

**CITY OF PROVIDENCE
RHODE ISLAND**



CITY COUNCIL

JOURNAL OF PROCEEDINGS

No. 16 City Council Special Meeting, Monday, June 13, 2016, 5:30 o'clock P.M.

PRESIDING

COUNCIL PRESIDENT

LUIS A. APONTE

CALL TO ORDER

**PRESENT: COUNCIL PRESIDENT APONTE, COUNCILWOMAN CASTILLO,
COUNCILMAN CORREIA, COUNCILWOMAN HARRIS,
COUNCILMEN HASSETT, IGLIOZZI, JACKSON, JENNINGS,
COUNCILWOMAN MATOS, COUNCILMEN NARDUCCI, PRINCIPE,
COUNCILWOMAN RYAN, COUNCILMEN SALVATORE, YURDIN AND ZURIER
- 15.**

**ALSO PRESENT: LORI L. HAGEN, CITY CLERK, SHERI A. PETRONIO,
SECOND DEPUTY CITY CLERK, TINA L. MASTROIANNI, ASSISTANT CLERK
AND JEFFREY DANA, CITY SOLICITOR**

IN CITY COUNCIL

III 07 2016

APPROVED:

Luis A. Aponte

CLERK

ROLL CALL

INVOCATION

The Invocation is given by **COUNCILMAN JOHN J. IGLIOZZI**.

"When I was a young boy a long time ago, I remember there were things that I always felt that I brought up as an American and that was I always felt very safe and secure in my surroundings. I always felt safe that our government was doing everything they could to protect us from our foreign enemies. Then I remember the day when 911 happened, actually I had a friend of mine who actually was very lucky he got out of the building just before it collapsed, and then of course we all saw what happened in Boston and unfortunately what just happened in Orlando. Not only do I ask everybody to take a moment for all the victims and our fellow Americans who passed away the other day, and the people in the hospital also trying to recover. Also, their families and friends who feel victimized through this horrific event from a foreign enemy. I think it's important that we do everything we can to protect all our citizens in the best possible way. So, I ask everyone to reflect upon them, as well as our fellow Americans and the families that we lost in past wars, in 911, in Boston and the other massacres. Thank you. God Bless America and the State of Rhode Island."

PLEDGE OF ALLEGIANCE

COUNCILMAN DAVID SALVATORE Leads the Members of the City Council and the Assemblage in the Pledge of Allegiance to the flag of the United States of America.

CALL FOR SPECIAL MEETING
COMMUNICATION FROM
COUNCIL PRESIDENT LUIS A. APONTE

Request filed with the City Clerk June 10, 2016, Requesting a Special Meeting of the City Council to be Called on the 13th day of June, 2016 at 5:30 o'clock P.M., in the City Council Chamber, Third Floor, City Hall.

COUNCIL PRESIDENT Receives the foregoing **Communication**.

RESULT: RECEIVED

WARRANT FOR SPECIAL MEETING

Warrant of the City Clerk to David Tassoni, City Sergeant with Return Certification that he has notified each Member of the City Council of the Special Meeting called for the 13th day of June, 2016 at 5:30 o'clock P.M.

COUNCIL PRESIDENT Receives the foregoing **Warrant**.

RESULT: RECEIVED

ORDINANCE SECOND READING

The Following Ordinance was in City Council June 2, 2016, Read and Passed the First Time and is Returned for Passage the Second Time:

COUNCIL PRESIDENT APONTE, COUNCILWOMAN CASTILLO, COUNCILMAN CORREIA, COUNCILWOMAN HARRIS, COUNCILMEN HASSETT, IGLIOZZI, JACKSON, JENNINGS, COUNCILWOMAN MATOS, COUNCILMEN NARDUCCI, PRINCIPE, COUNCILWOMAN RYAN, COUNCILMEN SALVATORE, YURDIN AND ZURIER

An Ordinance in Amendment of Article XXIV, "Juvenile Hearing Board," of Chapter 2 of the Code of Ordinances of the City of Providence.

Section 1. The Code of Ordinances of the City of Providence, Article XXIV, "Juvenile Hearing Board," of Chapter 2 of the Code of Ordinances is hereby amended as follows:

Sec. 2-371. - Establishment.

There is hereby established within the City of Providence a juvenile hearing board with the powers set forth in this article for the purpose of hearing all cases referred to such board by the chief of the police department, with respect to persons resident in the City of Providence, under the age of eighteen (18) years, who are charged with violating the criminal laws of the State of Rhode Island of the City of Providence.

Sec. 2-372. - Referral.

Any person who is a resident of the City of Providence and under the age of eighteen (18) years who allegedly shall have committed a juvenile offense which if committed by an adult would be a misdemeanor, may request a hearing before the juvenile hearing board rather than being referred to the family court; provided, however, that said referral to the juvenile hearing board is made with the approval of the chief of police of the City of Providence, or his or her designee, and further provided, however, that referral to said juvenile hearing board shall not be offered to any juvenile:

- (1) Who has been charged with the crime of assault or battery, except that in the case of simple assault, the chief, or assigned designee, may use his or her discretion in determining a referral; or
- (2) Who shall have been twice previously referred to the board or who shall have been once previously referred to the board and refused or failed to abide by the sanctions imposed or to make the restitution recommended by the board; or
- (3) Who at the time of commission of such juvenile offense was within the custody and control of the family court, not to include guardianship matters.

The chief of police, or assigned designee, may offer referral to the juvenile hearing board to any other juvenile offender where, in the opinion of the chief of police, or assigned designee, such referral would be beneficial to the juvenile concerned and the community at large. No referral to the board shall be made until such person, together with his/her legal guardians, shall have, in writing, waived such person's right to a hearing in the family court with respect to the offense charged, shall have admitted guilt to the offense charged, and shall have agreed to abide by the decision of the board; provided, however, that failure to comply with the decision of the board may result in the referral of said juvenile to the family court by the chief of police, or assigned designee.

Sec. 2-373. - Refusal of referral.

The board, after investigation, may refuse to hear any case in which it appears that a juvenile was wrongfully referred in violation of section 2-372 above. In addition, the board may refuse to hear any case in which the juvenile refuses to supply the board with requested information, fails to appear when requested or refuses to cooperate with the proceedings of the board. The board shall immediately notify the chief of police, in writing, of any case which it refuses to hear, and the chief of police shall take whatever further action that is deemed necessary, including referral to the family court.

Sec. 2-374 - Duties.

- (a) The board shall hear all cases referred to it by the chief of police or assigned designee and shall recommend sanctions (other than incarceration), and shall direct restitution for any injuries resulting from the commission of such offense.
- (b) Sanctions imposed by the board shall be for a period of time not to exceed six (6) months and may consist of, but not be limited to, public service, referral to counseling, curfews, restrictions on association with other offenders, restrictions on employment.
- (c) In those cases in which the board shall order restitution, it shall attempt to assist the offender and his/her parents in providing a means whereby the offender may make such restitution. In ordering restitution, the board shall take into account the offender's ability to pay and the amount of actual damages caused as a result of the commission of such offense.
- (d) In any such proceeding, the board, prior to imposing sanctions, shall request the juvenile offender and his/her parents to agree to the sanctions imposed and to agree to the amount of restitution and manner of making the same. In imposing sanctions or ordering restitution, the board shall consider the nature of the offense, the prior record of the offender, and any mitigating circumstances involved.

Sec. 2-375. - Meetings.

- (a) The board shall meet not less than once each month. It shall give written notice of the matters to be heard before it to the chief of police, and/or assigned designee, the juvenile officer, and the juvenile offender and his/her parents, not less than ten (10) days prior to the date of the hearing.

Said notice shall set forth the nature of the offense, the time and place of the hearing, and the offender's right to be represented by counsel at the offender's expense.

(b) A majority of the members of the board shall constitute a quorum, and its proceedings shall be closed to the public. The board shall elect by simple majority one (1) from its members as its chairperson and one (1) as its vice-chairperson. In the absence of the chairperson, the vice-chairperson shall be the presiding officer. A majority of the members present shall be required to take any action. The board shall have the power from time to time to draft rules governing its proceedings or to amend or repeal any rules theretofore adopted, with the approval of the chief of police, and not inconsistent with this article.

Sec. 2-376 - Composition.

- (a) The membership of the board shall consist of seven (7) persons and seven (7) alternates over the age of eighteen (18) years, to be appointed by the city council, none of whom shall be attorneys admitted to practice before the Supreme Court of the State of Rhode Island, and none shall be an elected official in any capacity or belong to or be appointed to any partisan organization in any city or town. The composition of the board shall consist of citizens of Providence who have background in and of the related fields of education, probation and parole, human services community youth programs, members of the clergy, former law enforcement or judicial officials, or any citizen who the council deems has the credentials that would be an asset to the board.
- (b) Terms. The City Council shall appoint the following members whose terms shall begin January 2016: One (1) member and one (1) alternate shall be appointed for a term of one (1) year; three (3) members and three (3) alternates shall be appointed for a term of two (2) years; and three (3) members and three (3) alternates shall be appointed for a term of three (3) years. Upon expiration of these initial terms, each subsequent appointee shall serve for a term of three (3) years. All such three-year terms shall expire at the end of their respective third calendar year (December 31st) notwithstanding the actual date of appointment. Vacancies shall be filled as necessary. Any person appointed to fill an unscheduled vacancy shall serve for the remainder of the unexpired term.
- (c) No member of the board shall be entitled to receive any compensation by reason of his or her service on the board. An attorney from the city solicitor's office shall be assigned as necessary in an advisory role to the Board.

2-377. - Juvenile Hearing Board Coordinator

- (a) Purpose. The purpose of the Juvenile Hearing Board Coordinator is to organize meetings, locate available services and provide follow up assistance for juveniles seen by the board.
The Coordinator:

- (1) Acts as the link to service agencies that can provide needed mental health/social service evaluations and services to juveniles.
- (2) Serves as the link between the board and the police, receiving notifications about referrals and scheduling appropriate meetings.
- (3) Reports vacancies to the City Council.

(b) Appointment. The City Council shall appoint a Coordinator, and may consider recommendations from the Board. The Coordinator shall be a representative of a local social service organization with extensive knowledge of social services, community services, and counseling and mental health resources.

(c) Eligibility. The Coordinator must meet eligibility requirements prescribed in Section 2-377.

(d) Relationship to Board. The Coordinator is not a voting member of the Board and may not be counted for establishing a quorum.

(e) Compensation. The Coordinator position shall be voluntary, however, a stipend may be designated through a community fund for such purpose.

SECTION 2. This ordinance shall take effect upon passage.

Read and Passed the Second Time, on Motion of COUNCILMAN PRINCIPE, Seconded by COUNCILMAN Correia, by the following Roll Call Vote:

RESULT:	READ/PASSED SECOND TIME [UNANIMOUS]
MOVER:	Councilman Principe
SECONDER:	Councilman Correia
AYES:	Council President Aponte, Councilwoman Castillo, Councilman Correia, Councilwoman Harris, Councilmen Hassett, Igliazzi, Jackson, Jennings, Councilwoman Matos, Councilmen Narducci, Principe, Councilwoman Ryan, Councilmen Salvatore, Yurdin and Zurier – 15.

The Motion for Passage the Second Time is Sustained.

REPORTS FROM COMMITTEE

COMMITTEE ON FINANCE COUNCILMAN JOHN J. IGLIOZZI, Chairman

Transmits the following with Recommendation the Same be Severally Adopted, As Amended:

COUNCIL PRESIDENT APONTE, (By Request):

An Ordinance Amending Ordinance No. 335 of Chapter 2015-12, Adopted June 11, 2015, Providing for the Assessment and Collection of 2015 Taxes in a sum not less than Three Hundred Forty Six Million Four Hundred and Seventy Two Thousand Five Hundred Sixty Three Dollars (\$346,472,563) and not more than Three Hundred Sixty Million Three Hundred and Thirty One Thousand and Four Hundred Sixty Six Dollars (\$360,331,466) being based on a One Hundred Percent (100%) of the 2015-2016 Fiscal Year Tax Collections, Amending Section 21-182 of the Code of Ordinances to reflect the Tax Classification Plan Approved by the Rhode Island General Assembly Repealing in part Ordinance No. 335 of Chapter 2015-12, Amending Section 21-126 of the Code of Ordinances to raise the Personal Exemptions, and setting the rates for Fiscal Year 2017.

COUNCILMAN PRINCIPE Moves to Amend the Ordinance, Seconded by COUNCILMAN CORREIA.

MR. CLARKIN: The changes to the Levy Ordinance are administrative. Section 1 on the first page, there is a change to the top of the Levy to reflect the maximum increase of 4%, which is reflected by the \$365,928,381, and again that is 4%, which was the range between the current Levy and what the maximum Levy would be this year. Also, on page four, Section five, because of the changes to the tax rates the various exemptions needed to be adjusted in order to have the same financial impact for the taxpayer. So, in this section these amounts are being increased so there is not an increase to the bill to these taxpayers, who currently have these exemptions. So, those are the changes in the Levy. Again they are administrative and they are in line with what was passed out of committee on Thursday night.

COUNCILMAN PRINCIPE Moves to Passage of the Ordinance the First Time, As Amended, Seconded by COUNCILMAN CORREIA, by the following Roll Call Vote:

RESULT:	READ/PASSED FOR THE FIRST TIME [10 TO 5]
MOVER:	Councilman Principe
SECONDER:	Councilman Correia
AYES:	Council President Aponte, Councilwoman Castillo, Councilman Correia, Councilwoman Harris, Councilmen Hassett, Igliazzi, Jackson, Councilwoman Matos, Councilman Principe and Councilwoman Ryan – 10.
NAYS:	Councilmen Jennings, Narducci, Salvatore, Yurdin and Zurier – 5.

The Motion for Passage the First Time is Sustained.

An Ordinance in Amendment of Chapter 2015-13, No. 336, Approved June 11, 2015 of the Ordinances of the City of Providence, making an Appropriation of Six Hundred Ninety-Six Million, One Hundred Nine Thousand, Eight Hundred Ninety-Seven Dollars and no cents (\$696,109,897.00) for the Fiscal Year Ending June 30, 2016, As Amended.

COUNCILMAN PRINCIPE Moves to Amend the Ordinance, Seconded by **COUNCILMAN CORREIA**.

MR. CLARKIN: There are two amendments to this ordinance, the first is on page two, Section 8, which reads the Neighborhood Reinvestment Account shall only be used to fund projects which have a useful life of at least five years. No funds from this account shall be provided to any outside organization as a grant. The second is a housekeeping item. When the original ordinance was prepared, there was \$426,845.00 that was budgeted for medical expenses in the Department of Inspections and Standards, you can find that on page eight. That amount should have been budgeted in the Fire Department. So, this amendment moves the money, the \$426,845.00 from Inspections and Standards into the fire budget, which is where the expense belongs. It's a net zero impact to the budget, it's just putting it into the right department.

COUNCILMAN PRINCIPE Moves to Passage of the Ordinance the First Time, As Amended, Seconded by **COUNCILMAN CORREIA**, by the following Roll Call Vote:

RESULT:	READ/PASSED FOR THE FIRST TIME [10 TO 4]
MOVER:	Councilman Principe
SECONDER:	Councilman Correia
AYES:	Council President Aponte, Councilwoman Castillo, Councilman Correia, Councilwoman Harris, Councilmen Hassett, Igliazzi, Jackson, Councilwoman Matos, Councilman Principe and Councilwoman Ryan - 10
NAYS:	Councilmen Jennings, Salvatore, Yurdin and Zurier – 4.
ABSENT:	Councilman Narducci – 1.

The Motion for Passage the First Time is Sustained.

An Ordinance Establishing a Compensation Plan for the City of Providence and Repealing Ordinance Chapter 2015-14, No. 337, Approved June 11, 2015, As Amended.

An Ordinance Establishing the Classes of Positions, the Maximum Number of Employees and the Number of Employees in Certain Classes in the City Departments and Repealing Ordinance Chapter 2015-15, No. 338, Approved June 11, 2015, As Amended.

An Ordinance Making an Appropriation of Three Hundred Sixty Three Million Eight Hundred Fifty Two Thousand and Nine Hundred Forty Two Dollars (\$363,852,942) for the support of the Providence School Department for the Fiscal Year Ending June 30, 2017, and Repealing Ordinance Chapter 2016-9, No.100, Approved March 23, 2016.

An Ordinance Amending a Compensation Plan for the Providence School Department and Repealing Ordinance Chapter 2016-10, No. 101, Approved March 23, 2016.

An Ordinance Establishing the Classes of Positions, the Maximum Number of Employees and the Employees in Certain Classes in the Providence School Department and Repealing Ordinance Chapter 2016-11, No. 102, Approved March 23, 2016.

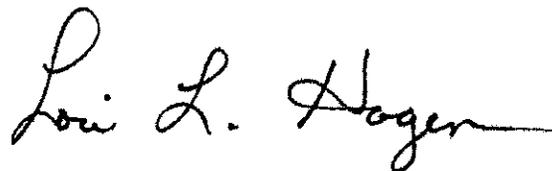
COUNCILMAN PRINCIPE Moves to Dispense with the Reading of the foregoing matters and Moves Passage of the Several Ordinances the First Time, Seconded by COUNCILMAN CORREIA, by the following Roll Call Vote:

RESULT:	READ/PASSED FOR THE FIRST TIME [11 TO 3]
MOVER:	Councilman Principe
SECONDER:	Councilman Correia
AYES:	Council President Aponte, Councilwoman Castillo, Councilman Correia, Councilwoman Harris, Councilmen Hassett, Igliazzi, Jackson, Jennings, Councilwoman Matos, Councilmen Principe and Councilwoman Ryan – 11.
NAYS:	Councilmen Salvatore, Yurdin and Zurier – 3.
ABSENT:	Councilman Narducci – 1.

The Motion for Passage the First Time is Sustained.

CONVENTION

There being no further business, on Motion of **COUNCILMAN PRINCIPE**, Seconded by **COUNCILMAN CORREIA**, it is voted to adjourn at 6:47 o'clock P.M., to meet again to meet again **THURSDAY, JUNE 16, 2016 at 7:00 o'clock P.M.**



**LORI L. HAGEN
CITY CLERK**

