

564

CITY OF PROVIDENCE  
RHODE ISLAND



CITY COUNCIL

JOURNAL OF PROCEEDINGS

No. 75 City Council Regular Meeting, Thursday, September 19, 1985, 8:00 P.M. (E.D.T.)

IN CITY COUNCIL  
OCT 3 1985

PRESIDING

APPROVED:

*John Mendonca* CLERK

COUNCIL PRESIDENT

NICHOLAS W. EASTON

ROLL CALL

Present: Council President Easton, Councilman Annaldo, Councilwoman Bras-sil, Councilmen Cola, Dillon, Council-women DiRuzzo, Fagnoli, Councilmen Farmer, Glavin, Griffin, Lombardi, Petro-sinelli, Pitts and Stravato—14.

Absent: Councilman O'Connor—1.

## INVOCATION

The Invocation is given by COUNCILMAN MALCOLM FARMER, III.

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

DEVOTED

COUNCILMAN ANDREW J. ANNALDO  
leads the Members of the City Council and  
the Assemblage in the Pledge of Allegiance  
to the Flag of the United States of America.

## APPROVAL OF RECORD

The Journal of Proceedings No. 73 of the  
Regular Meeting of the City Council held  
September 5, 1985 and Posted September  
17, 1985 on that Bulletin Board located on  
the Ground Floor Level of City Hall, is  
Approved as Printed, on motion of  
COUNCILMAN GLAVIN, seconded by  
COUNCILWOMAN FARGNOLI.

## ELECTIONS

### TWO MEMBERS OF THE RETIREMENT BOARD OF THE EMPLOYEES' RETIREMENT SYSTEM:

COUNCIL PRESIDENT EASTON calls for nominations for Two Members of the Retirement Board of the Employees' Retirement System.

COUNCILMAN GLAVIN nominates JAMES A. QUATTROCCHI of Providence.

This nomination is seconded by COUNCILWOMAN FARGNOLI.

COUNCILMAN GLAVIN nominates MAURICE BISSONNETTE of Providence.

This nomination is seconded by COUNCILWOMAN FARGNOLI.

COUNCIL PRESIDENT EASTON calls for

further nominations and there being none, on motion of COUNCILMAN GLAVIN, seconded by COUNCILWOMAN FARGNOLI, it is Voted that Nominations be closed, and the Clerk is directed to Cast One Ballot for MR. JAMES A. QUATTROCCHI and MR. MAURICE BISSONNETTE.

The Clerk Casts One Ballot as Directed.

COUNCIL PRESIDENT EASTON thereupon declares MR. JAMES A. QUATTROCCHI and MR. MAURICE BISSONNETTE duly elected as Members of the Retirement Board of the Employees' Retirement System for the Ensuing Term of Four Years, Ending on the First Monday in October, 1989.

## SCHEDULE OF BILLS

### FROM CITY CONTROLLER:

Street Lighting Bill from Narragansett Electric Company for July, 1985 in the Amount of One Hundred Thousand Six Hundred Sixty-Three Dollars and Forty-Nine Cents (\$100,663.49).

Approved, on motion of COUNCILMAN GLAVIN, seconded by COUNCILWOMAN FARGNOLI, by the following Roll Call Vote:

Ayes: Council President Easton, Council-

man Annaldo, Councilwoman Brassil, Councilmen Cola, Dillon, Councilwomen DiRuzzo, Fargnoli, Councilmen Farmer, Glavin, Griffin, Lombardi, Petrosinelli, Pitts and Stravato—14.

Noes: None.

Absent: Councilman O'Connor—1.

The motion for Approval, is Sustained.

## ORDINANCES SECOND READING

The following Ordinances were in City Council September 12, 1985, Read and Passed the First Time, as Amended, and are Returned for Passage the Second Time:

An Ordinance Proposing Amendments to the Providence Home Rule Charter.

*Be it ordained by the City of Providence:*

That the following amendments to the Providence Home Rule Charter of 1980 be submitted to the voters of Providence for their approval, pursuant to the 28th Amendment to the Constitution of Rhode Island, and Section 1301 of the Charter:

Section 1. Section 103 entitled General Corporate Powers is deleted and the following new Section 103 shall be substituted in its place:

### 103. GENERAL CORPORATE POWERS.

The City shall have the powers conferred upon it by the laws of the State of Rhode Island. In addition, the City shall have the power to adopt laws and regulations necessary or appropriate to preserve and promote the public health, safety, morals, and general welfare within the city and among its residents and, including within the power hereby granted and without limiting its generality, to borrow, loan, or expend funds, and to make grants, for the purpose of encouraging and assisting the purchase of residences within the city by persons of low or moderate income and the maintenance and improvement of residences within the city which are occupied by persons of low or moderate income.

Section 2. Subsection (a) of Section 401 entitled Legislative Powers is hereby amended to read as follows:

### 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; or appropriate to preserve and promote the public health, safety, morals, and general welfare within the city and among its residents and to prescribe penalties for the violation thereof, and including within the foregoing and without limiting its generality, to enact such ordinances as the city council may consider necessary or desirable to authorize the borrowing, loaning, or expending of funds, and the making of grants, for the purpose of encouraging and assisting the purchase of residences within the city by persons of low or moderate income and the maintenance and improvement of residences within the city which are occupied by persons of low or moderate income.

Section 3. Section 302 entitled Powers and Duties of the Mayor shall be amended by adding the following subsection:

### 302. POWERS AND DUTIES OF THE MAYOR.

- (a) \* \* \* \*
- (b) \* \* \* \*

(c) To appoint a director of administration who shall be a member of his staff and who shall serve at his pleasure. It shall be the duty of the director of administration to supervise and coordinate the functions of all city departments.

Section (c) shall be re-labeled Section (d).

Section (d) shall be re-labeled Section (e).

Section (e) shall be re-labeled Section (f).

Section (f) shall be re-labeled Section (g).

Section (g) shall be re-labeled Section (h).

Section (h) shall be re-labeled Section (i).

Section (i) shall be re-labeled Section (j).

Section 4. Article III entitled "Mayor" is hereby amended by adding the following section:

#### 302.1 APPOINTMENT OF DESIGNEE.

Notwithstanding any other article or provision of the Providence Home Rule Charter of 1980, the Mayor of Providence is hereby authorized to appoint a member of the Mayor's staff to represent him/her on any commission, board, or agency which by law requires membership and/or attendance of the Mayor. Such designee of the Mayor shall serve at the pleasure of the Mayor. The appointment and/or removal of the designee shall become effective upon written notification by the Mayor to the Clerk of the City of Providence and to the President of the City Council.

Section 5. Section 807 entitled Borrowing shall be deleted, and the following new Section 807 shall be substituted in its place:

#### 807. BORROWING.

##### 807.1. GENERAL PROVISIONS.

(a) INTRODUCTION. — In addition to such other borrowing authority as it may have under the laws of the State of Rhode Island, the city shall have the authority to borrow in anticipation of the receipt of property taxes, to borrow in anticipation of the receipt of revenues other than property taxes, to borrow for the purpose of providing funds to meet emergencies, and to borrow for the purpose of making capital and other expenditures in the exercise of the powers conferred upon the city, all in the manner and to the extent provided for in this Section 807.

(b) OBLIGATIONS OF THE CITY. — The power and obligation of the city to pay its general obligation bonds and notes issued pursuant to law shall be unlimited, and the city shall levy ad valorem taxes upon all taxable property within the city for the payment of such bonds or notes and interest thereon, without limitation of rate or amount, except as provided by or pursuant to law. The faith and credit of the city shall be pledged for the payment of the principal and interest on all general obligation bonds and notes of the city issued pursuant to law whether or not such pledge be stated in the bonds or notes, or in the proceedings authorizing their issue. The city shall annually appropriate a sum sufficient to pay the principal and interest coming due within the year on all its general obligation bonds and notes to the extent that moneys therefor are not otherwise provided. If such sum is not appropriated, it shall nevertheless be added to the annual tax levy.

(c) METHOD OF SALE OF BONDS OR NOTES. — All bonds or notes issued by the city may be sold at public sale, upon sealed proposals, no earlier than the fifth (5th) day after the day upon which a notice of sale has been published as hereinafter provided or, upon the recommendation of the director of finance and the approval of the city council, either by resolution or ordinance, at private sale. Notice of public sale shall be published in a publication distributed in the State of Rhode Island carrying municipal bond notices and devoted primarily to financial news or to the

subject of state and municipal bonds and in a newspaper having a general circulation in the City of Providence. Offers or proposals for the purchase of bonds shall be accepted or rejected by the city treasurer with the approval of the committee on finance of the city council.

#### 807.2. NOTES.

(a) **TAX ANTICIPATION NOTES.** — In any fiscal year, in anticipation of the collection of property tax for such year, the city council may, by resolution, authorize the borrowing of money by the issuance of negotiable notes of the city, each of which shall be designated "tax anticipation note for the year ending June 30" of that fiscal year and shall be made payable not later than one (1) year from its date, but may be renewed or paid by the issue of new notes bearing such notation and payable not later than one (1) year from the date of the original notes so renewed or paid. Whenever the city shall issue any notes for borrowings in anticipation of taxes, the total amount of said borrowings shall not in any fiscal year exceed eighty (80) percent of the receipts anticipated from the property tax levy of that year, as estimated in the appropriation ordinance (or, if no appropriation ordinance has been enacted by the city council, the receipts anticipated from the property tax levy of the next prior year, as estimated in the appropriation ordinance for that year), other than for water bills and other earnings of the water supply board, remaining uncollected at the time said notes were issued.

(b) **SPECIAL REVENUE NOTES.** — In any fiscal year, in anticipation of the collection or receipt of revenues other than the property tax of that fiscal year, the city council may, by resolution, authorize the borrowing of money by the issuance of negotiable notes of the city, each of which shall be designated "special revenue note for the year ending June 30" of that fiscal year. Such notes may be renewed, but all such notes, together with the renewals, shall mature and be paid not later than the end of the fiscal

year immediately following the fiscal year in which the original notes shall have been issued.

(c) **EMERGENCY NOTES.** — Such authorization shall be made pursuant to Section 413 of this Charter. Emergency notes shall also require the approval of the mayor.

(d) **DEMAND NOTES PROHIBITED; NOTES TO BE SOLD AT NOT LESS THAN PAR.** — No notes shall be made payable on demand, but any note may be made subject to redemption prior to maturity on such notice and at such time as may be stated in the note.

#### 807.3. BONDS.

(a) **BOND ORDINANCES.** — Except with respect to the issuance of emergency bonds, the city shall authorize the issuance of bonds by a bond ordinance passed by the affirmative votes of at least eight (8) members of the city council as provided by this Charter and the Constitution and laws of the State of Rhode Island. A bond ordinance shall contain in substance at least the following provisions:

(1) An appropriation of a sum of money for a purpose or purposes, described in brief and general terms sufficient for reasonable identification;

(2) An authorization of the incurring of indebtedness by the issuance of bonds in a stated amount, pursuant to this Charter;

(3) A statement of the estimated maximum cost of the purpose or purposes for which the bonds are being authorized, including any sums theretofore or thereby appropriated;

(4) A determination, where appropriate, of the period of usefulness of any property being acquired, constructed, or improved with the proceeds of the bonds being authorized;

(5) A determination of the net indebtedness of

the city (calculated as provided in Subsection (f) (1) through (5) of this Section 807.3); and

(6) A determination that the bonds thereby authorized will be within all debt limitations prescribed by the Constitution and laws of the State of Rhode Island.

The title of the bond ordinance shall state the amount appropriated for the purpose or purposes described therein and the amount of the bonds authorized to finance the appropriation.

(b) EMERGENCY BONDS. — Bonds may be issued pursuant to Section 413 of this Charter for the purpose of providing funds to meet a public emergency, and the expenditure of such funds shall not be restricted to capital expenditures. Emergency bond ordinances shall be enacted in the manner provided in Section 413 and shall not be subject to the requirements of Section 807.3(d).

(c) SPECIAL BONDS. — In anticipation of the collection or receipt of grants of federal or state aid or of the repayment of funds granted by the federal or state government and loaned by the city to any person, firm, or corporation (as permitted by the terms of the grants), the city council may, by bond ordinance, authorize the borrowing of money by the issuance of negotiable bonds pledging the faith and credit of the city. The total amount of the bonds issued shall not exceed eighty (80) percent of the receipts anticipated from the federal or state grants or the repayment of granted funds; and the term of the bonds shall not extend beyond the time at which or during which the federal or state grants or the repayment of granted funds are to be collected or received. As additional security for the payment of the principal and interest on the bonds, or for the performance of any agreements made in connection therewith, the bond ordinance may provide for a pledge or the grant of a security interest in any and all grants, repayments, instruments evidencing the same, or mortgages or security interests securing the payment of the same. Bond ordinances authorizing the issuance of bonds hereunder shall not be subject to the requirements of Section 807.3(d).

(d) REFERENDUM. — Except as otherwise provided herein or by the laws of the State of Rhode Island, each bond ordinance authorizing the issuance of general obligation bonds shall be submitted to a vote of the electors of the city in accordance with the General Laws at an election, and no general obligation bonds shall be issued pledging the faith and credit of the city unless approved at such election.

(e) BOND ANTICIPATION NOTES. — In anticipation of the issuance of bonds approved pursuant to this article, the council may, by resolution, authorize the issuance of negotiable notes. Each note shall be designated "bond anticipation note" and may be renewed, providing, however, that any notes issued after the completion of a project or projects for which an issuance of bonds was approved, shall be paid in the same manner as provided for the payment of the bond issue in anticipation to which the notes were originally issued.

(f) DEBT SERVICE. — In connection with any bond ordinance, and prior to the date of introduction thereof, the finance director shall prepare and file for public inspection in the office of the city clerk a statement determining the net indebtedness of the city as follows:

(1) The aggregate principal amount of all outstanding bonds and notes of the city;

(2) The aggregate principal amount of all bonds and notes of the city which are excluded from any debt limitations prescribed by the Constitution and laws of the State of Rhode Island;

(3) The net indebtedness of the city which is the amount, if any, by which the amount described in clause (1) above exceeds the amount described in clause (2) above;

(4) The amount, if any, by which the net indebtedness of the city will be increased by the issuance of the bonds proposed to be authorized by such bond ordinance; and

(5) The aggregate principal amount of all bonds and notes of the city which, after the issuance of the bonds proposed to be authorized by such bond ordinance, may be issued pursuant to any debt limitations prescribed by the Constitution and the laws of the State of Rhode Island.

(g) PAYMENT OF BONDS. — All bonds issued by the city shall be paid as provided for herein. The first principal installment shall be paid not more than three (3) years after the date of which said bonds were issued. The last principal installment of each authorized issue of bonds shall be paid not later than the expiration of any applicable period of usefulness as determined in the bond ordinance authorizing the issuance of the bonds, but in no event for a period exceeding thirty (30) years. Subject to the foregoing, the principal installments payable on bonds shall be payable at such times and in such amounts as shall be provided in the bond ordinance adopted by the City Council or in the absence of such provision in the bond ordinance as may be determined by the City Treasurer with the approval of the committee on finance of the City Council.

(h) PERIOD OF USEFULNESS. — Where appropriate, the period of usefulness of a project or projects financed by an authorized issuance of bonds shall be as determined by the city council and stated in the bond ordinance. The determination of the city council, in the bond ordinance, as to the period of usefulness, shall be conclusive in any action or proceeding involving the validity of the bonds. In no case, however, is the period of usefulness to exceed thirty (30) years.

(i) VALIDITY OF BOND ORDINANCES. — After final passage of a bond ordinance, the same shall be published as provided by this Charter. When twenty (20) days shall have elapsed after publication of a bond ordinance:

(1) Any recitals or statements of fact contained in such bond ordinance, or in the

preambles or recitals thereof, shall be deemed to be true for the purpose of determining the validity of the bonds thereby authorized, and the city and all others interested shall forever thereafter be stopped from denying the same;

(2) Such bond ordinance shall be conclusively presumed to have been duly and regularly passed by the city and to comply with the provisions of this Charter and of all laws; and

(3) The validity of such bond ordinance shall not thereafter be questioned by either a party plaintiff or a party defendant, except in a suit, action, or proceeding commenced prior to the expiration of such twenty (20) days.

(j) REMAINING BALANCES FROM SALE OF BONDS. — Any balance remaining from the sale of bonds issued by the city, after the project or projects as described in the bond ordinance authorizing the issuance of such bonds shall have been completed and full payment shall have been made thereon, shall be held separate from all other funds of the city, and shall be used toward the payment of any of the bonds so issued.

Such amounts shall not be included in any budget receipts as revenue except in the fiscal year in which payment of such bonds is made and to the extent to which the funds are used for payment of said bonds in such fiscal year. Such funds may be held in approved depositories or may be invested in obligations of the United States or in bonds of the city. Any income received from such investments shall be added to such funds held for final payment of said issue of bonds in the same manner as prescribed for the amounts originally remaining from such bond issues. No portion of any such funds shall be invested in tax anticipation notes, bond anticipation notes, or special revenue or emergency notes of the city.

(k) TIME LIMIT ON BOND ISSUANCE. — Bonds shall be issued within seven (7) years following certification of their approval by the voters of Providence, unless the city council, by

ordinance, grants an extension to the city treasurer which is not to exceed three (3) years. Prior to the expiration of the time periods set forth herein, the city council, upon the recommendation of the mayor, may rescind the authority to issue bonds previously granted.

*Section 6.* Section 810 entitled Transfer of Appropriations is hereby amended to read as follows:

#### 810. TRANSFER OF APPROPRIATIONS.

The Mayor may authorize a transfer of a portion of any unencumbered item of appropriation as certified by the Finance Director to another item of appropriation either within a single department, office, or agency of the City or between two (2) or more such departments, offices, or agencies, except appropriations for payments to the sinking fund, city debt, or retirement fund, provided that ~~no transfer shall exceed five thousand dollars (\$5,000.00) in the aggregate the total amount transferred either within a single department, office, or agency, or to or from each department, office, or agency shall not exceed fifteen thousand dollars (\$15,000.00) within one fiscal year, and provided further that the Mayor shall notify the City Council of the transfer. If the amount to be transferred exceeds fifteen thousand dollars (\$15,000.00), it shall be the duty of the Mayor to submit the proposal in writing in the form of an ordinance to the City Council for approval or rejection before such transfer is accomplished; provided, however, that the City Council may alter the ceiling of five thousand dollars (\$5,000.00) fifteen thousand dollars (\$15,000.00) by a two-thirds vote of its entire membership, following a public hearing. If the transfer is approved by resolution or ordinance is approved by the City Council, the Finance Director shall cause the amounts of the appropriations affected to be transferred accordingly.~~

*Section 7.* The first sentence of Subsection (a) (1) of Section 908 entitled Retirement Board is hereby amended to read as follows:

#### 908. RETIREMENT BOARD.

##### (a) ELECTION AND TERM.

(1) There shall be an employee retirement board consisting of the mayor, the chairperson of the city council committee on budgetary matters, and the city controller, **the director of finance, and the director of administration**, ex officio; two (2) members who shall not be officers or employees of the city who shall be elected by the city council; and representatives of the present and retired employees of the city.

*Section 8* The Department of Communications is hereby renamed the Department of Telecommunications. Wherever the words "Department of Communications" appear in this Charter, the words "Department of Telecommunications" shall be substituted therefor.

*Section 9.* Section 1006, previously entitled Department of Public Property, is hereby amended to read as follows:

#### 1006. DEPARTMENT OF PUBLIC PROPERTY GENERAL SERVICES.

There shall be a department of ~~Public Property General Services~~, the head of which shall be the Director of ~~Public Property General Services~~, who shall be a person holding at least a bachelor's degree from an accredited college or university, and who shall have a minimum of five years of experience in the supervision of ~~a centralized system for purchase, distribution, and inventory and supplies, or supervision of building and equipment maintenance, or equivalent training or experience.~~ The Department of ~~Public Property General Services~~ shall have jurisdiction over all land owned by the City which does not come under the jurisdiction of the Department of Public Parks as set forth in Section 1003 and over all buildings and other structures owned by or under the control of the City, and shall be responsible for the maintenance, planning, design, construction,

alterations, and repairs to all such City property under its jurisdiction. In the event of a disagreement over whether a particular piece of City land, or a particular building or other structure falls under the jurisdiction of the Department of Public Property General Services, or of another department or agency of City Government, such disagreement shall be resolved by the Mayor. The Department of Public Property shall also be responsible, subject to the provisions set forth hereinafter relating to the Board of Contract and Supply, for all purchasing and procurement of materials, supplies, contractual services, equipment, and all other necessary categories of procurement for the city.

(a) **POWERS AND DUTIES OF THE DIRECTOR.** — The powers and duties of the Director of the Department of Public Property General Services shall include, without limitation, the following:

(1) To make such rules and regulations as may be necessary to carry out the responsibilities imposed upon the department; provided, however, that all rules and regulations relating to the conduct of the purchasing function including the manner of purchase, delivery, storage, and distribution of materials and supplies; the manner of making and submitting requisitions and estimates; the inspection and testing of materials, supplies, and equipment; reports of materials, supplies, and equipment; reports as to stock and transfers thereof; and the manner of approval of payment therefor, shall be laid before the city council which shall have thirty (30) days to disapprove the same in whole or in part before they take effect.

(2) To sell all supplies, materials, and equipment not needed for public use, or that may have become unsuitable for use, but only after authorization by the board of contract and supply purchasing;

(3) To transfer from one department or agency of City Government to another any materials,

supplies or equipment that any such agency shall have declared surplus;

(4) To control all central storerooms now or hereafter operated by the City or any department or agency thereof;

(5) To establish and enforce standard specifications, subject to the approval of the board of contract and supply and relevant department heads, for all supplies, materials, and equipment purchased for use by any department or agency of city government.

(6) (5) To supervise and control the municipal garage and its operation;

(7) (6) To supervise and control the use and operation of all printing and duplicating equipment;

(8) (7) To make and keep current an inventory of all moveable equipment on or property belonging to the City;

(8) To supervise the maintenance, management, and operation of a centralized fleet of vehicular and mobilized equipment belonging to the City;

(9) To be responsible for all other functions and duties which are or shall be hereafter assigned to the Department of Public Property General Services.

(b) **REVOLVING FUND.** — There shall be a revolving fund into which payment shall be made by departments and agencies of the city in reimbursement for the cost of such maintenance and repair services as are performed by the department of public property general services on property, buildings, or facilities under the jurisdiction of such department or agencies. The city council may specify the terms, conditions, and accounting procedures for the operation of such revolving fund.

DELETE 1006 (c)

DELETE 1006 (d)

DELETE 1006 (e)

Section 10. Section 1007 entitled Board of Contract and Supply is hereby deleted in its entirety and the following Sections 1007 entitled Department of Purchasing and 1007.1 Board of Purchasing are hereby substituted in its place;

#### 1007. DEPARTMENT OF PURCHASING.

There shall be a Department of Purchasing, the head of which shall be the Director of Purchasing, who shall be a person holding at least a bachelor's degree from an accredited college or university, and who shall have a minimum of five (5) years of experience in the supervision of a centralized purchasing system. The Department of Purchasing shall be responsible, subject to the provisions set forth hereinafter relating to the Board of Purchasing, for all purchasing and procurement of materials, supplies, contractual services, equipment, and all necessary categories of procurement for the City. The Director of Purchasing shall be appointed by the Mayor with the approval of the City Council.

(a) **POWERS AND DUTIES OF THE DIRECTOR.** — The powers and duties of the Director of Purchasing shall include, without limitation, the following:

(1) To make such rules and regulations as may be necessary to carry out the responsibilities imposed upon the department; provided, however, that all rules and regulations relating to the conduct of the purchasing function, including the manner of purchase, delivery, storage, and distribution of materials and supplies, the manner of making and submitting requisitions and estimates, and inspection and testing of materials, supplies, and equipment, reports as to stocks and transfers thereof, and the manner of approval of payment thereof, shall be laid before the City Council which shall have thirty (30) days

to disapprove the same in whole or in part before they take effect;

(2) To establish and enforce standard specifications, subject to the approval of the Board of Purchasing, and relevant department heads, for all supplies, materials, and equipment purchased for use by any department or agency of City Government;

(3) To maintain a complete chronological record of all purchases and contracts made or attempted to be made, including the name of each bidder, the amount of each bid, an indication of the successful bidder, the originals of all sealed bids, and, where competitive bidding was ~~dispersed~~ **dispensed** with, the name of the vendor or contractor, the price paid, and the written approval of the Board of Purchasing where required.

(b) **PURCHASES OF LESS THAN TWO THOUSAND DOLLARS.** — 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 hundred (\$500.00) dollars, but amount to less than two thousand (\$2,000.00) dollars, shall be made by the Director of Purchasing, in accordance with the requirements set forth in Section 1007(d). All purchases made on behalf of the City, the price or consideration of which shall be five hundred (\$500.00) dollars or less, shall be made by the department or agency requiring the materials, supplies, services, equipment, or property involved, **in accordance with rules and regulations established by the Director of Purchasing.**

(c) **PURCHASES OF TWO THOUSAND DOLLARS OR MORE.** — All contracts for purchase of materials, supplies, services, equipment, or property on behalf of the City, the price of consideration of which shall be two thousand (\$2,000.00) dollars or more, shall be made by the Board of Purchasing in accordance with the requirements set forth in Section 1007(d). The City Council may increase the figure of two

thousand (\$2,000.00) dollars by a two-thirds vote following a public hearing, but no more often than once every five (5) years.

(d) **PURCHASES SUSCEPTIBLE TO COMPETITIVE BIDDING.** — All contracts for purchase of materials, supplies, services, equipment, or property on behalf of the City, the price or consideration of which exceeds two thousand (\$2,000.00) dollars, shall be made 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 of Purchasing. Any such contract shall be awarded to the lowest responsible bidder. All contracts for purchase of materials, supplies, services, equipment, or property on behalf of the City, the price or consideration of which exceed five hundred (\$500.00) dollars, but amounts to two thousand (\$2,000.00) dollars or less, shall be made by the Director of Purchasing on the basis of three (3) or more informal competitive bids, which may be solicited without advertising, but which must be submitted in writing. Any such contract shall be awarded to the lowest responsible bidder. All contracts for purchase of materials, supplies, services, equipment, or property on behalf of the City, the price or consideration of which is five hundred (\$500.00) dollars or less, shall be made by the department or agency requiring the materials, supplies, services, equipment, or property involved, in accordance with rules and regulations established by the Director of Purchasing. No purchase request which is essentially a unit shall be divided for the purpose of evading the requirement of solicitation of competitive bidding.

(e) **PURCHASES NOT SUSCEPTIBLE TO COMPETITIVE BIDDING.** — All contracts for purchase of materials, supplies, services, equipment, or property on behalf of the City, the price or consideration of which exceeds five hundred (\$500.00) dollars, which are not susceptible to formal or informal competitive bidding, shall be made in accordance with rules and regula-

tions established by the Director of Purchasing in accordance with the requirements set forth in Section 1007 (a) (1). Such purchases shall include, without limitation, purchases of materials, supplies, services, equipment or property manufactured or sold by one vendor, and purchases of personal or professional services in which the experience or competence of the individual, partnership, corporation, or association to perform the services is of paramount importance. **The Board of Purchasing, by a majority vote of its entire membership, shall resolve any dispute with respect to whether a purchase is susceptible to competitive bidding.**

(f) **EMERGENCY PURCHASING.** — The requirements for competitive bidding set forth in Section 1007 (d) may be dispensed with to allow emergency purchases upon the recommendation of the Director of Purchasing with the approval of a majority of the entire membership of the Board of Purchasing. Emergency shall be defined for the purposes of this subsection as an unforeseen situation, requiring immediate attention in order to safeguard the welfare of the people of the City, and one which renders the process of competitive bidding impractical or impossible.

(g) **WHEN CONTRACTS OR PURCHASES ARE VOID.** — Whenever any purchase or contract for any supplies, materials, equipment, or services is made on behalf of the City contrary to the provisions of this Charter or the rules and regulations made hereunder, such order or contract shall be void and of no effect. The person or persons responsible for authorizing any such order or contract shall be personally liable for the cost thereof, and if already paid out of City funds, the amount may be recovered from such person or persons in the name of the City in an appropriate action instituted therefor.

#### 1007.1. BOARD OF PURCHASING.

There shall be a Board of Purchasing whose membership shall consist of the Mayor, the

President of the City Council, the Chairperson of the City Council Finance Committee, the City Solicitor, the Director of Purchasing, the Director of Finance, and the Director of Administration, all ex-officio. In the absence of any of the above-named members, a designee shall serve in place of said member. The Mayor, or in the absence of the Mayor, the President of the City Council, shall serve as Chairman of the Board. The City Clerk, or in the absence of the City Clerk, one of his or her deputies shall act as Clerk of the Board.

(a) It shall be the responsibility of the Board of Purchasing:

(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 be two thousand (\$2,000.00) dollars or more, in accordance with requirements set forth in Section 1007 (d);

(2) To insure before a contract is entered into that there exists sufficient appropriations to pay the cost thereof; and

(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.

(b) The Board of Purchasing 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.

*Section 11.* The Department of Planning and Urban Development is hereby renamed the Department of Planning and Development. Wherever the title "Department of Planning and Urban Development" appears in this Charter, the word "Urban" shall be stricken.

*Section 12.* This Ordinance shall take effect upon its passage.

**Read and Passed the Second Time, as Amended, on motion of COUNCILMAN GLAVIN, seconded by COUNCILWOMAN FARGNOLI, by the following Roll Call Vote:**

**Ayes: Council President Easton, Councilman Annaldo, Councilwoman Brassil, Councilman Cola, Councilwomen DiRuzzo, Fargnoli, Councilmen Farmer, Glavin, Griffin, Lombardi, Petrosinelli and Stravato—12.**

**Noes: Councilmen Dillon and Pitts—2.**

**Absent: Councilman O'Connor—1.**

**The motion for Passage the Second Time, as Amended, is Sustained.**

An Ordinance Proposing an Amendment to the Providence Home Rule Charter of 1980, as Amended (Department of Parks and Recreation).

**COUNCILMAN GLAVIN moves the Ordinance be Amended on Page 2, Subsection (a), by deleting in the Third Line, the following words: "Supervision and Approval".**

**This motion being seconded by COUNCILWOMAN FARGNOLI, is Put to Vote and Passed.**

**COUNCILMAN FARMER desires to be recorded as Voting "No".**

*Be it ordained by the City of Providence:*

That the following amendment to the Providence Home Rule Charter of 1980 be

submitted to the voters of Providence for their approval, pursuant to the 28th Amendment to the Constitution of Rhode Island, and Section 1301 of the Charter:

*Section 1.* Sections 1003, 1004, and 1005 are hereby deleted in their entirety and the following Section 1003 entitled Department of Parks and Recreation is hereby substituted in their place:

#### 1003. DEPARTMENT OF PARKS AND RECREATION.

There shall be a Department of Parks and Recreation, the head of which shall be a Superintendent of Parks and Recreation, who shall be a person holding at least a bachelor's degree from an accredited college or university, with a minimum of five (5) years' experience in fields related to parks administration or the equivalent in training or experience. The Department of Parks and Recreation shall include a division of parks, a division of recreation, and a division of cultural affairs. The Superintendent of Parks and Recreation shall be appointed by the Mayor, with the approval of the Board of Park Commissioners, and shall serve at the pleasure of the Mayor.

(a) The Superintendent of Parks and Recreation shall have the status of a department head, and, subject to the direction, ~~supervision,~~ and approval of the Board of Park Commissioners, shall have powers and duties including but not limited to, the following:

(1) Acquisition, planning, development, and maintenance of the areas and facilities under the charge of the department, including all green spaces of the City, all parks, including Roger Williams Park Zoo and Roger Williams Park Museum, the North Burial Ground and all other City-owned or controlled cemeteries, public recreation areas of all types, including those on or adjacent to school property, and all forestry functions, including the setting out, care, and removal of trees, shrubs, and other plants on the streets of the City, as well as on the properties for which the department is responsible.

(2) Establishment of policies, rules, and regulations governing access to, and use of, the areas and facilities under the jurisdiction of the department.

(3) Planning and administration of recreation programs in the City for all age groups.

(b) The Superintendent shall appoint a director of parks, a director of recreation, and a director of cultural affairs, each of whom shall be the head of their respective divisions and shall serve at the pleasure of the superintendent.

#### (c) BOARD OF PARK COMMISSIONERS.

There shall be a Board of Park Commissioners, consisting of seven (7) members; four (4) appointed by the Mayor, two (2) elected by the City Council, and the Mayor ex-officio. Of the four (4) members first appointed by the Mayor, one shall serve a term of one (1) year, one shall serve a term of two (2) years, one shall serve a term of three (3) years, and one shall serve a term of four (4) years. The members elected by the City Council shall serve a term of four (4) years concurrent with the term of the City Council. All subsequent appointments by the Mayor and elections by the City Council shall be for a term of four (4) years.

The powers and duties of the Board of Park Commissioners shall include, without limitation, the powers set forth above and the following:

(1) To advise the Superintendent of Parks and Recreation, the Mayor, and the City Council on matters relating to the use of the areas and facilities under the charge of the department.

(2) To hold public hearings on its own initiative on any matter relative to program and policy decisions within the department, and shall be required to hold such hearings not less than ten (10) days, nor more than twenty (20) days, following receipt of a petition signed by at least fifty (50) registered voters of the City.

(3) To invest the assets of the Charles H. Smith bequest in conformity with the terms of the last will and testament of Charles H. Smith.

(d) RECREATIONAL ADVISORY BOARD.

There shall be a Recreational Advisory Board, consisting of five (5) members, three (3) appointed by the Mayor and two (2) elected by the City Council. Of the three (3) members first appointed by the Mayor, one shall serve a term of one (1) year, one shall serve a term of two (2) years, and one shall serve a term of three (3) years. All subsequent appointments by the Mayor shall be for a term of three (3) years. The members elected by the City Council shall serve a term of four (4) years, concurrent with the term of the City Council.

The powers and duties of the Recreational Advisory Board shall include, without limitation, the following:

(1) To advise the Superintendent of Parks and Recreation, the Mayor, and the City Council on all matters relating to the recreational activities and facilities that fall under the jurisdiction of the Department of Parks and Recreation.

(2) To hold public hearings on its own initiative on any matter relating to program and policy decisions regarding recreational activities or facilities, and shall be required to hold such hearings not less than ten (10) days, nor more than twenty (20) days, following receipt of a petition signed by at least fifty (50) registered voters of the City.

(e) USE OF BEQUESTS AND INCOME FROM SALE OF SURPLUS PROPERTY LIMITED.

No funds bequeathed to the City, or income from trusts donated to the City, for facilities or programs of the Department of Public Parks and Recreation may be transferred to or used to pay bills of any other City department, board, or agency. All income derived from the sale of surplus property under the jurisdiction of the department shall be applied to the capital improvement budget of the department, and shall not be used for any purpose other than capital improvements of facilities under the jurisdiction of the department.

*Section 2.* This Ordinance shall take effect upon its passage.

**COUNCILMAN GLAVIN moves the Ordinance be Read and Passed the Second Time, as Amended.**

**This motion being seconded by COUNCILWOMAN FARGNOLI, is Put to Vote and Passed by the following Roll Call Vote:**

**Ayes: Council President Easton, Councilman Annaldo, Councilwoman Brassil, Councilmen Cola, Dillon, Councilwomen DiRuzzo, Fagnoli, Councilmen Glavin, Griffin, Lombardi, Petrosinelli and Stravato—12.**

**Noes: Councilmen Farmer and Pitts—2.**

**Absent: Councilman O'Connor—1.**

**The motion for Passage the Second Time, as Amended, is Sustained.**

## PRESENTATION OF ORDINANCES

### **COUNCILMAN O'CONNOR (By Request):**

An Ordinance in Amendment of Section 52 of Chapter 1985-70, Approved June 25, 1985, Entitled: "An Ordinance Establishing the Classes of Positions, the Number of Employees, and the Maximum Number of Employees in Certain Classes in the City Departments", Relative to Board of Canvassers.

An Ordinance in Amendment of Chapter 1985-71, Entitled: "An Ordinance Establishing a Compensation Plan for the City of Providence", as Approved July 20, 1985, Relative to Board of Canvassers.

Severally Referred to the Committee on Finance, on motion of COUNCILMAN GLAVIN, seconded by COUNCILWOMAN FARGNOLI.

The motion to Refer, is Sustained.

### **COUNCILMAN GRIFFIN, COUNCILWOMAN BRASSIL, COUNCILMAN GLAVIN, COUNCILMAN DILLON and COUNCILMAN FARMER:**

An Ordinance Amending the Appropriation Ordinance Chapter 1985-69, Approved June 25, 1985, by Transferring the Sum of Thirty-Eight Thousand Dollars (\$38,000.00), from Interest on Tax Anticipation Notes 1-002-24-3-13 to Providence Housing Authority.

Read and Passed the First Time, and Referred to the Committee on Finance, on motion of COUNCILMAN GLAVIN, seconded by COUNCILWOMAN FARGNOLI, by the following Roll Call Vote:

Ayes: Council President Easton, Councilman Annaldo, Councilwoman Brassil, Councilmen Cola, Dillon, Councilwomen DiRuzzo, Fargnoli, Councilmen Farmer, Glavin, Griffin, Lombardi, Petrosinelli, Pitts and Stravato—14.

Noes: None.

Absent: Councilman O'Connor—1.

The motion for Passage the First Time, and Referral to the Committee on Finance, is Sustained.

## PRESENTATION OF RESOLUTIONS

### COUNCIL PRESIDENT EASTON:

Resolution re-establishing Certain Portions of Ontario Street, Lexington Avenue, Altantic Avenue, Lenox Avenue, Sumter Street, Gallatin Street and Warrington Street, as Two-Way Streets.

**Referred to the Committee on Public Works, on motion of COUNCILMAN GLAVIN, seconded by COUNCILWOMAN FARGNOLI.**

**The motion to Refer, is Sustained.**

### COUNCIL PRESIDENT PRO TEMPORE STRAVATO (By Request):

Resolution requesting the Director of Public Works to cause Verdic Avenue to be Extended to Lot 495 on City Assessor's Plat 115.

*Resolved*, That the Director of Public Works is requested to cause Verdic Avenue to be Extended to Lot 495 on City Assessor's Plat 115.

**Read and Passed, on motion of COUNCILMAN GLAVIN, seconded by COUNCILWOMAN FARGNOLI.**

**The motion for Passage, is Sustained.**

### COUNCILWOMAN BRASSIL (By Request):

Resolution establishing Elm Street between Richmond and Eddy Streets as a One-Way Street, in an Easterly Direction.

**Referred to the Committee on Public Works, on motion of COUNCILMAN GLAVIN, seconded by COUNCILWOMAN FARGNOLI.**

**The motion to Refer, is Sustained.**

Resolution requesting the Chief of the Police Department to cause the "25 Mile Per Hour" Speed Limit along Gano Street, to be Enforced.

*Resolved*, That the Chief of the Police Department is requested to cause the "25 Mile Per Hour" Speed Limit along Gano Street, to be Enforced.

### COUNCILMAN COLA (By Request):

Resolution requesting the Traffic Engineer to cause the Installation of a Caution Light at the Intersection of Chalkstone Avenue and Ortoleva Drive.

*Resolved*, That the Traffic Engineer is requested to cause the Installation of a Caution Light at the Intersection of Chalkstone Avenue and Ortoleva Drive.

**Severally Read and Collectively Passed, on motion of COUNCILMAN GLAVIN, seconded by COUNCILWOMAN FARGNOLI.**

**The motion for Passage, is Sustained.**

**COUNCILMAN GLAVIN, COUNCILMAN DILLON and COUNCILWOMAN FARGNOLI (By Request):**

Resolution Authorizing His Honor the Mayor to Execute an Agreement between the City of Providence and Narragansett Bay Water Quality Management District Commission Relative to the Operation and Maintenance of the Fields Point Wastewater Treatment Facility.

**Referred to the Committee on Finance, on motion of COUNCILMAN GLAVIN, seconded by COUNCILWOMAN FARGNOLI.**

**The motion to Refer, is Sustained.**

Resolution Authorizing the City Council to cause the Question "Shall the Providence Home Rule Charter be Amended, as Proposed by the City Council of the City of Providence, by Ordinance Approved September 19, 1985" to be Submitted to the Electors of the City of Providence at that Special Election to be held on Tuesday, November 5, 1985.

*Resolved*, That pursuant to Article XXIII of the Constitution of the State of Rhode Island, the City Council of the City of Providence, Rhode Island, is hereby authorized to cause the following question to be submitted to the electors of the City of Providence, at that Special Election scheduled to be held on Tuesday, November 5, 1985, substantially in accordance with the following form:

*"Shall the Providence Home Rule Charter be amended, as proposed by the City Council of the City of Providence, by Ordinances approved September 19, 1985?", and*

*Be it further Resolved*, That upon the adoption of this Resolution by the City Council and its approval by His Honor the Mayor, the City Clerk

is directed to transmit forthwith, a duly certified copy of the same to the Secretary of State of Rhode Island, the Rhode Island State Board of Elections, and the Board of Canvassers of the City of Providence, Rhode Island.

**Read and Passed, on motion of COUNCILMAN GLAVIN, seconded by COUNCILWOMAN FARGNOLI.**

**The motion for Passage, is Sustained.**

**COUNCILMAN LOMBARDI (By Request):**

Resolution requesting the Traffic Engineer to cause the Installation of a Traffic Signal Light at the Intersection of Messer and Westminster Streets.

*Resolved*, That the Traffic Engineer is requested to cause the Installation of a Traffic Signal Light at the Intersection of Messer and Westminster Streets.

Resolution requesting the Director of Public Works to cause that Sidewalk and Sewer Located at the Corner of Primrose and Vernon Streets, to be Repaired.

*Resolved*, That the Director of Public Works is requested to cause that Sidewalk and Sewer Located at the Corner of Primrose and Vernon Streets, to be Repaired.

**Severally Read and Collectively Passed, on motion of COUNCILMAN GLAVIN, seconded by COUNCILWOMAN FARGNOLI.**

**The motion for Passage, is Sustained.**

Resolution requesting the Director of Inspection and Standards to cause the Demolition and Board-Up Liens on that Property Located along 85 Hudson Street in the Amount of \$2,470.00, to be Waived.

Referred to the Committee on Finance, on

motion of COUNCILMAN GLAVIN, seconded by COUNCIL PRESIDENT PRO TEMPORE STRAVATO.

The motion to Refer, is Sustained.

## COMMUNICATIONS

### FROM THE CITY CLERK:

Communication, dated September 10, 1985, transmitting accompanying Report of the Board of Canvassers Certifying the Election of Members as Representatives of the Employees' Retirement System of the City of Providence for the Ensuing Term of Four (4) Years, Ending on the First Monday in October, 1989:

Two (2) Class "A" Members — Ann T. McCrink and Pasquale T. D'Amico.

Class "A" Member Retired — Alfred B. Mendillo.

Class "B" Member Fire Department — Enrico J. Landi.

Class "B" Member Retired — Edmond F. Marnane.

Class "B" Member Police Department — John J. Power, Jr.

Received.

Communication, Informing the Honorable City Council of Her Appointment of Carol Brown Pace, 20 Laurel Court, Providence, Rhode Island, as City Archivist.

Received.

## FROM THE CLERK'S DESK

**Petitions for Compensation for Injuries and Damages, viz:**

Horace Alexander

Rosamond Alves

Denise Dennis

Vincent J. Greco

Michael Guadagno and Arlene Guadagno

Anthony and Nunziato Lindia

Leonard R. Marsland

Eldon B. Moe

Anthony and Jeremy Mascimento

Paul E. Nolin

Russo Auto Sales, Inc.

Peter Jude Silva

Richard J. Tortorella

Joan Marie Ulles

**Severally Referred to the Committee on Claims and Pending Suits, on motion of COUNCILMAN GLAVIN, seconded by COUNCILWOMAN FARGNOLI.**

**The motion to Refer, is Sustained.**

## PRESENTATION OF RESOLUTIONS

### "In Congratulations"

**COUNCIL PRESIDENT EASTON and the MEMBERS of the CITY COUNCIL:**

Resolution Extending Congratulations.

*Resolved,* That the Congratulations of the Members of the City Council are hereby extended to the following:

Nancy Rougvie

Waterfront Festival Committee

**Severally Read and Collectively Passed, on motion of COUNCILMAN GLAVIN, seconded by COUNCILWOMAN FARGNOLI.**

**The motion for Passage, is Sustained.**

# PRESENTATION OF RESOLUTIONS

## "In Memoriam"

**COUNCIL PRESIDENT EASTON and the MEMBERS of the CITY COUNCIL:**

Resolution Extending Sympathy.

*Resolved*, That the Sympathy of the Members of the City Council is hereby extended to the families of the following:

Alfonso Papitto

Abbie F. Stephens

Peter F. Imondi

Rita G. Mauro

Charles Bogoian

Ida M. Connell

Silvio DeMarco

Arthur St. Lawrence, Sr.

William A. Mimande

John A. Alleva

William Siravo

John A. Caccia

Michael J. Cotoia

Anna R. Burns

Evelyn A. Ciampanelli

Joseph A. Zefaro

Theresa Maria Rainone

**Severally Read and Collectively Passed, by a Unanimous Rising Vote, on motion of COUNCILMAN GLAVIN, seconded by COUNCILWOMAN FARGNOLI.**

**The motion for Passage, is Sustained.**

# ADJOURNMENT

There being no further business, on motion of COUNCILMAN GLAVIN, seconded by COUNCILWOMAN FARGNOLI, the City Council adjourns at 8:45 o'clock P.M. (E.D.T.) to meet again on THURSDAY, OCTOBER 3, 1985 at 8:00 o'clock P.M. (E.D.T.).

*Rose M. Mandonea*

City Clerk





