

JUL 14 2022

READ

WHEREUPON IT IS ORDERED THAT

THE SAME BE RECEIVED

Ima J. Mastromanni CLERK
ACTING



City of Providence Charter Review Commission 2022 Report



Introduction

Pursuant to Section 1302 of the Providence Home Rule Charter, the City of Providence commenced the process of reviewing the Home Rule Charter beginning with the first meeting of the Charter Review Commission on January 5, 2022. The Charter Review Commission is appointed once every ten years and is tasked with the responsibility of reviewing the Home Rule Charter and making recommendations to the City Council of any changes deemed appropriate. The Charter Review Commission is comprised of nine members, four appointed by the Mayor and five appointed by the City Council. The Commission was comprised of the following members:

- Council President John J. Igliazzi, Chair
- Councilman Oscar Vargas, Vice-chair
- Councilwoman Carmen Castillo
- Councilman James Taylor (in replacement of Nina Pande)
- Bryan Principe
- Ellen Cynar (in replacement of Macky McCleary)
- Tiana Ochoa
- Robert L. Ricci, JD
- Dr. Wayne Montague

Process of the Charter Review Commission

The Charter Review Commission held its organizational meeting on January 5, 2022 and proceeded to host regular meetings every Wednesday over the course of the following months. The decision was made to work through each section of the Charter and ask each department of the City to come in and provide any proposed amendments that they may have in order to improve the Charter. In addition to soliciting feedback from each department, the City Clerk's office and the City Council Office operated an email address through which members of the public could submit written comments for any changes that they might feel are necessary. In an effort to solicit additional public comment throughout the process, multiple charrettes were hosted by commission members so that members of the public could appear and have a more in-depth conversation around specific areas of concern.

Once the commission completed an initial review of each section of the Charter they then proceeded to return to any sections that needed additional consideration for potential changes. This report will outline which sections are recommended to the City Council for Charter amendment as well as which sections are recommended to be effectuated by the passage of ordinances by the City Council.

The red lined versions of each section containing the specific text for each amendment are attached as Exhibit B to this report.

Recommended Charter Amendments

Section 302: Require Department Directors to appear before the City Council for re-appointment every four years.

A request was submitted to require that the Mayor submit all department directors to the City Council for confirmation at the start of every term. The current language of Section 302 was felt to be ambiguous on this requirement and there have been times where department directors have not been resubmitted to the Council following an election. In order to clarify this issue and to ensure that department directors are subject to review and confirmation by the City Council, the Charter Review Commission supports the proposed change to require that department directors be submitted to the City Council for reappointment every four years.

Section 401 (d): Allow the City Council to hire consultants by vote of a simple majority.

Section 401 (d) of the Charter currently requires a two-thirds vote of the City Council in order to retain consultants including lawyers, accountants, engineers, and other experts not regularly employed by any city department or service. There was a request to drop the threshold to a simple majority vote in order to simplify the process by which the Council would be able to retain these experts should they require to do so. The Charter Review Commission was supportive of this proposed amendment provided that the two-thirds vote will still apply for the hiring of legal consultants.

Section 403: Allow for the removal procedure for appointed officers to be defined by ordinance; Also allow the City Council to remove council appointees by a vote of a simple majority.

Section 403 of the Charter allows the City Council to bring charges against any department head or appointed officer of the city and, following a hearing, vote by a two thirds majority to remove said officers or department heads. The Charter is currently silent on the procedural rules by which such a hearing could take place and the Charter Review Commission recommends that Section 403 be amended to allow such a procedure to be established by an ordinance passed by the City Council.

The Charter Review Commission also supports the amendment that the City Council should not be required to reach a two thirds majority in order to remove appointees of the City Council but rather allow for a simple majority vote for the removal of those individuals. For Mayoral appointees the removal process would still require a two-thirds vote.

Section 1007: Amending the Purchasing thresholds for the Board of Contract and Supply.

The Department of Public Property submitted a request to amend the threshold requirements for Board of Contract review of city purchasing to increase the dollar amount from the existing five thousand (\$5,000.00) dollar limit. The Charter Review Commission agreed that the \$5,000.00 threshold is likely too low and that there is a need to increase the limit for construction contracting higher than that of regular city purchasing. The Charter Review Commission recommends that the purchasing threshold be raised from five thousand (\$5,000.00) dollars to fifteen thousand (\$15,000.00) dollars for regular purchasing and thirty-five thousand (\$35,000.00) dollars for construction contracting.

Section 1101: Establish the position of General Manager of the Water Supply Board separate and apart from the role of Chief Engineer.

Section 1101 of the Charter establishes the powers and duties of the Water Supply Board. In consultation with the Water Supply Board, there is a recommended change to establish a new position of General Manager who would have the oversight authority over all personnel matters of the Water Supply Board separate and apart from the position of Chief Engineer. The Charter Review Commission is supportive of this proposal.

Section 1201: Clarify that all department heads and appointed officers are subject to all applicable personnel regulations of the City.

Section 1201 sets out the qualifications, duties, and authority of department heads within the city. There was a request to add clarifying language to make it explicit within the Charter that department heads are indeed still subject to all applicable personnel regulations of the City. While department heads receive the protections of Section 403 of the Charter when it comes to their removal, the Charter Review Commission felt it was important to specify that these department heads still have to comply with the City's personnel policies while employed by the city.

General Amendment: Use gender neutral terminology throughout the Charter; specifically changing Chairman and Vice-chairman to Chair and Vice-Chair.

There was a request to make a change throughout the entirety of the Charter to remove the use of chairman and vice-chairman and replace them with the gender-neutral terminology of chair and vice-chair. The Charter Review Commission is supportive of this proposed amendment.

Council Appointments to the Board of Licenses, Zoning Board of Review, and the City Plan Commission.

The Charter Review Commission received requests to add City Council appointees to all boards and commissions of the City. In reviewing this proposal it was narrowed down to the prominent board and commissions of the Charter, namely the Board of Licenses, the Zoning Board of Review, and the City Plan Commission. Following feedback from the City Solicitor's office it was decided that the issue of Council appointees to these boards may best be answered by the City Council as to whether or not they feel like it is of interest. As a result the Charter Review Commission felt that this is a proposed change that may be worth submitting to the public as a ballot question but leaves that decision to the Providence City Council to determine without a recommendation in either direction.

Recommendation of an Elected and Appointed Hybrid School Board

The Charter Review Commission received several requests to explore the possibility of transitioning to an elected school board rather than its current configuration of nine members all appointed by the Mayor. There has been a national trend in favor of moving to elected school boards with major cities such as Boston and Chicago recently opting in favor of a transition to an elected model. In an effort to explore this proposal, the commission first reviewed a draft of what a fully elected school board could look like.

Following the meeting in which the elected school board proposal was put forward, the Charter Review Commission received feedback from both the public and several commissioners with critiques of the proposed fully elected school board. In response to the feedback received, the Commission undertook the effort to explore a hybrid model in which there would be both elected and appointed members on the school board. The proposed configuration of the hybrid school board model was as follows:

Overview of Hybrid School Board Proposal

The proposed Hybrid School Board would be comprised of ten (10) members, five members elected from five equal regions of the City and five members appointed by the Mayor.

- **Elected Members:** The school board would be comprised of five elected members, one member elected from each of five equal regions of the city, an example of these regions is shown in the map attached hereto as Exhibit A. The five regions, representing the North, South, East, West, and Central regions of the City, would help to guarantee representation for all communities of the City. The Elected members would serve four-year terms and would be elected in a non-partisan election on the November ballot.

As elected officials of the City, the elected members of the school board would be subject to the provisions of Article II of the Home Rule Charter regarding removal, vacancy, swearing in, and terms of office.

The five school board regions would need to be established through the same procedure for City Council wards which is laid out in Section 204 of the Charter.

- **Appointed Members:** In addition to the five elected members, the school board would also be comprised of five members appointed by the Mayor which would bring the total number of members on the board to ten. The process for Mayoral appointments would remain unchanged aside from the addition of a requirement that no more than two appointees may come from a single region of the City. This change is again done to help ensure representation throughout the City. The initial round of Mayoral appointments to the hybrid school board would receive staggered terms with all subsequent terms lasting for three years.

There is no intention of the Charter Review Commission to amend the budgetary process for the Providence Public Schools as the full taxing and budgetary authority shall remain fully vested in the City Council.

The Charter Review Commission spent a great deal of time deliberating on the best path forward for the Providence School Board. The decision was ultimately made to make a recommendation to the City Council supporting the hybrid model as outlined in this report. The Commission focused on several factors in coming to its decision. The largest overriding factor in deciding to transition to the hybrid proposal was that it guarantees a seat at the table for everyone in the City as every region of the City will have representation on the school board. The hybrid model allows for the specialized skill sets and technical expertise that can accompany Mayoral

appointments while also allowing for direct accountability to parents and students that arrives with an election process. The Charter Review Commission feels that the hybrid school board proposal strikes the right balance that will result in a positive impact for the students and families within the Providence Public School system.

Recommended Ordinance Changes

Section 601: Add additional qualifications to the position of City Clerk.

There was a request to amend the qualifications for the position of City Clerk in order to require prior service in any City or Town Clerk's office. While the Charter Review Commission agreed with the idea that the City Clerk should have prior experience in a City or Town Clerk's office, the position itself is appointed by the City Council and it was determined that the imposition of additional qualifications can be implemented by passage of an ordinance by the Council rather than a full Charter amendment to effectuate such a change.

Section 602: Provide the City Treasurer with direct access to records of all receipts, appropriations, and allotments of the City, as well as require that the Treasurer ensure compliance with the City Charter and Code of Ordinances prior to issuing any payments.

Section 602 of the Charter establishes the role and responsibilities of the City Treasurer. In consultation with the Treasurer, there were two proposed amendments to the responsibilities of the position. The first was to provide the Treasurer with direct access to records of all receipts, appropriations, and allotments of the City rather than require that the Treasurer maintain an independent set of those same records. In addition, there was also a need identified to make it explicit that the Treasurer be required to review for compliance with the City Charter and Code of Ordinances before issuing payments on behalf of the City. The Charter Review Commission felt that both of these changes could be facilitated by passage of an ordinance by the City Council and did not feel that a full charter amendment would be required.

Section 1003: Clarify the jurisdiction between Parks, Public Property, and the School Department.

There was a request from the Board of Park Commissioners to amend their charter section to better clarify their responsibilities compared to the Department of Public Property and that of the School Department. While this is an important clarification that should be made, the Charter Review Commission felt that this is something that can be worked out by the Mayor's administration to establish the relationships between administrative departments and in the event there is need for better clarity, the City Council could pass an ordinance to carry out this request in consultation with the Mayor's administration.

Section 1204: Tie the City's open meetings requirements to the State Open Meetings Act.

Section 1204 of the Charter establishes the notice requirements for all open meetings held by public bodies of the city. The current charter section requires twenty-four hours' notice in advance of any meeting of a public body which is incompatible with the current State Open Meetings Act requirement of forty-eight hours. As the state law already supersedes the Charter, the Charter Review Commission did not feel that there was an immediate need for a charter

amendment at this time. In the event the City Council determines that there is a need for additional clarity, a simple ordinance change could be done in the future.

Section 1205: Allow for alternative notice of public hearings.

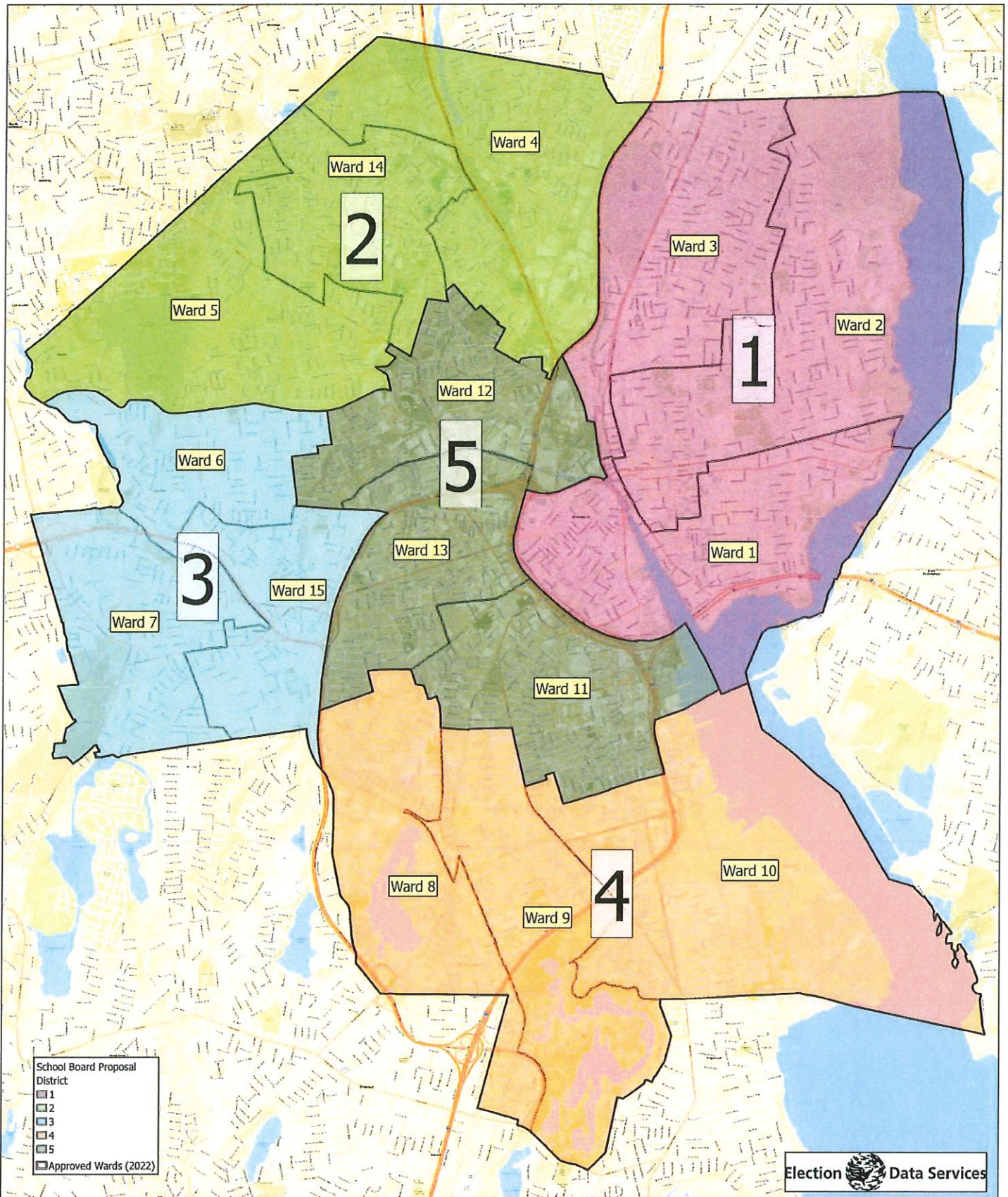
Section 1205 of the Charter requires that notice of public hearings be published “in a newspaper of general circulation” in the City of Providence 10 days prior to the hearing. There was a request to provide an alternative means of communicating out the notice of public hearings that could replace the requirement for posting in a newspaper. The newspaper requirement is costly and at times burdensome due to publishing time frames and may not necessarily be the most effective means for the city to communicate out to the public. The use of the Secretary of State’s website, the City Clerk’s website, social media, physical posting of the notice in City Hall, and other forms of communication were all identified as potential alternatives that can be used. The Charter Review Commission is supportive of allowing greater flexibility in the means of providing notice provided that such notices are able to make it easier for the public to engage with their city government.

Conclusion

This report concludes the work of the Charter Review Commission that began in January of 2022. The Commission spent numerous hours diligently reviewing each and every Section of the Charter in consultation with every department of the city. While the work of the Charter Review Commission is complete, this is not the end of the process for amending the City’s Home Rule Charter. The recommendations contained in this report will now be forwarded to the Providence City Council for consideration and a vote following a public hearing to solicit additional feedback from the residents of Providence. The final decision on any amendment to the Charter will be made by the voters of the city at the November 2022 general election.

EXHIBIT A

City of Providence School Board District Proposal



Election  Data Services

DISTRICT	Adjusted Population Tabulation				Original Population Tabulation				Racial Demographics as Percent of Adjusted Total Population					Racial Demographics as Percent of Adjusted Voting Population				
	All Persons	Target	Dev.	Difference	All Persons	Target	Dev.	Difference	NH White	NH Black	NH Asian	Hispanic	Minority	NH White	NH Black	NH Asian	Hispanic	Minority
1	40,103	38,262	4.81%	1,841	40,081	38,187	4.96%	1,894	64.11%	6.02%	12.12%	10.19%	35.89%	64.75%	5.94%	13.01%	9.64%	35.25%
2	37,499	38,262	-1.99%	-763	37,421	38,187	-2.01%	-766	41.01%	15.04%	2.39%	34.25%	58.99%	47.32%	14.04%	2.39%	29.84%	52.68%
3	38,366	38,262	0.27%	104	38,271	38,187	0.22%	84	13.20%	10.93%	3.22%	68.45%	86.80%	15.86%	10.88%	3.45%	65.85%	84.14%
4	37,324	38,262	-2.45%	-938	37,233	38,187	-2.50%	-954	12.86%	13.03%	6.03%	63.23%	87.14%	14.86%	13.40%	6.24%	60.94%	85.14%
5	38,017	38,262	-0.64%	-245	37,928	38,187	-0.68%	-259	29.01%	14.37%	5.59%	45.14%	70.99%	33.61%	13.93%	6.08%	41.17%	66.39%

EXHIBIT B

SUMMARY OF PROPOSED CITY CHARTER RECOMMENDED CHANGES
(SUBJECT TO REVISION PRIOR TO FINAL APPROVAL)

1. Section 302 – Clarify the language so that at the start of a new term of mayor, all currently serving directors are subject to confirmation by the City Council.

302. Powers and duties of the mayor.

The powers and duties of the mayor shall include, without limitation, the following:

(b) To appoint all heads of city departments and agencies with the approval of the city council, except as otherwise provided in this Charter, which approval shall be sought at the commencement of a mayor's four (4) year term, regardless of whether the mayor has served a previous term; and to appoint such other officials as the mayor may be empowered to appoint by this Charter or by the laws of the state, with the approval of the city council unless the power of appointment is vested in the mayor alone. Except as otherwise provided herein, all such appointees shall serve at the pleasure of the mayor. In no case shall a person serving under an acting appointment hold office on that basis for more than ninety (90) days, nor shall a regular appointee serve beyond the expiration of the term for which he or she was appointed unless reappointed in accordance herewith.

2. Section 401 – Amend the language so that City Council can retain experts, by a vote of a simple majority, however, retention of legal counsel shall remain by a two-thirds vote of the entire City Council.

401. Legislative powers.

The legislative powers of the city shall be vested in a city council, which shall have and exercise all powers vested in it by this Charter and by the laws of the state. The powers and duties of the city council shall include, without limitation, the following:

- (a) To enact such ordinances as the city council may consider necessary to insure the welfare and good order of the city and to provide penalties for the violation thereof;
- (b) To approve or reject all appointments submitted to the city council by the mayor pursuant to section 302(b) of Article III; provided, however, that any such appointment upon which the city council fails to act within thirty-five (35) calendar days of its submission shall be deemed to have been approved. The thirty-five (35) days shall commence with the first meeting of the city council at which the appointment appears on the agenda. The mayor may withdraw any appointment before it has been acted upon by the city council;
- (c) To adopt the annual city budget appropriation ordinance and levy taxes;
- (d) To retain by ~~two-thirds~~ majority vote of the entire city council and to fix the salaries of those consultants it deems necessary for the exercise of its functions including, but not limited to, ~~legal counsel~~, accountants, engineers, and other experts not regularly employed in any city department or service. Legal counsel shall be retained by two-thirds vote of the entire city

council and to fix the salaries of Legal counsel it deems necessary for the exercise of its functions. The city council shall have the power to appropriate funds to defray the costs thereof;

(e) To appoint officers and employees of the city as prescribed by this Charter.

3. Section 403 – Amend language to allow the City Council to remove council appointees by a majority vote. Also, amend language to allow for the removal procedure to be defined by ordinance.

403. Charges against administrative personnel.

Subject to the general laws of the state, except as otherwise provided by this Charter, the city council may bring charges against any department head or agency head, any deputy thereof, any appointive officer of the city, any appointee of the city council or any appointee of the mayor, except the staff of the mayor's office, for neglect of duty or gross misconduct having an effect upon the discharge of the duties of such person. Any such charges which the city council should choose to bring shall first be presented to the mayor, in writing. Not less than thirty (30) days after the delivery of such charges, the city council shall order a public hearing thereon, which hearing shall be held only after due notice to such person of the details of such charges and with reasonable provision for answer by said individual. The person so charged shall have the right to be heard, to be represented by counsel, and to request the city council to compel the attendance of witnesses and production of evidence, including relevant records of the city.

After such hearing is concluded, the city council may, upon the affirmative vote of at least two-thirds of all of its members, suspend or dismiss ~~the person charged~~ any department head or agency head, any deputy thereof, any appointive officer of the city, whereas a majority vote of all of its members is required to dismiss any appointee of the city council. Such action shall be final and not subject to veto by the mayor.

The hearing process may be specified in this charter or by ordinance.

4. Section. 701 – Amend the Charter to provide for a Hybrid School Board.

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

(a) Commencing January 1, 2025, there shall be a school board consisting of ~~nine (9)~~ ten (10) members, five (5) members who shall be appointed by the mayor with the approval of the city council and five (5) members who shall be elected at the November 2024 general election, one from each of the five regions as specified in Section 201 of this Charter. Commencing January 1, 2025, Of ~~of the nine (9)~~ five (5) members first appointed, ~~three (3)~~ one (1) shall serve a term of one year, ~~three (3)~~ two (2) shall serve a term of two (2) years and ~~three (3)~~ two (2) shall serve a term of three (3) years. All subsequent appointments or reappointments shall be for a term of three (3) years. No more than two (2) individuals shall be appointed by the Mayor from each of the five (5) electoral regions as set forth in Section 201 of this Charter. No appointed member shall continue in office after his or her term expires without being reappointed by the mayor with

approval of the city council. Elected members shall be selected in a nonpartisan election and shall serve four-year terms.

(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.

Members of the school board shall be domiciliaries of the city and qualified electors of the city. Additionally, elected school board members shall be a qualified elector of the region from which the elected member of the school board was elected. ~~They~~ School board members 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 appointees 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.

If during a term of office any appointed 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. Vacancies of elected school board members are subject to the provisions provided in section 206 of Article II of this Charter.

707. Budget.

Annually at the time and in the manner provided in Article VIII, section 802 for all city departments, the school board shall submit to the finance director an itemized budget, including an itemized estimate of the anticipated revenue and the proposed expenditures necessary to meet the financial needs of the school department, including sums for the promotion of health of the school children for the ensuing fiscal year, together with such other supporting information as the finance director may direct.

The finance director, under the supervision of the mayor, may revise the estimates as submitted by the school board, and the mayor shall present to the city council the recommended budget for the operation of said school board in the same manner as required by Article VIII, section 803 for any other city department.

The city council shall have the power and authority to act on the school budget in the same manner and to the same extent it may act on the budgets of other city departments, and the city council may appropriate funds to the school department in lump sum or in such detail as it deems necessary and appropriate. The total amount or amounts so appropriated to the school department

shall include all revenues from whatever source derived, and the department of finance shall be charged with the responsibility of insuring that no expenditures are made or obligations created by the school board which are in excess of the amount or amounts so appropriated or of such amounts as may be amended by the city council.

There shall be no change to the budget process as set forth in this section with the establishment of a hybrid elected school board set forth in section 701 of Article VII of this Charter.

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 an elected school board consisting of five (5) members, one elected from each of the five (5) regions into which the city shall be divided pursuant to section 204 of this article.

202. Date of election and terms of office.

The mayor, ~~and the members of the city council~~ and elected 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. 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,~~ and the terms of the elected 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; 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).

204. Wards, ~~and ward boundaries,~~ regions and region boundaries.

The city shall be divided into fifteen (15) council wards, and five (5) school board regions, the boundaries of which shall be drawn pursuant to the provisions of this section.

- (a) The city council shall, following each federal decennial census, enact an ordinance providing for the establishment of the boundary lines of the fifteen (15) council wards, and five (5) school board regions of the city, said boundary lines to be established following the federal census of 1980, and to be revised as necessary to conform to the

criteria set forth in subsection (b) of this section, following the federal census of 1990 and each census thereafter.

(b) The procedure for establishing or revising the council ward and school board region boundary lines, as the case may be, shall be the following:

(1) At its first meeting in September, 1981, 1991, 2001 and 2011, and at its first meeting in January each tenth year thereafter, the city council shall elect a committee on ward boundaries of five (5) members, who may be members of the city council or other qualified persons who are electors of, and are domiciled in, the city as defined in Section 206 below. Three (3) members are to be elected by the majority party, and two (2) members are to be elected by the members of the city council who are not members of that party. The committee shall draw up a plan for establishing or revising the council wards and school board regions subject to the following requirements:

(A) The committee will hold at least four (4) public meetings, during which public comment will be accepted, at various locations throughout the City of Providence before designating a map to submit to the city council for approval;

(B) The committee will provide public notice at least seventy-two (72) hours before holding its meeting to approve the final map that is submitted to the city council for approval. Public comment will be accepted at this meeting prior to the vote;

(C) The committee will submit with the final map a written report of findings and reasons for adoption which includes notation of all criteria employed in the process and a full analysis and explanation of decisions made by the committee;

(D) All committee meetings will comply with the Open Meetings Act.

(2) Upon receiving the plan, the city council shall hold at least one public hearing thereon, following the completion of which the city council shall adopt the plan as presented or with such amendments as it shall think proper. Final approval will require two (2) separate votes by the city council, with the second vote taking place no sooner than seventy-two (72) hours after the first one. Final approval will require a vote of at least two-thirds ($\frac{2}{3}$) of all city council members attending the meeting at which the vote is taken.

(3) The procedure set forth in this subsection shall be completed no later than March 1, 1982, in the case of the committee appointed in September, 1981, 1991, 2001 and 2011 and May first of each tenth year thereafter.

(c) The committee on ward boundaries and the city council shall insure that said boundaries are drawn in accordance with the following criteria:

- (1) Equality of ward, and region, populations so far as practicable;
- (2) Contiguousness of the territory of each ward and region;
- (3) Wards and regions shall comply with the federal Voting Rights Act (42 U.S.C. Sec. 1971 and following).
- (4) The geographic integrity of any local neighborhood, or local community of interest, shall be respected in a manner that minimizes their division to the extent possible without violating the requirements of any of the preceding subdivisions. A community of interest is a contiguous population which shares common social and economic interests that should be included within a single ward for purposes of its effective and fair representation. Examples of such shared interests are those common to an urban area, an industrial area, and those common to areas in which the people share similar living standards, use the same transportation facilities, have similar work opportunities, or have access to the same media of communication relevant to the election process. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.
- (5) To the extent practicable, and where this does not conflict with the criteria above, wards and regions shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant population.
- (6) The place of residence of any incumbent or political candidate shall not be considered in the creation of a map. Council wards and school board regions Districts shall not be drawn for the purpose of favoring or discriminating against an incumbent, political candidate, or political party.
- (d) If the Charter is revised to change the number of ~~ward-based districts~~ council wards or school board regions for an election to take place prior to the next decennial census, the city council will determine the new council ward and school board region boundaries in compliance with the procedures and standards set forth above, except that the date for forming the ward boundaries committee will be January 1 of the year preceding the election, and the date for completing the ward and region boundary map will be May 1 of the year of the election.

205. Swearing in of elected officials.

The mayor, and the members of the city council, and the elected 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-; or, in the case of an elected school board member, ceases to be domiciled in, and a qualified elector of, the region from which the elected member of the school board 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 an elected school board member 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.

207. Enforcement.

In the event that the city council does not declare a vacancy in the city council or the elected school board pursuant to section 206(a) above, any fifty (50) qualified electors of a single ward, or single region as it pertains to an elected school board member, may file a signed statement with the city clerk charging that the member of the city council elected from said ward, or that the elected school board member from said region, 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 or an elected school board member 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 elected school board member shall include the signatures of three hundred (300) qualified electors of the ward, or region as it pertains to an elected school board member, 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 or elected school board member 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 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.

When removal of a member of the elected school board is demanded, said petition shall include the signatures of twenty (20) per cent of the qualified electors of the region from which such member of the school board 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.

- (c) The city clerk shall refer said petition forthwith to the board of canvassers which shall within ten (10) days from the date of the filing of such petition examine it and shall from the voters registered determine the sufficiency thereof and certify the results to the city council forthwith; if the examination shows that the petition contains the requisite number of signatures, the city council shall order and fix, forthwith, a date for holding an election, which date shall not be less than thirty (30) nor more than sixty (60) days from the date that the board of canvassers certified the petition as sufficient;
- (d) Each ballot at such election shall have printed thereon the following question: "Shall (name of person) be removed from the office of (name of office)?" Immediately following such question, there shall be printed on the ballot the following two (2) propositions in this order:
 - "Yes"
 - "No"
- (e) In any such election, if a majority of the votes cast on the question of removal is affirmative, the person whose removal is sought shall thereupon be deemed removed from office as of certification of the results by the board of elections.
- (f) The city council may, through ordinance, make other and further regulations for carrying out the provisions of this section not inconsistent herewith.

- 5. Section 1007 - Amend the Purchasing thresholds for the Board of Contract and Supply from five thousand (\$5,000.00) dollars as it currently exists to fifteen thousand (\$15,000.00) dollars for regular purchasing and thirty-five thousand (\$35,000.00) dollars for construction contracting.

1007. Board of contract and supply.

There shall be a board of contract and supply whose members shall consist of the mayor, the president of the city council, the finance director, the city controller, the chairperson of the

committee of the city council with jurisdiction over city property, the chairperson of the committee of the city council with jurisdiction over budgetary and financial matters, the director of public works, the commissioner of public safety, the city treasurer, the director of public property, the chairperson of the water supply board and the president of the school committee, all ex officio. In the absence of any of the above-named members, a deputy shall serve in the place of said member. On the first Monday of January, 1983, or as soon thereafter as may be practical, the members of the city council who are members of a political party or parties other than that of the mayor, or are independents, shall elect from their total number one member to serve on said board for a term of four (4) years. Any vacancy that may occur in the office of an elective member shall be filled for the unexpired term by those members of the city council eligible to vote for that elective member under the terms of this subsection. Failure to elect such elective member shall in no case prevent said board from acting. The city assessor shall likewise be, ex officio, a member of the board for such purposes as may be declared by ordinance.

- (a) The mayor, or in the absence of the mayor, the president of the city council, shall be the chairperson of said board. The city clerk, or in the absence of the city clerk, one of his or her deputies, shall act as clerk of said board.
- (b) In addition to the membership established herein, the city council, by ordinance, may appoint the heads of other city departments or agencies to the membership of the board of contract and supply, but may not deny membership to any member so named in this subsection unless the department or agency of which said member is the head shall have been abolished.
- (c) It shall be the responsibility of the board of contract and supply:
 - (1) To make all contracts for purchase of materials, supplies, services, equipment and property on behalf of the city, the price or consideration of which shall exceed ~~five~~ fifteen thousand dollars (~~\$5,000.00~~) (\$15,000.00), and thirty-five thousand dollars (\$35,000.00) for construction contracting on the basis of sealed bids solicited through public advertisement in a newspaper of general circulation in Providence, such bids to be submitted, opened and considered in accordance with rules and regulations approved by the board. The city council may increase the figures of ~~five~~ fifteen and thirty-five thousand dollars (~~\$5,000.00~~ and \$35,000.00) by a two-thirds vote following a public hearing, but no more often than once every five (5) years;
 - (2) To insure before a contract is entered into that there exists sufficient appropriation to pay the cost thereof;
 - (3) To reject any or all bids submitted to it for a specific purpose if it considers that the public interest will be best served thereby.
- (d) The board of contract and supply shall have the authority to enter into agreements with the state, or the United States, or any public body having authority to condemn property

of the city, with respect to the value of any such property so taken; and shall have the authority to employ such experts as it shall deem necessary to assist it in the purchase of real estate, or in connection with the condemnation thereof, under such terms and conditions as the city council may set.

6. Section 1101 - Establish the position of General Manager separate and apart from the role of Chief Engineer.

1101 - Water supply board.

There shall be a water supply board which shall consist of the director of finance, ex officio, and six (6) other members, four (4) of whom shall be appointed by the mayor for four-year terms arranged in such a manner that the term of one appointed member shall expire annually and two (2) of whom shall be elected by the city council from among its members to serve for a term of four (4) years. The city council may elect members to the water supply board who are not presently members of the city council, provided that such members serve a term concurrent with the term of the city council. Annually at its first meeting following the qualification of new members, the board shall elect one of its appointive members to serve as chairperson. In the event of a vacancy in the office of chairperson, the board shall fill the vacancy for the balance of the term. No member of the board shall continue in office after his or her term expires without being reappointed by the mayor or re-elected by the city council as the case may be.

- (a) Powers and duties. The powers and duties of the water supply board shall include, without limitation, the following:
 - (1) To supervise, manage and control water collection, storage, purification, and distribution system of the city and other areas within its jurisdiction;
 - (2) To protect and conserve the water supply of the city and other areas within its jurisdiction;
 - (3) To appoint for a period of not more than five (5) years a general manager who shall have at least a bachelor's degree from an accredited college or university and five (5) or more years of supervisory experience in the administration of a utility system.
 - ~~(3)~~(4) To appoint for a period of not more than five (5) years a chief engineer who shall be a professional engineer with at least five (5) years of service as such; and to remove the general manager or chief engineer for official misconduct or failure to perform the duties of the office, after notice and hearing, by a vote of a majority of its members.
 - ~~(4)~~(5) To appoint a legal advisor, subject to the approval of the mayor, to hold office at the pleasure of the board, for the purpose of advising the water supply board upon all questions involving its official actions and business; provided that said legal advisory shall be subordinate to the city solicitor and in all litigation to which the city may be a party, said legal advisor shall be under the direction of the city solicitor.
- (b) General manager's ~~Chief engineer's~~ powers and duties. The general manager ~~chief engineer~~ shall have sole charge of the city water system in every particular, being subject at all times to the prescribed orders and direction of the water supply board, and shall personally attend to all administrative and supervisory

details of operating the water system, including personnel matters, subject to the orders and direction of the board. The general manager ~~chief engineer~~ shall annually prepare a report for presentation to the board, mayor and city council containing a description of the general operation of the water system, a detailed statement of expenditures and income and such other data and information as the board may require.

7. Section 1201 – Section (a) to add language "Subject to applicable personnel regulations that may hereafter be adopted."

1201. General provisions for departments.

The following provisions shall apply to all heads of departments and to all departments of city government, subject to any exceptions and qualifications set forth in this Charter or in state law.

(a) Qualifications of department heads. It shall be the responsibility of the mayor in the making of all appointments of department heads pursuant to section 302(b), to appoint, and it shall be the responsibility of the city council to approve, only persons who are qualified by training, education or previous experience for the positions they are to hold, and who meet the qualifications for any such position as may be specified in this Charter or by ordinance. All department heads shall be subject to applicable personnel regulations that may hereafter be adopted.

8. General Amendment: Use gender neutral terminology throughout the Charter; specifically changing Chairman and Vice-chairman to Chair and Vice-Chair.

Shall the words Chairman/Vice Chairman be changed to Chairperson/Vice Chairperson wherever they appear in the Charter.