument at one time, or may be filed at different times as separate papers; provided, however, that all such separate papers must be filed within the time limit set in this subsection.

[No further changes to this section.]

701. - Number, selection and term [of school board.]

There shall be a school board which shall consist of fifteen (15) members, one elected from each of the fifteen (15) wards into which the city shall be divided pursuant to Article 2, Section 204 of the Home Rule Charter.

~~(a) There shall be a school board consisting of nine (9) members who shall be appointed by the mayor with the approval of the city council. Of the nine (9) members first appointed, three (3) shall serve a term of one year, three (3) shall serve a term of two (2) years and three (3) shall serve a term of three (3) years. All subsequent appointments or reappointments shall be for a term of three (3) years. No member shall continue in office after his or her term expires without being reappointed by the mayor with approval of the city council.~~

~~(b) The mayor shall be empowered to appoint a school board nominating committee with responsibility to narrow the field of school board appointees.~~

702. - Qualifications. Elections and terms of office.

The members of the school board shall each be elected for a term of four (4) years at a general city election to be held on the Tuesday next after the first Monday in November, A.D. 2014 and each fourth year thereafter. Said elections shall be conducted pursuant to applicable provisions of state election law, and the provisions of any special acts relating to the city. The terms of office of the members of the school board shall begin on the first Monday in January next following their election, and each person shall hold office until his or her successor is elected and qualified. School board members shall be limited to serving three (3) consecutive full terms (excluding any partial term of less than two (2) years previously served).

~~Members of the school board shall be domiciliaries of the city and qualified electors of the city. They shall hold no other paid office or employment in the service of the city and shall not be financially interested directly or indirectly in any contract concerning the public schools. The credentials of both school board and nominating committee members shall reflect ethnic and racial diversity, and diversity of backgrounds, experiences and training that are representative of the city.~~

703. - Vacancies.

Vacancies on the school board shall be defined and filled in the same manner as other elected offices, pursuant to Article 2, Section 206 of the Home Rule Charter..

~~If during a term of office any school board member dies, resigns or ceases to possess any of the qualifications set forth above, the mayor shall thereupon declare the office vacant and shall fill such vacancy for the remainder of the term with the approval of the city council.~~

IN CITY COUNCIL

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