

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 1981-10

No. 156 **AN ORDINANCE** TO PROVIDE FOR THE PROVIDENCE
REVIEW COMMISSION.

Approved March 18, 1981

Be it ordained by the City of Providence:

That the Code of Ordinances of the City of Providence, Rhode Island, is hereby amended by adding a chapter to be numbered Chapter 28, which reads as follows:

CHAPTER 28

PROVIDENCE REVIEW COMMISSION

Section 28-1. Intention of City Council. It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of Ordinances of the City of Providence, Rhode Island, and the sections of this ordinance may be renumbered to indicate such intention.

Section 28-2. Declaration of Policy. The City Council finds that it is in the interest of the residents of the City of Providence (hereinafter sometimes called the "City," "City of Providence" or "Providence") to establish the Providence Review Commission to help:

(a) to ensure the fiscal solvency of the City of Providence through the improvement of local financial management and the avoidance of financial obligations that exceed the capacity of the City;

(b) to correct existing and potential operating fund revenue/expenditure imbalances;

(c) to eliminate a consistent pattern of current expenditures exceeding current revenues with resulting accumulated operating deficits;

(d) to ensure that the lack of effective management and spending controls of Providence does not severely affect the opportunity and the cost of borrowing by other Rhode Island cities and towns and the State of Rhode Island;

(e) to investigate, review and recommend correction of deficiencies in said City's fiscal management; and

(f) to develop a financial plan for said City.

Section 28-3. Creation of Providence Review Commission.

(a) The City Council hereby creates the Providence Review Commission (hereinafter referred to as the "Commission") for the purpose of monitoring and overseeing the management of the financial affairs of the City of Providence as it pertains to general municipal and school department operations.

(b) The Commission shall be composed of eleven members having the qualifications and/or offices set forth below and selected in the following manner: six members to be selected by the Providence City Council on the recommendation of the Finance Committee of the Providence City Council; one member to be selected by the Mayor of the City of Providence; one member to be selected by the Governor of the State of Rhode Island; one member to be selected by the Speaker of the Rhode Island House of Representatives; one member to be selected by the Majority Leader of the Rhode Island Senate and the Auditor General of the State of Rhode Island, ex officio. Each member of the Commission shall be a qualified elector and resident of the City of Providence and/or shall be employed by or be practising his or her business, occupation or profession in or out of an office located within the City of Providence; provided, however, that at least six members of the Commission shall be qualified electors and residents of the City of Providence. In addition, at least one member of the Commission shall be a practising attorney, at least one member of the Commission shall be an independent certified public accountant, at

least one member shall be engaged in business, banking or finance, at least one member shall be a member of a labor union, at least one member shall have experience in the study of or a profession related to governmental finance and at least one member shall be a representative of the general public in the City of Providence. None of the members of the Commission shall have any contractual arrangement other than as a member of the Commission with the City of Providence or any of its departments which provides for compensation or economic benefit to such person during his or her term on the Commission. The members of the Commission shall be selected within thirty (30) days after the effective date of this ordinance and in the event of the failure of any member to be selected within such period, the Commission shall commence operations on the thirtieth (30th) day after said effective date without such member until his or her selection.

(c) Each member of the Commission other than the Auditor General shall serve on the Commission for a term which shall end with the expiration of the term of office of the City Council which appointed certain of the members and until their respective successors are appointed and qualified.

(d) The Chairperson of the Commission shall be selected by the Commission from its membership, and the Commission shall adopt by-laws and rules of procedure consistent with this chapter 28 of the Code of Ordinances of the City of Providence governing its operations.

Section 28-4. Authority of the Commission. The Commission is hereby authorized and empowered to take any of the following actions with respect to the City of Providence:

1. To make an analysis of all factors and circumstances contributing to the financial condition of the City of Providence and to recommend steps to be taken to correct any such conditions;

2. To propose limits on the total amount of City appropriations for any fiscal year, to monitor and review expenditures, to develop a financial plan for the City covering at any time the City's current and next two fiscal years and setting forth

requirements to achieve balanced budgets and cash flow sufficient to meet the City's obligations in a timely manner for each such fiscal year and to evaluate all contracts, obligations, receipts and expenditures of the City in terms of their impact on and compliance with such plan;

3. To verify the estimates of revenues to fund any fiscal year operating budgets of the City of Providence and to monitor the receipt and collection of those revenues;

4. To require and prescribe the form of special reports to be made by the City of Providence Finance Director, Internal Auditor, City Collector, City Controller and any department directors or other officers or employees of the City to keep the Commission continually informed of the financial affairs of the City;

5. To issue a fiscal note before the City Council and/or Mayor can take any action regarding the approval of any ordinance, contract, encumbrance or transfer of property, loan, creation or elimination of any positions other than elected ones, and the filling of vacancies in a permanent position by the appropriating authority. The Department of Community Affairs may be requested to prepare the fiscal notes for the Commission;

6. The Commission shall investigate any and all matters relating to (i) any proposed or actual bidding or purchasing procedure or transaction and any appropriation, encumbrance or expenditure of City funds and of State or federal funds received or receivable by the City; (ii) any proposed or actual investment, loan or borrowing by the City or any of its departments or agencies; (iii) any City accounts or methods of administration; (iv) any proposed or actual decision or action involving hiring, firing or retention of any person by the City; (v) any proposed or actual contract, written or verbal, by and between any third party and any City department, agency, officer or employee; and (vi) any action arising out of or in connection with a collective bargaining agreement between any union and the City or any of its departments.

In addition to and not in limitation of the foregoing, whenever any payroll, bill or other claim against the City is presented to the Finance Director, City Treasurer or City Controller or if the Finance Committee of the Providence City Council learns of any such item, and if any such item seems of doubtful validity, excessive in amount or otherwise contrary to any applicable law or ordinance or contrary to the City's interest, any such City officer of said Committee, as the case may be, shall refer such item to the Commission, which shall immediately investigate the facts surrounding same and report the results of its investigation to the party referring same to the Commission and to said Committee. Until completion of said report, payment of such item shall be withheld.

7. The Commission shall coordinate its activities with any management, reorganization or efficiency studies of all or any portion of the City's operations which may be conducted at the request of or under the sponsorship of the Mayor, Finance Committee of the City Council, the City Council or the Finance Director. In the event that the Mayor, the City Council, the Finance Committee of the City Council or any City department director proposes or requests a reorganization of any City department or operation or an efficiency, cost-saving or management study of any City operations within its, his or her jurisdiction, the Commission shall assist in carrying out such study and shall report its evaluation of the proposed reorganization or management efficiency or cost-savings measures. Furthermore, in the event that a management study of City operations is not commenced by July 1, 1981 the Commission shall sponsor, organize and complete as expeditiously as possible such a study.

8. The Commission shall approve, disapprove or approve with amendments any contract, purchase or other transaction which requires the approval of the City Board of Contract and Supply prior to action thereon by the City Board of Contract and Supply.

Section 28-5. Cooperation. All departments, employees, agencies and elected and appointed officers of the City of Providence shall be required to cooperate with the Commission. The Commission shall have access to all records and books of account of the City

and may require the attendance of witnesses and the production of books, papers, contracts and other documents relating to any matter within its authority. The Commission may issue subpoenas which shall be signed by the Chairperson of the Commission or, in his or her absence, by any other officer of the Commission. In the alternative, if the Commission requests the Finance Committee of the City Council to conduct an investigation of any matter within the Commission's authority or within Section 2.6 of the Providence Charter Act of 1940 (P.L. 1940, c. 832, §147, as amended), the City Council shall authorize the Finance Committee to conduct such investigation and the Finance Committee shall conduct such investigation and exercise the powers granted to the City Council and said Finance Committee by Section 2.7 of said Providence Charter Act of 1940 in accordance with the Commission's requests from time to time.

Section 28-6. Operation of the Commission. The members of the Commission shall receive no salary, but may receive such, as may be appropriated by the City Council, per diem allowance and shall be reimbursed for their ordinary and necessary expenses incurred in carrying out their duties as members of the Commission, provided such members are not, at the time such expenses are incurred, public employees otherwise entitled to such reimbursement. Such reimbursement shall also be subject to the Commission's rules and City payment and fiscal procedures. The Commission is authorized to employ such consultants, experts, legal counsel and other persons and to incur such other expenses as the Commission may deem necessary and such expenses shall be paid by the City from its general revenues in an aggregate amount not exceeding \$50,000, exclusive of costs relating to the operations of the Internal Auditor, in any City fiscal year or such additional amount as may be appropriated for the Commission by the City's appropriation ordinance. The appropriation ordinance for each fiscal year shall include such amount, up to \$50,000, as may be requested by the Commission and such additional amount, if any, as may be appropriated for the Commission by the City appropriation ordinance. The Finance Director, City Controller, City Treasurer, Finance Department personnel and the Internal Auditor shall assist the Commission in carrying out its responsibilities by providing all services and facilities requested

by the Commission; provided, however, that provision of said services and facilities by said City officials and department shall be subject to their performance of their other duties as set forth in said Providence Charter Act of 1940.

Section 28-7. Reports by the Commission. The Commission shall make a semi-annual report to the General Assembly, Governor, City Council, City Finance Director and Mayor on or before each January 31 and July 31 of each year regarding its findings and recommendations for the six-month period ending 31 days before each such date as well as actions taken by the City.

Section 28-8. Prior Approval of Certain Contracts, etc. Any contract, purchase or other transaction which must be approved, accepted, awarded or acted upon by the City Board of Contract and Supply under the Providence Charter Act of 1940 shall not be approved, accepted, awarded or acted upon by the City Board of Contract and Supply unless and until the Commission shall have approved or approved with amendments such contract, purchase or other transaction and then may be approved, accepted or awarded by the City Board of Contract and Supply only in accordance with the Commission's approval or approval with amendments.

Section 28-9. Cessation of Providence Review Commission. The Commission shall cease to exist when the City has had operating surpluses for two consecutive fiscal years and on the thirtieth (30th) day after receipt by the City Council and the Commission of a certified annual audit report of the City prepared by the City's independent certified public accountants which establishes the second such consecutive operating surplus.

Section 28-10. Prohibitions; Penalties, Disciplinary Action, etc. Any City employee, officer or elected official who willfully violates or fails to comply with any order of the Commission which is within the Commission's authority and any City employee, officer or elected official who willfully prepares, presents or certifies any document, instrument, agreement or information, including without limitation any projections or estimates of revenue or expenditure requested or subpoenaed by the Commission or any agent or employee of the Commission, knowing the same to be false or misleading or knowing that same omits to state a material

fact or if any such person, upon learning that any such document, instrument, agreement or information is false, misleading or omits to state a material fact, fails promptly to advise the Commission thereof, shall be deemed to be in violation of this ordinance and such violation shall be grounds for dismissal or suspension from duty without pay by the proper officer or elected official of the City and shall be guilty of a violation of this ordinance and punishable by a fine of up to \$200 for each such offense.

Section 28-11. Severability. If for any reason any provision of this Chapter 28 of the Code of Ordinances of the City of Providence shall hereafter be declared unconstitutional or unenforceable by any court of proper jurisdiction, all other provisions of this chapter shall remain in full force and effect.

Section 28-12. Effective Date. This Act shall take effect upon its passage by the City Council and approval by the Mayor.

IN CITY COUNCIL

MAR 5 1981
FIRST READING
READ AND PASSED

Rosem Mendonca CLERK

IN CITY
COUNCIL

MAR 12 1981

FINAL READING
READ AND PASSED

Ralph Fagnolo
PRESIDENT

Rosem Mendonca
CLERK

APPROVED
Uma da Costa
MAYOR

MAR 18 1981

March 19, 1981

Anthony Piccirilli
State Auditor General
87 Park Street
Providence, R.I. 02908

Dear Mr. Piccirilli:

Enclosed is Ordinance No. 1981-10, passed by the City Council on March 12, 1981 and approved by His Honor the Mayor on March 18, 1981, the same being self-explanatory.

Upon your selection of a member to the Providence Review Commission, will you kindly submit the name as soon as possible to Councilwoman Carolyn F. Brassil, Chairwoman of the Committee on Finance, c/o City Clerk's Department, City Hall.

Very truly yours,

Rose M. Mendonca,
City Clerk.

RMM/jld
Enclosure

March 19, 1981

Rocco A. Quattrocchi
Senate Majority Leader
Room 312 - State House
Providence, R. I. 02903

Dear Senator Quattrocchi:

Enclosed is Ordinance No. 1981-10, passed by the City Council on March 12, 1981 and approved by His Honor the Mayor on March 18, 1981, the same being self-explanatory.

Upon your selection of a member to the Providence Review Commission, will you kindly submit the name as soon as possible to Councilwoman Carolyn F. Brassil, Chairwoman of the Committee on Finance, c/o City Clerk's Department, City Hall.

Very truly yours,

Rose M. Mendonca,
City Clerk.

RMM/jld
Enclosure

March 19, 1981

Matthew J. Smith
Speaker of the House of Representatives
State House
Providence, R. I. 02903

Dear Speaker:

Enclosed is Ordinance No. 1981-10, passed by the City Council on March 12, 1981 and approved by His Honor the Mayor on March 18, 1981, the same being self-explanatory.

Upon your selection of a member to the Providence Review Commission, will you kindly submit the name as soon as possible to Councilwoman Carolyn F. Brassil, Chairwoman of the Committee on Finance, c/o City Clerk's Department, City Hall.

Very truly yours,

Rose M. Mendonca,
City Clerk.

RMM/jld
Enclosure

March 19, 1981

His Excellency, J. Joseph Garrahy
Governor of Rhode Island
222 State House
Providence, R.I. 02903

Dear Governor Garrahy:

Enclosed is Ordinance No. 1981-10, passed by the City Council on March 12, 1981 and approved by His Honor the Mayor on March 18, 1981, the same being self-explanatory.

Upon your selection of a member to the Providence Review Commission, will you kindly submit the name as soon as possible to Councilwoman Carolyn F. Brassil, Chairwoman of the Finance Committee, c/o City Clerk's Department, City Hall.

Very truly yours,

Rose M. Mendonca,
City Clerk.

RMM/jld
Enclosure

State of Rhode Island and Providence Plantations

THE CITY OF



PROVIDENCE

I, Richard A. Derrig, do

solemnly swear that I will support the Constitution of the United States
and of the State of Rhode Island and that I will faithfully discharge
the duties of the office of

Member of Providence Review Commission

to the best of my ability.

Richard A. Derrig
✍

I, Rose M. Mendonca, City Clerk

do hereby certify that on the 9th day of April, A. D. 19 81,

I did administer unto Richard A. Derrig

duly appointed to the office of

Member of Providence Review Commission

the above subscribed oath.

Rose M. Mendonca

State of Rhode Island and Providence Plantations

THE CITY OF



PROVIDENCE

I, John C. Murray, do

*solemnly swear that I will support the Constitution of the United States
and of the State of Rhode Island and that I will faithfully discharge
the duties of the office of*

Member of Providence Review Commission

to the best of my ability.

John C. Murray

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I, Rose M. Mendonca, City Clerk

do hereby certify that on the 9th *day of* April, *A. D.* 1981,

I did administer unto John C. Murray

duly appointed to the office of

Member of Providence Review Commission

the above subscribed oath.

Rose M. Mendonca

State of Rhode Island and Providence Plantations

THE CITY OF



PROVIDENCE

I, H. James Field, Jr., do
solemnly swear that I will support the Constitution of the United States
and of the State of Rhode Island and that I will faithfully discharge
the duties of the office of

Member of Providence Review Commission

to the best of my ability.

H. James Field, Jr.

or

I, Rose M. Mendonca, City Clerk

do hereby certify that on the 9th day of April, A. D. 1981,

I did administer unto H. James Field, Jr.

duly appointed to the office of

Member of Providence Review Commission

the above subscribed oath.

Rose M. Mendonca

State of Rhode Island and Providence Plantations

THE CITY OF



PROVIDENCE

I, Representative Victoria Lederberg, do
solemnly swear that I will support the Constitution of the United States
and of the State of Rhode Island and that I will faithfully discharge
the duties of the office of

Member of Providence Review Commission

to the best of my ability.

Victoria Lederberg
s

I, Rose M. Mendonca, City Clerk

do hereby certify that on the 9th day of April, A. D. 19 81,

I did administer unto Representative Victoria Lederberg

duly appointed to the office of

Member of Providence Review Commission

the above subscribed oath.

Rose M. Mendonca

State of Rhode Island and Providence Plantations

THE CITY OF



PROVIDENCE

I, Bruce G. Sundlun, do
solemnly swear that I will support the Constitution of the United States
and of the State of Rhode Island and that I will faithfully discharge
the duties of the office of

Member of Providence Review Commission

to the best of my ability.

Bruce G. Sundlun

I, Rose M. Mendonca, City Clerk

do hereby certify that on the 9th day of April, A. D. 19 81,

I did administer unto Bruce G. Sundlun

duly appointed to the office of

Member of Providence Review Commission

the above subscribed oath.

Rose M. Mendonca

State of Rhode Island and Providence Plantations

THE CITY OF



PROVIDENCE

I, Edwin C. Brown, do

*solemnly swear that I will support the Constitution of the United States
and of the State of Rhode Island and that I will faithfully discharge
the duties of the office of*

Member of Providence Review Commission

to the best of my ability.

Edwin C. Brown

or

I, Rose M. Mendonca, City Clerk

do hereby certify that on the 9th *day of* April, A. D. 19 81,

I did administer unto Edwin C. Brown

duly appointed to the office of

Member of Providence Review Commission

the above subscribed oath.

Rose M. Mendonca

State of Rhode Island and Providence Plantations

THE CITY OF PROVIDENCE



I, Lloyd Bliss, do

solemnly swear that I will support the Constitution of the United States and of the State of Rhode Island and that I will faithfully discharge the duties of the office of

Member of Providence Review Commission

to the best of my ability.

Lloyd Bliss

I, Rose M. Mendonca, City Clerk

do hereby certify that on the 9th day of April, A. D. 1981,

I did administer unto Lloyd Bliss

duly appointed to the office of

Member of Providence Review Commission

the above subscribed oath.

Rose M. Mendonca

State of Rhode Island and Providence Plantations

THE CITY OF



PROVIDENCE

I, B. Albert Ford, do

solemnly swear that I will support the Constitution of the United States and of the State of Rhode Island and that I will faithfully discharge the duties of the office of

Member of Providence Review Commission

to the best of my ability.

B. Albert Ford

W

I, Rose M. Mendonca, City Clerk

do hereby certify that on the 9th day of April, A. D. 1981,

I did administer unto B. Albert Ford

duly appointed to the office of

Member of Providence Review Commission

the above subscribed oath.

Rose M. Mendonca

State of Rhode Island and Providence Plantations

THE CITY OF



PROVIDENCE

I, John P. Hawkins, Esquire, do

solemnly swear that I will support the Constitution of the United States and of the State of Rhode Island and that I will faithfully discharge the duties of the office of

Member of Providence Review Commission

to the best of my ability.

John P. Hawkins

I, Rose M. Mendonca, City Clerk

do hereby certify that on the 9th day of April, A. D. 19 81,

I did administer unto John P. Hawkins, Esquire

duly appointed to the office of

Member of Providence Review Commission

the above subscribed oath.

Rose M. Mendonca

State of Rhode Island and Providence Plantations

THE CITY OF PROVIDENCE



I, Gary S. Sasse, do

solemnly swear that I will support the Constitution of the United States
and of the State of Rhode Island and that I will faithfully discharge
the duties of the office of

Member of Providence Review Commission

to the best of my ability.

I, Rose M. Mendonca, City Clerk

do hereby certify that on the 9th day of April, A. D. 1981,

I did administer unto Gary S. Sasse

duly appointed to the office of

Member of Providence Review Commission

the above subscribed oath.

State of Rhode Island and Providence Plantations

THE CITY OF PROVIDENCE



I, Anthony Piccirilli, State Auditor General, do solemnly swear that I will support the Constitution of the United States and of the State of Rhode Island and that I will faithfully discharge the duties of the office of

Member of Providence Review Commission

to the best of my ability.

Ex-Officio

Anthony Piccirilli

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I, Rose M. Mendonca, City Clerk

do hereby certify that on the 9th day of April, A. D. 1981,

I did administer unto Anthony Piccirilli
State Auditor General

duly appointed to the office of

Member of Providence Review Commission

the above subscribed oath.

Ex-Officio

Rose M. Mendonca