

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 1991-15

No. 223 **AN ORDINANCE** IN AMENDMENT OF AND IN ADDITION
TO CHAPTER 8 OF THE CODE OF ORDINANCES OF THE CITY OF
PROVIDENCE, ENTITLED: "COURTS".

Approved April 26, 1991

Be it ordained by the City of Providence:

SECTION 1. Secs. 8-1, 8-2, 8-3, 8-4, 8-5, 8-6, 8-7 and 8-8
of the Code of Ordinances are hereby amended to read as follows:

Sec. 8-1. Return of warrants issued by justice of municipal court.

All warrants issued by any justice of the municipal court and placed in the hands of an officer for service shall be returned, if not served, to the justice issuing the same, within three (3) months from the date thereof.

Sec. 8-2. Disposition of fines, costs, fees in municipal court.

All fines, costs or fees accruing in any case in the municipal court shall be paid by any defendant or other person in his behalf to the clerk of the municipal court; and after paying to the witnesses in such case all fees due and unpaid to them, said clerk shall make return and payment of the balance, if any remains, to the city collector as provided by law.

Sec. 8-3. Certification, payment of fees due witnesses in municipal court.

The clerk of municipal court shall, on application, give certificates of the amount of fees due to witnesses other than the chief of police or police constables, who may have been summoned as witnesses in cases tried before the municipal court, whenever the costs in such cases have not been paid by the defendant or other person in his behalf. The city controller, upon presentation of such certificates, shall draw upon the city collector in payment of the amount thereof and take receipts therefor.

Sec. 8-4. Annual report of clerk of municipal court; required contents.

The clerk of the municipal court shall make a detailed report to the city council on the first Monday in January annually of the business done by said court during the preceding year, and failure to make such report shall render such clerk ineligible for reappointment.

Sec. 8-5. Scheduling of municipal court sessions in the evenings.

The justices of the municipal court are authorized, by a vote of the majority of the justices, to schedule municipal court sessions in the evening.

No.

CHAPTER

AN ORDINANCE

SECTION 2. The following sections shall be renumbered as follows:

Sec. 8-5, "Days for holding court for transaction of probate business" shall be Sec. 8-6;

Sec. 8-6, "Days for special sessions of probate court" shall be Sec. 8-7;

Sec. 8-7, "Place for holding probate court" shall be Sec. 8-8, and

Sec. 8-8, "Microfilming records of probate court" shall be Sec. 8-9.

SECTION 3. This Ordinance shall take effect upon its passage.

IN CITY COUNCIL
APR 4 1991
FIRST READING
READ AND PASSED

Bohmenlow CLERK

IN CITY COUNCIL
APR 18 1991
FINAL READING
READ AND PASSED

James Petersen
PRESIDENT
Bohmenlow
CLERK

APPROVED
APR 26 1991
Wanda Garcia
MAYOR

IN CITY COUNCIL
MAY 2 1985
FIRST READING
REFERRED TO COMMITTEE ON ORDINANCES

Rose M. Manderson CLERK

Council President Ed Easton

THE COMMITTEE ON
ORDINANCES

March 13, 1986

Recommends *Continue*

Michael R. Clement Clerk

Feb. 13, 1991
March 6, 1991

THE COMMITTEE ON
ORDINANCES

Recommends

Be Continued

Rose M. Manderson Clerk

March 20, 1991

THE COMMITTEE ON
FINANCE

Approves Passage of
The Within Ordinance

Rose M. Manderson Chairman

March 27, 1991

City of Providence



Rhode Island

Department of City Clerk

MEMORANDUM

DATE: March 20, 1986

TO: Judge Edward F. Malloy

SUBJECT: AN ORDINANCE RELATIVE TO "COURTS"

CONSIDERED BY: Committee on Ordinances

DISPOSITION: I have been directed by Councilman Thomas M. Glavin, Chairman of the Ordinance Committee to forward to you the subject matter.

It is also requested that you study the attached and report your finding and recommendation back in writing to the said Committee as soon as practical.


Michael R. Clement

First Deputy City Clerk

EDWARD F. MALLOY
ATTORNEY AT LAW
94B ATWELLS AVENUE
PROVIDENCE, R. I. 02909
TEL. 521-7643

April 2, 1986

Councilman Thomas M. Glavin
Chairman Ordinance Committee
City Clerk's Office
Providence City Hall
Providence, Rhode Island 02903

Re: Ordinance relative to Court

Dear Mr. Glavin:

I am writing to you to express my opposition to the proposed Section 8-5 of the proposed City Ordinance entitled Scheduling of Municipal Court Sessions in the Evenings. This section states that a vote of the majority of the Municipal Court Judges will authorize evening sessions.

I have been the Chief Judge of the court for the past twelve years and in said capacity I am in charge of the running of the court, court calendar, clerk's office and the hours of the court. This is the reason I was appointed by the council and the decision of whether there should be evening sessions should be a decision of the Chief Judge. Others involved in this matter concur.

Also there is a very serious problem of being able to get the help to work in the evening with the court. The people who work during the day would require overtime pay if made to work in the evening. There would be a problem getting the police required to work with the court in the evening. Also after working all day it would be a problem getting the same people to work at night. There fore more help would have to be hired.

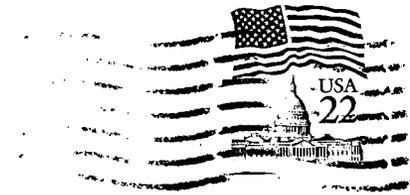
I have been a Judge on the court for sixteen years and I have not heard of any complaints from the public in regards to the 8:00 A. M. starting time of the court. As I stated before it is the responsibility of the Chief Judge to make these changes if he thinks it necessary. I believe that is the way it should remain. That is the Chief Judge is in charge of the every day functions of the Providence Municipal Court.

Very truly yours


Edward F. Malloy

EFM/pm

EDWARD F. MALLOY
ATTORNEY AT LAW
948 ATWELLS AVENUE
PROVIDENCE, R. I. 02909



Councilman Thomas M. Glavin
Chairman Ordinance Committee
City Clerk's Office
Providence City Hall
Providence, Rhode Island 02903

FILED

APR 4 9 38 AM '86

DEPT. OF CITY CLERK
PROVIDENCE, R.I.

Rose M. Mendonca
City Clerk

Clerk of Council



Michael R. Clement
First Deputy

Jean M. Angelone
Second Deputy

DEPARTMENT OF CITY CLERK
CITY HALL

March 7, 1991

Frank Caprio, Esquire
Chief Judge
Providence Municipal Court
209 Fountain Street
Providence, Rhode Island 02903

Dear Judge Caprio:

I have been directed by Councilman David V. Igliazzi, Chairman of the Committee on Ordinances, to forward to you the enclosed proposed Ordinance.

An Ordinance in Amendment of and in Addition to Chapter 8 of the Code of Ordinances of the City of Providence, Entitled: "Courts".

It is requested that you study the enclosed matter and report your findings and recommendations back in writing to the said Committee prior to the Committee's next meeting, which is scheduled to be held on Wednesday, March 20, 1991 at 5:00 o'clock P.M., in the office of the City Clerk, City Hall.

The Committee is desirous to know your feelings on this most important matter.

Sincerely yours,

Michael R. Clement
First Deputy City Clerk

MRC:jb
Enclosure



Rose

Department of Law
"Building Pride In Providence"

April 1, 1991

The Honorable David V. Igliazzi
19 Legion Memorial Drive
Providence, Rhode Island

RE: Municipal Court night session

Dear Councilman Igliazzi:

Municipal Court sessions are presently scheduled during regular working hours. Consideration is being given to scheduling one or more sessions of Municipal Court in the evening to accommodate the work schedules of people appearing before the court as well as to alleviate the increasing parking problem at 209 Fountain Street during the morning session.

The clerical positions for the court are union positions. You have asked me whether some of these positions may be re-posted to include evening sessions as part of the job description. The work schedule is a mandatory subject of the collective bargaining obligation under both state and federal law. As such, the city must undertake a good-faith attempt to negotiate any change in the work schedule with the union. A unilateral change in the work schedule without such a good-faith negotiation would subject the city to an unfair labor practice charge.

The proposed amendment to Chapter 8 of the Code of Ordinances gives the justices of the Municipal Court the authority, at their discretion and by a majority vote, to schedule evening sessions.

The Honorable David V. Igliazzi.

April 1, 1991

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The amendment does not mandate a change to the work schedule. It is simply the first step in the process. Once the remaining hurdles are resolved, including negotiations with the union, the justices of the Municipal Court will already have the authority to schedule evening sessions.

I have discussed this matter with Vincent Ragosta, Jr., Esquire, to get his input on the union issues. He indicated that if you have any further questions, you may feel free to contact him as well.

Very truly yours,

ALISON L. HOLM
Special Counsel

ALH:cmr

cc: Vincent F. Ragosta, Jr., Esquire