

CITY OF PROVIDENCE
RHODE ISLAND



CITY COUNCIL
JOURNAL OF PROCEEDINGS

No. 40 City Council Special Meeting, Tuesday, June 24, 1980, 8:00 P.M. (E.D.T.).

IN CITY COUNCIL
AUG 7 1980

APPROVED:

PRESIDING

Rose M. Mearns CLERK

COUNCIL PRESIDENT

RALPH FARGNOLI

ROLL CALL

Present: Council President Fagnoli and Councilmen Addison, Almagno, Boyle, Councilwoman Brassil, Councilmen Cirelli, Dillon, Easton, Glavin, Griffin, Johnson, Lynch, Mansolillo, Moise, O'Connor, Paolino, Pearlman, Pennine, Snowden and Xavier—20.

Absent: Councilmen Cola, Farmer, Flynn, Petrosinelli, Salvatore and Stravato—6.

INVOCATION

The Invocation is given by COUNCILMAN ANTHONY P. PENNINE.

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

COUNCILMAN THOMAS F. O'CONNOR, JR., leads the Members of the City Council and the Assemblage in the Pledge of Allegiance to the Flag of the United States of America.

COMMUNICATION FROM CERTAIN MEMBERS OF THE CITY COUNCIL

The Clerk reads the following Communication:

June 20, 1980

Mrs. Rose M. Mendonca
City Clerk
City Hall
Providence, RI 02903

Dear Mrs. Mendonca:

In accordance with the Provisions of Section 3.11 of the Providence City Charter, we the

undersigned, being not less than One Sixth (1/6) of the Members of the City Council hereby respectfully request you call a Special Meeting of the City Council on the 24th Day of June, 1980 at 7:00 o'clock P.M. (E.D.T.) relative to a Resolution from the Committee on Claims and Pending Suits to consider violations of the City Charter.

Sincerely

Councilman David G. Dillon

Councilman Thomas F. O'Connor, Jr.

Councilman Nicholas W. Easton

Councilman Harry A. Johnson

Councilwoman Carolyn F. Brassil

Received.

Councilman Philip F. Addison, Jr.

FROM THE CITY CLERK

The Clerk Reads the following Warrant with the City Sergeant's Return Endorsed thereon, Certifying the He did Notify the Members of the City Council of the Special Meeting to be Held on Tuesday, June 24, 1980 at 8:00 o'clock P.M. (E.D.T.) by Personally Delivering a Copy of the following Warrant on June 20, 1980.

Given under my Hand and Official Seal of the City of Providence, State of Rhode Island and Providence Plantations, this 20th Day of June, A. D., 1980.

ROSE M. MENDONCA
City Clerk

June 20, 1980

State of Rhode Island and Providence Plantations

To Giacomo Martone, City Sergeant:

The City of Providence, Sc.

June 20, 1980

Whereas, more than One-Sixth (1/6) of the Members of the City Council, pursuant to Section 3.11 of the Charter of the City of Providence, Rhode Island, have respectfully requested that a Special Meeting of the City Council be held on the 24th Day of June, 1980, at 7:00 o'clock P.M. (E.D.T.) for the purpose of considering a Resolution transmitted from the Committee on Claims and Pending Suits to consider violations of the City Charter.

I Giacomo Martone, City Sergeant, do hereby certify that I have notified each Member of the City Council of the Special Meeting Scheduled to be held on Tuesday, June 24, 1980 at 7:00 o'clock P.M. (E.D.T.) in the Chamber of the City Council, City Hall, Providence, in accordance with the subject warrant by delivering to each member, a copy thereof.

GIACOMO MARTONE
City Sergeant

You are accordingly commanded and required to summons each Member of the City Council to that Special Meeting, as Called.

Received.

Hereof, Fail Not, and make a true return of this Warrant, with your doings thereon.

REPORT FROM COMMITTEE

COUNCILMAN DAVID G. DILLON, Chairman COMMITTEE ON CLAIMS AND PENDING SUITS

Transmits the following with Recommendations, the Same be Adopted:

Resolution Authorizing the Committee on Claims and Pending Suits to Conduct an Investigation into the Allegation and Evidence of a Violation by the City Solicitor of the Charter of the City of Providence and His Oath of Office and Requesting Supoena Powers and Authority to Hire Legal Counsel.

COUNCILMAN ADDISON moves Passage of the Resolution.

This motion is seconded by **COUNCILMAN EASTON**.

COUNCILMAN O'CONNOR moves to amend the Resolution by deleting in the second line, second paragraph, the following words "and the authority to hire legal counsel" and requests the Clerk read the Amendment and the Resolution as amended; this motion is seconded by **COUNCILMAN EASTON**.

CITY CLERK MENDONCA: Councilman O'Connor requests the following amendment to the Resolution — second paragraph, second line and third line, delete the words "and the authority to hire a legal counsel".

The Resolution will read as follows:

"Resolved. That the Committee on Claims and Pending Suits is hereby authorized to conduct an investigation into the allegation and evidence of a violation by the City Solicitor of the Charter of the City of Providence and his oath of Office, the

specific violation being payment of a rental out of the Claims Accounts, and

Be It Further Resolved, That the Committee on Claims and Pending Suits be granted subpoena power to pursue this investigation."

COUNCILMAN O'CONNOR thereupon moves Passage of the Resolution, as amended.

This motion is seconded by **COUNCILMAN EASTON**.

COUNCILMAN PEARLMAN raises a Point of Order as to whether the Members can amend a Resolution at a Special Meeting of the City Council and requests an opinion from the City Solicitor.

COUNCIL PRESIDENT FARGNOLI informs his Ruling is that the Council cannot amend a Resolution at a Special Meeting.

COUNCILMAN SNOWDEN requests a Division Vote to appeal the Ruling of the President.

This motion is seconded by **COUNCILMAN EASTON**.

DEPUTY CITY SOLICITOR ROTONDI: The problem, as I see it, is the due process clause — A special meeting is based upon notice, now the individuals receive notice. This is postulated upon the fact that the passage of this Resolution

requires three quarters vote. It could be based on the fact that some Councilmen stayed home, they figured, well, three quarter vote, there won't be enough there and it will fail. Now, if the Resolution is amended, it would require a majority vote which would change the whole posture of the scheme. Some of these people would say, when I received notice for the Special Meeting, based upon the Charter, it would require three quarter vote.

We are dealing with the due process issue, I am not suggesting that these people would vote for or against, all I'm saying is to protect the record. The Resolution as it was drawn was sloppy, it is in improper form. Now, to try to correct that at this juncture, in the opinion of the City Solicitor's Office, is improper. Now, Mr. Glantz wants the vote to be, but for purpose of the record, we would just like to say that you have two ideas in one Resolution. For example, if you could not get a three quarter vote based upon the way it was drawn, the Resolution would fail. A lot of these people had that idea in mind and for their own reasons it appears that they did not appear, but it did go out in the notice.

COUNCILMAN PEARLMAN moves a vote be taken on the Appeal of the Ruling of the Chair.

This motion being seconded by COUNCILMAN EASTON, is put to vote and is Not Passed, by the Following Roll Call Vote:

Ayes: Council President Fagnoli and Councilmen Almagno, Cirelli, Glavin, Grif-fin, Mansolillo, Paolino, Pearlman, Pennine and Xavier—10.

Noes: Councilmen Addison, Boyle, Councilwoman Brassil, Councilmen Dillon, Easton, Johnson, Lynch, Moise, O'Connor and Snowden—10.

Absent: Councilmen Cola, Farmer, Flynn, Petrosinelli, Salvatore and Stravato—6.

The motion to Appeal is Defeated and the Ruling of the Chair is thereupon Upheld.

RECESS

COUNCIL PRESIDENT FARGNOLI declares the City Council Stand at Ease at 8:10 o'clock P.M. (E.D.T.).

RECONVENTION

COUNCIL PRESIDENT FARGNOLI Recovers the City Council at 8:15 o'clock P.M. (E.D.T.) and directs the City Clerk to Call the Roll to Ascertain if there is a Quorum Present:

Present: Council President Fagnoli and Councilmen Addison, Almagno, Boyle, Councilwoman Brassil, Councilmen Cirelli, Dillon, Easton, Glavin, Griffin, Johnson, Lynch, Mansolillo, Moise, O'Connor, Paulino, Pearlman, Pennine and Xavier—19.

Absent: Councilmen Cola, Farmer, Flynn, Petrosinelli, Salvatore, Snowden and Stravato—7.

PRESIDENT FARGNOLI: For the Record the Deputy City Solicitor will give us his opinion.

DEPUTY CITY SOLICITOR ROTONDI: This is from Roberts Rules of Order regarding the Seventy-Fifth Anniversary Edition, Page 82, "When a member wishes to appeal from the decision of the chair, he rises as soon as the decision is made, even though another has the floor and without waiting to be recognized by the chair, states "Mr. Chairman, I appeal from the decision of the Chair". If this appeal is seconded, the chair should state clearly the question at issue, and his reasons for the decision if he thinks it necessary, and then state the question thus: "The question is, "Shall the decision of the chair stand at the judgement of the assembly (or society, or club, etc.)" or, "Shall the decision of the chair be sustained?" To put the question he would say, "Those in the affirmative say "aye" and after the affirmative vote has been taken he would say "Those in the negative say "no". The ayes have it and the decision of the chair is

sustained (or stands as the judgement of the assembly). Or, "The noes have it and the decision of the chair is reversed". In either case he immediately announces what is before the assembly as the result of the vote. If there is a tie vote the chair is sustained.

COUNCILMAN DILLON moves that the Resolution be Layed on the Table; this motion is seconded by **COUNCILMAN EASTON**, put to vote and Not Passed by the following Roll Call Vote:

Ayes: Councilmen Addison, Boyle, Councilwoman Brassil, Councilmen Dillon, Easton, Johnson, Lynch, Moise, O'Connor and Snowden—10.

Noes: Council President Fagnoli and Councilmen Almagno, Cirelli, Glavin, Griffin, Mansolillo, Paulino, Pearlman, Pennine and Xavier—10.

Absent: Councilmen Cola, Farmer, Flynn, Petrosinelli, Salvatore and Stravato—6.

The Motion to Lay the Resolution on the Table is not Sustained.

The Original motion as made by COUNCILMAN ADDISON, seconded by COUNCILMAN EASTON, for the Passage of the Resolution is put to vote and Not Passed by the following Roll Call Vote:

Ayes: Councilmen Addison, Boyle, Councilwoman Brassil, Councilmen Dillon,

Easton, Johnson, Lynch, Moise and O'Connor—9.

Noes: Council President Fagnoli and Councilmen Almagno, Cirelli, Glavin, Griffin, Mansolillo, Paolino, Pearlman, Pennine and Xavier—10.

Not Voting: Councilman Snowden—1.

Absent: Councilmen Cola, Farmer, Flynn, Petrosinelli, Salvatore and Stravato—6.

The motion for Passage is Not Sustained.

ADJOURNMENT

There being no further business, on motion of COUNCILMAN ADDISON, seconded by COUNCILMAN O'CONNOR the City Council adjourns at 8:55 o'clock P.M. (E.D.T.) to meet again on WEDNESDAY, JULY 2, 1980 at 8:00 o'clock P.M. (E.D.T.).

Rose M. Mandonea

City Clerk

