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CITY OF PROVIDENCE RHODE ISLAND



CITY COUNCIL JOURNAL OF PROCEEDINGS

No. 21 City Council Special Meeting, Thursday, August 3, 2006, Upon The Rise of the 6:30
City Council Meeting

**PRESIDING
COUNCIL PRESIDENT
JOHN J. LOMBARDI**

ROLL CALL

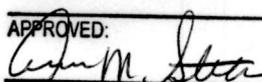
**Present: COUNCIL PRESIDENT
LOMBARDI, COUNCILMEN APONTE,
BUTLER, DeLUCA, COUNCILWOMAN
DiRUZZO, COUNCILMEN HASSETT,
IGLIOZZI, JACKSON, LUNA, MANCINI,
COUNCILWOMEN ROMANO and
WILLIAMS -12.**

**Absent: COUNCILMEN ALLEN, SEGAL
and COUNCILWOMAN YOUNG - 3.**

**Also Present: Anna M. Stetson, City
Clerk, Claire E. Bestwick, First Deputy
City Clerk, Sheri A. Petronio, Assistant
Clerk, Adrienne G. Southgate, Deputy
City Solicitor and Vincent J. Berarducci,
City Sergeant.**

2006 OCT 24 A 11: 55
DEPT. OF CITY CLERK
PROVIDENCE, R.I.

FILED

NOV 2 2006
IN CITY COUNCIL
APPROVED:  CLERK

INVOCATION

PLEDGE OF ALLEGIANCE

**The Pledge of Allegiance to the Flag of
the United States of America led by
Councilman Ronald W. Allen.**

**COUNCIL PRESIDENT LOMBARDI
Waives the Reading of the Invocation and
the Pledge of Allegiance.**

CALL FOR SPECIAL MEETING

**COMMUNICATION FROM COUNCIL
PRESIDENT JOHN J. LOMBARDI**

Request, filed with the City Clerk, August 1,
2006, Requesting a Special Meeting of the
City Council to be Called on the 3rd day of

August, 2006 Upon the Rise of the 6:30 City
Council Meeting, in the City Council
Chamber, Third Floor, City Hall.

August 1, 2006

ANNA M. STETSON
CITY CLERK
City Hall
Providence, RI 02903

Dear Ms. Stetson:

In accordance with the Provisions of Sections 406 of the Providence Home Rule Charter of 1980, I am, this day, calling a Special Meeting of the City Council to be held on Thursday, the 3rd day of August 2006 Upon The Rise of the 6:30 City Council Meeting, in the City Council Chamber, Third Floor, City Hall for the purpose of acting upon the following:

An Ordinance Amending Section 17-33 in Article I of Chapter 17 of the Code of Ordinances Entitled: "Officers and Employees", As Amended.

Respectfully,



Council President John J. Lombardi

Received

WARRANT FOR SPECIAL MEETING

Warrant of the City Clerk to Vincent J. Berarducci, City Sergeant with Return Certification that he has notified each Member of the City Council of the Special Meeting Called for the 3rd day of August, 2006 Upon the Rise of the 6:30 City Council Meeting, in the City Council Chamber, Third Floor, City Hall.

**DEPARTMENT OF CITY CLERK
CITY HALL**

August 1, 2006

VINCENT J. BERARDUCCI, CITY SERGEANT:

Whereas, Council President John J. Lombardi has, pursuant to Sections 406 of the Providence Home Rule Charter of 1980, requested the City Clerk, in writing, to Call a Special Meeting of the City Council to be held on the 3rd day of August, 2006, A.D. Upon The Rise of the 6:30 City Council Meeting, in the Chamber of the City Council, Third Floor, City Hall for the purpose of Enacting the following:

An Ordinance Amending Section 17-33 in Article I of Chapter 17 of the Code of Ordinances Entitled: "Officers and Employees", As Amended.

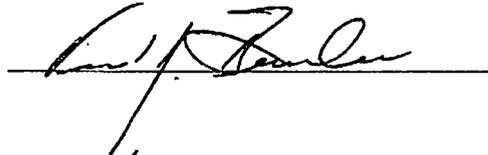
HEREOF, Fail Not, and make a true return of this Warrant, with your doings thereon.

Given under my Hand and the Official Seal of the City of Providence, State of Rhode Island and Providence Plantations this 1st day of August, 2006, A.D.



Anna M. Stetson
City Clerk

Meeting scheduled to be held on Thursday, August 3, 2006 Upon The Rise of the 6:30 City Council Meeting, in the Chamber of the City Council, City Hall, Providence, in accordance with the subject warrant by delivering to each member a copy thereof.


Date Aug 1, 06

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS
THE CITY OF PROVIDENCE, Sc.
AUGUST 1, 2006

Received.

COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters.

COUNCIL PRESIDENT LOMBARDI Receives the foregoing Communication and Warrant.

I, Vincent J. Berarducci, City Sergeant do hereby certify that I have notified each Member of the City Council of the Special

ORDINANCES SECOND READING

The Following Ordinance was in City Council August 1, 2006, Read and Passed the First Time, As Amended and is Returned for Passage the Second Time:

An Ordinance Amending Section 17-33 in Article I of Chapter 17 of the Code of Ordinances Entitled: "Officers and Employees", As Amended.

Be it ordained by the City of Providence:

Sec. 17-33. ~~Standard of conduct of employees.~~
Code of Ethics

- (a) ~~Code of Ethics:~~ **Legislative Intent and Declaration of Policy.** It is declared to be the policy of the City of Providence that all officers and employees of the City are public servants of the people and hold their positions for the benefit of the public. Every city employee These public servants shall fulfill conscientiously, according to the Providence Home Rule Charter, the Code of Ordinances of the City of Providence and all applicable laws, their duties of the city office or position conferred upon or held by him or her and shall prove himself or herself themselves in his or her their behavior inside and outside said office or position worthy of the esteem which his or her their profession position requires. In all official activity, each such officers and employees of the City of Providence shall pursue the common good, and not only be impartial but so act as not to endanger his or her impartiality nor to give occasion for distrust of his or her

impartiality strive to meet the highest standards of ethics consistent with this Code and state law, regardless of personal considerations, recognizing that maintaining the respect of the people must be their foremost concern.

In enacting this Code of Ethics the City of Providence the City recognizes that the Rhode Island Code of Ethics applies to all city employees and officials. Accordingly, the purpose of the City's Ethics Code is not to replicate the prohibitions and regulations which already govern municipal employees. Rather, the goal of this Ethics Code is to address issues and conduct not covered by the Rhode Island Ethics Code and in so doing to hold the City's employees and officials to the highest possible standards of ethics. The following code of ethics shall apply to all employees of the City of Providence:

~~(1) No city employee shall, while serving as such, have any financial interest or engage in any employment, or incur any obligation which is in direct conflict with the proper discharge of his or her duties or employment with the City of Providence.~~

~~(2) No city employee shall accept any other employment which will impair his or her independence of judgment as to his or her official duties or employment with or for the City of Providence or require him or her to disclose confidential information acquired by~~

~~him or her in the course of and by reason of his or her official duties.~~

~~(3) No city employee shall wilfully and knowingly disclose for pecuniary gain, to any person, confidential information acquired in the course of and by reason of his or her official duties.~~

~~(4) No city employee shall use his or her public office or confidential information received through his or her public office to obtain financial gain, other than that provided by law, for such employee or his or her spouse (if not estranged) or any dependent child or any business in which he or she has a financial interest.~~

~~(5) No city employee unless otherwise provided by law shall represent himself or herself to any other person or perform services for any other person or act as an expert witness before any city board, commission, agency or department of which such employee is a member or is employed or engaged, except in the performance of his or her official duties.~~

~~(6) No city employee and no spouse (if not estranged) or any dependent child of a city employee or any business entity in which said city employee, spouse (if not estranged) or child of such person has a ten (10) percent or greater equity interest or five thousand dollars (\$5,000.00) or greater cash value interest shall enter into any contract with any city board, commission, agency or department of which said person is a member or is employed unless the contract has been awarded through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered in contracts awarded; provided, however, that contracts for professional services which have~~

~~been customarily awarded without competitive bidding shall not be subject to competitive bidding.~~

~~(7) No city employee shall employ anyone with public funds who does not perform tasks which contribute substantially to the work of the government of the City of Providence and which are commensurate with the compensation received.~~

~~(8) No full time city employee shall engage in any outside business or activity during regular business hours of his or her city position. All city employees are assumed to be full time, unless their personnel record indicates otherwise.~~

~~(9) No city employee shall commit any of the actions described in Section 1206(b) of the Providence Home Rule Charter.~~

~~(10) For the purposes of this section, the term "city employee" shall mean all full and part time employees in the employ of the city or any agency, board or commission of the city, including without limitation the Providence Redevelopment Agency, the Providence Water Supply Board, the mayor's office of community development and any future city department, agency, board or commission regardless of the source of funding of such entity, all individuals serving in appointed city positions and all employees of public and quasipublic city boards, commissions and corporations and all officers of the city as defined in Section 1207 of the Providence Home Rule Charter, excluding employees and officers subject to Chapter 36-14 of the General Laws.~~

~~(b) Definitions. For purposes of this Section~~

~~(1) "Appointed official" means any person appointed by or through the City Council of Providence and/or the Mayor of Providence to any municipal agency.~~

(1) "Business Associate" means a person joined together with another person to achieve a common financial objective.

(2) "City" means the City of Providence.

(3) "City facility" means an structure or building owned, operated or managed by the city or a municipal agency.

(4) "Elected official" means any individual elected to an office created by the Charter of the City of Providence.

(5) "Employee" means any individual other than an elected official or an independent contractor, receiving compensation for services performed for the city.

(6) "Family Member" means an individual who is related to a person as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the public officer or employee or who otherwise holds himself or herself out as or is generally known as the person whom the public officer or employee intends to marry or with whom the public officer or employee intends to form a household.

~~(7) "Municipal Agency" means any department, bureau, commission, board, or authority, of the city or quasi-public authority of the City of Providence. It shall also include any group of persons, corporations, organizations, or other entities, however created, which exercise governmental functions of the City of Providence, other than in an advisory nature, and expend public funds in excess of ten thousand dollars (\$10,000) annually.~~

(8) "Official" shall mean the same as that term is defined in section 1207 of the Home Rule Charter of the City of Providence. ~~means an Elected Official, an Appointed Official and any member of any commission, board or authority of the City.~~

(9) A person "represents" another person before a municipal agency if he or she is authorized by that other person to act, and does in fact act, as the other person's attorney-at-law or his or her attorney-in-fact in the presentation of evidence or arguments before that agency for the purpose of influencing the judgment of the agency in favor of that other person.

(10) A person "represents" himself or herself before a municipal agency if he or she participates in the presentation of evidence or arguments before that agency for the purpose of influencing the judgment of the agency in his or her favor;

~~(b) Suspension or dismissal. Upon indictment, information or complaint and/or arraignment for a felony directly related to his or her employment, any city employee shall be suspended with or without pay, or transferred to another position. Upon conviction of a felony related to his or her employment, a city employee shall be dismissed immediately.~~

(c) Prohibited Conduct Relating to Employment

(1) Coercion for trading with a particular business. It is unlawful for any official or employee of the city or a municipal agency to discharge, threaten to discharge, discipline, threaten to discipline or otherwise discriminate against any other officer or employee for trading or not trading as a customer or patron with any particular business.

(2) Use of Public Property. It is unlawful for an official or employee of the city or a municipal agency to knowingly use property owned by the city or an independent agency, including but not limited to vehicles, for his or her personal benefit, convenience or profit, except in accordance with policies promulgated by the Council or by the governing body of the municipal agency owning the property.

(3) City Seal. It is unlawful for any person to fraudulently affix or impress the seal to or upon any certificate, instrument, commission, document or paper or with knowledge of its fraudulent character to use, buy, procure, sell or transfer to another any certificate, instrument, commission, document or paper, to or upon which the seal has been fraudulently affixed.

(4) Activities Relating to Promotion or Appointment. It shall be unlawful for any person seeking employment or promotion in the city or a municipal agency to either directly or indirectly give, promise, or pay any money, service of other thing of value for, or on account of, in connection with or for the

purpose of influencing or affecting their test appointment, proposed appointment, promotion or proposed promotion.

(5) Misuse of Position. It is unlawful for an official or employee of the city or municipal agency to intentionally use his or her official position to secure a special privilege or exemption for himself, herself or any other person.

(6) Misuse of Information. It is unlawful for an official or employee of the city or a municipal agency to wilfully or knowingly disclose any confidential or privileged information acquired by reason of the officer or employee's position, unless authorized or required by law to do so. Provided that nothing herein shall prohibit an officer or employee from engaging in conduct protected by Chapter 28-50 of the Rhode Island General Laws, the Rhode Island Whistle Blower's Protection Act.

(7) No Show Jobs. It is unlawful for an official or employee of the city or a municipal agency to knowingly employ a person with public funds who does not perform tasks which contribute substantially to the work of the government of the city or a municipal agency or whose tasks are grossly disproportionate to the compensation received.

(8) Outside Work During Business Hours. No city employee shall engage in any outside business or commercial activity during regular business hours of his or her city position. All city employees are assumed to be full time, unless their personnel record or

applicable personnel policies indicate otherwise.

(9) **Representing Persons.** It shall be unlawful for any official or employee of the city or a municipal agency to act as agent or attorney for, or otherwise represent any person (except the city or the municipal agency) before any court, or before any state, federal, or local agency, or any officer or employee thereof in connection with a particular matter:

- i. In which the city or a municipal agency is a party or has a direct and substantial interest; and
- ii. in which the employee or official participated personally and substantially as a city official or employee; and
- iii. which involved a specific party or parties at the time of such participation; and
- iv. which is the same matter in which the official or employee participated as a city official or employee.

(10) **Advising or Consulting.** It shall be unlawful for any official or employee of the city or a municipal agency to aid, advise, counsel, consult or assist another person (except the city or municipal agency) in connection with a particular matter:

- i. in which the city or a municipal agency is a party or has a direct and substantial interest; and

ii. in which the employee or official participated personally and substantially as a city official or employee; and

iii. which involved a specific party or parties at the time of such participation; and

iv. which is the same matter in which the official or employee participated as a city official or employee.

(e d) *Report of testimonial proceeds intended for personal use.* Within ninety (90) days from the date of a testimonial affair which was intended to raise funds for the personal use of a person who is a city employee, said city employee or a duly authorized designee shall make a full report to the city clerk, upon a form to be provided by the city clerk setting forth the net proceeds realized by the testimonial affair and the names and addresses of each contribution of in excess of one hundred dollars (\$100.00) to the affair and the amount contributed by each. The person making said report shall certify to its correctness.

The city employee shall be responsible for maintaining accurate financial records of the testimonial affair and for filing the aforementioned report unless he or she files with the city clerk, prior to the affair, a statement designating another person whose responsibility it will be to maintain those records and to file said report.

(e) Former Employees/Officials.

(1) **Representing Persons.** It shall be unlawful for any person who was an official or employee of the city or an

municipal agency to act as agent or attorney for, or otherwise represent any person (except the city or the municipal agency) before any court, or before any state, federal, or local agency, or any officer or employee thereof in connection with a particular matter:

- i. in which the city or a municipal agency is a party or has a direct and substantial interest; and
- ii. in which the former employee or official participated personally and substantially as a city official or employee; and
- iii. which involved a specific party or parties at the time of such participation; and
- iv. which is the same matter in which the official or employee participated as a city official or employee.

(2) Advising or Consulting. It shall be unlawful for any person who was an official or employee of the city or a municipal agency to aid, advise, counsel, consult or assist another person (except the city or municipal agency) in connection with a particular matter:

- i. in which the city or a municipal agency is a party or has a direct and substantial interest; and
- ii. in which the former employee or official participated personally and substantially as a city official or employee; and

iii. which involved a specific party or parties at the time of such participation; and

iv. which is the same matter in which the official or employee participated as a city official or employee.

(3) Contracts, Grants and Subsidies.

It shall be unlawful for any former employee or official of the city or a municipal agency who participated personally and substantially in the negotiation or award of a municipal contract, grant or, subsidy, including but not limited to a tax stabilization agreement or a tax increment financing arrangement obliging the city to pay an amount of valued at one hundred thousand dollars (\$100,000.00) or more, or who supervised the negotiation or award of such a contract to accept employment with a party to the contract (except the city or municipal agency) or with the recipient of the grant or subsidy for a period of one year after such contract is signed or the grant or subsidy is awarded.

(4) Confidential information. It shall be unlawful for any former employee or official of the city or a municipal agency to disclose confidential or privileged information acquired during service as employee or official, unless authorized or required by law to do so.

(5) Revolving Door.

(i) It shall be unlawful for an Elected Official, while holding office and for a period of one (1) year after leaving office, to seek or accept employment

with any municipal agency, other than employment which was held at the time of the official's election or at the time of the enactment of this section, except as provided herein.

(ii) Nothing contained herein shall prohibit the Mayor or the City Council from appointing any Elected Official to a senior policy making, discretionary, or confidential position on the Mayor or the Council's staff, and in the case of the Mayor, to a position as a department director or deputy director.

(iii) Nothing contained herein shall be construed to prohibit an Elected Official from seeking or being elected to any other elective office.

(iv) This subsection shall expire and be deemed repealed in the event the State of Rhode Island makes the conduct described in sub-paragraph (i) hereof punishable as a crime, misdemeanor or offense.

(f) Campaign Ethics

(1) **Political Activities While on Duty.** It is unlawful for an employee of the city or an independent agency to take any active part in political management or in political campaigns during duty hours; provided that this section shall not be construed to prohibit an officer or employee from voting as he or she may choose and from expressing his or her opinion on a political subject or candidate

(2) **Restrictions on Campaigning by City Employees.** It is unlawful for any employee of the city or a municipal agency while wearing a uniform required for his or her employment to:

(i) Request, in person, that any individual contribute any time, money or other thing of value to any candidate, political party or political committee; or

(ii) Solicit, in person, support or votes for any candidate, political party or political measure.

(3) **Soliciting Contributions from City Employees.** It is unlawful for any person to solicit political contributions from employees of the city or a municipal agency during the employee's hours of employment.

(4) **Soliciting Contributions in City Facilities.** It is unlawful for a person to make, solicit, or knowingly accept any campaign contribution in a city facility.

(g) **Aiding and Abetting.** No person shall knowingly and intentionally provide assistance to or otherwise aid or abet any other person in violating any provision of this ordinance.

(h) **Suspension or dismissal for felonies related to Employment.** Upon indictment, information or complaint and/or arraignment for a felony directly related to his or her employment, any city employee shall be suspended with or without pay, or transferred to another position. Upon conviction of or plea of *nolo contendere* to a felony related to his or her employment, a city employee shall be dismissed immediately.

(i) Penalties and enforcement.

(1) **Criminal Penalties.** Any person who knowingly and wilfully violates the provisions of this ordinance shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00) for each violation and/or imprisonment of not more than thirty (30) days.

(2) **Civil Penalties.** Any person who intentionally or negligently violates the provisions of this ordinance shall be liable in a civil action brought by the City Solicitor in the Municipal Court for an amount up to two hundred and fifty dollars (\$250.00) for each violation as well as the pecuniary value of any unjust enrichment realized by the violator, a family member of the violator or a business association of the violator as the result of his or her violation of this ordinance.

(3) **Statute of Limitations.** No complaint may be made under this ordinance except within five years after the violation alleged in the complaint has been committed.

(j) Providence Ethics Commission. There is hereby created the Providence Ethics Commission, the purpose of which is to provide a local forum for consideration and investigation of ethical problems and issues

(1) Membership, terms and appointment.

(i). The Ethics Commission shall be composed of seven members. The City Council shall appoint three members. The Mayor shall

appoint three members. The remaining member, who shall serve as the Chairperson of the Commission, shall be appointed by majority vote of the Commission.

(ii). Members of the Commission shall serve four year terms, except that of the members first appointed:

The first member appointed by the Mayor shall serve a two year term.

The first member appointed by the Council shall serve a two year term.

The second member appointed by the Mayor shall serve a three year term.

The second member appointed by the Council shall serve a three year term.

(iii). For the appointment of the ethics commission, authorities shall nominate individuals who have demonstrated the highest level of ethics standards in connection with their business, professional, occupational, financial or community commitments, and who possess the following qualifications: integrity, familiarity with government ethics issues, objectivity, common sense and compassion.

(iv.) No person shall serve more than two consecutive full four year terms

(v.) No member shall be an elected or appointed official of the city or a municipal agency, or hold or campaign for any elected office within the State of Rhode Island, or have been an held an elected official office within the State of Rhode Island within two years of his or her appointment.

(vi.) No member shall hold office in any political party or political committee.

(vii.) No member shall participate in or contribute to any political campaign for an elected office created by the Charter for the City of Providence.

(viii.) Any vacancy on the Ethics Commission occurring for any reason prior the expiration of the member's term shall be filled for the unexpired term by the appointing authority in the same manner as the original appointment.

(ix.) All vacancies on the Ethics Commission shall be filled within thirty (30) days of the vacancy occurring.

(x.) A majority vote shall be required for action of the Ethics Commission.

(xi.) Four members of the Ethics Commission shall constitute a quorum.

(xii.) Ethics Commission members shall not be compensated.

(xiii.) The City shall provide suitable quarters for the Ethics Commission.

(2) **Duties and powers.**

(i) **Advisory Opinions.** Every official or employee when in doubt as to the application or interpretation of the city ethics code to himself or herself in a particular context, may submit in writing the facts of the situation to the Ethics Commission for an advisory opinion to establish the standard for public duty. An advisory opinion shall be rendered by the Ethics Commission, and each such opinion (with identifying information redacted), shall be numbered, dated and published. Any advisory opinion rendered by the Commission, until amended or revoked by a majority vote of the Commission, shall be binding on the City in any subsequent proceedings concerning the person who requested the opinion and who acted in reliance on it in good faith, unless material facts were omitted or misstated by the person in the request for the opinion

(ii) **Investigation.** The Ethics Commission shall investigate any circumstance or situation of which the Ethics Commission may become aware that appears to violate or may potentially violate the city ethics code. In furtherance of any such investigation the Commission shall have the power to compel attendance of witnesses and require the production of evidence. The Ethics Commission shall create a written report setting for the

results of any investigation. If following an investigation, the Ethics Commission concludes that it is probable that a violation of the city ethics code has occurred the Ethics Commission shall refer the matter to the City Solicitor for prosecution in the Providence Municipal Court. In the case of matters involving employees within the Personnel System established by Article IX of the Charter, the Ethics Commission shall also refer the matter to the Department of Personnel for appropriate disciplinary action. In the case of matters involving sworn personnel of the public safety department, the Ethics Commission shall refer the matter to the Commissioner of Public Safety, for appropriate disciplinary action. In the case of matters involving employees or officials (other than sworn personnel of the public safety department) not subject to the personnel system established by Article IX of the Charter, the Ethics Commission shall also refer the matter to the appointing authority, for appropriate disciplinary action.

(iii) **Conduct prohibited by the Rhode Island Ethics Code.** If the Ethics Commission becomes aware of any circumstance or situation which appears to violate or may potentially violate the Rhode Island Code of Ethics, R.I.G.L. 36-14-1 *et seq.*, the Ethics Commission shall report the matter to the Rhode Island Ethics Commission. ~~If the circumstance of situation involves an employee or official of the city or~~

~~a municipal agency, the Ethics Commission shall also report the matter to the Department of Personnel. In the case of matters involving employees within the Personnel System established by Article IX of the Charter, the Ethics Commission shall also refer the matter to the Department of Personnel for appropriate disciplinary action. In the case of matters involving sworn personnel of the public safety department, the Ethics Commission shall refer the matter to the Commissioner of Public Safety, for appropriate disciplinary action. In the case of matters involving employees or officials (other than sworn personnel of the public safety department) not subject to the personnel system established by Article IX of the Charter, the Ethics Commission shall also refer the matter to the appointing authority, for appropriate disciplinary action.~~

(iv)

(v) **Unlawful conduct.** If the Ethics Commission becomes aware of any circumstance or situation which appears to constitute a crime under the laws of the State of Rhode Island, the Ethics Commission shall report the matter to the Attorney General's office. If the circumstance or situation involves an employee or official of the city or a municipal agency, ~~the Ethics Commission shall also report the matter to the Department of~~ within the Personnel System established by Article IX of the Charter, the Ethics Commission

shall also refer the matter to the Department of Personnel for appropriate disciplinary action. In the case of matters involving sworn personnel of the public safety department the Ethics Commission shall refer the matter to the Commissioner of Public Safety, for appropriate disciplinary action. In the case of matters involving employees or officials (other than sworn personnel of the public safety department) not subject to the personnel system established by Article IX of the Charter, the Ethics Commission shall also refer the matter to the appointing authority, for appropriate disciplinary action.

(vi) **Education.** The Commission shall assist the Municipal Integrity Officer in the preparation of written materials, including a 'plain English' Providence Code of Ethics Handbook, and programs designed to educate persons as to their obligations under and assist persons in complying with the city Ethics Code and the State of Rhode Island's Ethics Code.

(vii) **Hotline.** The Ethics Commission shall in conjunction with the Municipal Integrity Officer establish and monitor a toll free telephone hotline, whereby members of the public may report any circumstance or situation involving an employee or official of the city or a municipal agency which appears to violate or may potentially violate the City Ethics Code or the Code of Ethics of the State of Rhode Island.

(viii) **Recommendations to Council.** If as the result of its work, the Ethics Commission determines the need for remedial or preventive legislation, the Ethics Commission may make such recommendations to the Council as it deems appropriate.

(ix) **Report to Council.** It shall be the duty of the Ethics Commission to submit to the Council and the Mayor an annual report of its work.

(3) **Assistance from Branches of City Government.** The Commission is authorized to call upon appropriate agencies and branches of city government for such assistance as may be needed in the discharge of its duties. In the event that the solicitor's office has a conflict precluding its representation, it shall take appropriate steps to assure such representation for the Commission.

(k) **Municipal Integrity Officer.** The position of Municipal Integrity Officer is hereby established.

(1) **Appointment.** The Municipal Integrity Officer is to be appointed by the Mayor with the advice and consent of the Council. The Municipal Integrity Officer may only be removed for cause.

(2) **Credentials:** The Municipal Integrity Officer shall be a person holding at least a bachelor's degree from an accredited college or university with a minimum five (5) years experience serving as an ethics advisor for a municipality, state agency, or

corporation or as an investigator or as a lawyer, or the equivalent experience.

(3) **Mission** The mission of the Municipal Integrity Officer is to encourage each of the officials and employees of the city and municipal agencies to act in an ethical manner. This mission requires that the Municipal Integrity Officer encourage employees and officials not only to comply with various laws, but more importantly, to adhere to the highest standards of ethical behavior.

(4) **Duties:** In pursuing that the above referenced mission, the duties of the Municipal Integrity Officer include, but are not limited to the following:

(i) Education and Training: Develop training and education programs in coordination with the City Ethics Commission and the Rhode Island Ethics Commission and in so doing encourage compliance with both the letter and the spirit of ethics laws. An introductory program will be required for all employees and officials. This program will be offered on a regular basis for new employees.

(ii) Written Materials: The Municipal Integrity Officer will in conjunction with the City Ethics Commission publish a "plain English" Providence Ethics Handbook which addresses the requirements of the City Ethics Code and the Code of Ethics of the State of Rhode Island. The Municipal Integrity Officer will also develop fliers, pamphlets and other printed materials to educate

employees, appointed and elected officials and the public regarding ethical conduct.

(ii) Hotline: Establish and monitor in conjunction with the City Ethics Commission a telephone hotline whereby members of the public may report any circumstance or situation involving an employee or official of the city or a municipal agency which appears to violate or may potentially violate the City Ethics Code or the Code of Ethics of the State of Rhode Island

(iii) Website: The Municipal Integrity Officer will develop and publish a website related to City ethics. The website will contain readable and downloadable copies of the City Ethics Code and the Code of Ethics of the State of Rhode Island.

(iv) Information Advice: The Municipal Integrity Officer will be available on a confidential basis to all employees and officials to answer questions regarding ethics and may provide informal advice regarding issues relating to the City Code of Ethics. The Municipal Integrity Officer will also assist employees and officials in seeking guidance from the State Ethics Commission relative to the Code of Ethics of the State of Rhode Island.

(v) Review and Recommend: Review periodically this code and other applicable laws and recommend to the Ethics Commission appropriate changes to the Code.

(vi) Liaison with Ethics Commission:
Serve as a liaison between the
Ethics Commission and the officials
and employees of the City.

(vii) Liaison with State Ethics
Commission: The Municipal
Integrity Officer will maintain
liaison with Executive Director and
the Education Coordinator of the
Rhode Island Ethics Commission
on a regular basis to remain
attuned to the requirements of the
State Code to engender cooperation
with the State Ethics Commission.

(viii) Personnel and Legal Liaison:
The Municipal Integrity Officer
will maintain liaison with the
Director of Personnel and the City
Solicitor.

(ix) The Municipal Integrity Officer
may seek formal opinions from the
Ethics Commission on interpretation

of his or her formal duties or this
Code.

**Read and Passed the Second Time, on
Motion of COUNCILMAN APONTE,
seconded by COUNCILWOMAN
WILLIAMS, by the Following Roll Call
Vote:**

**AYES: COUNCIL PRESIDENT
LOMBARDI, COUNCILMEN APONTE,
BUTLER, DeLUCA, COUNCILWOMAN
DIRUZZO, COUNCILMEN HASSETT,
IGLIOZZI, JACKSON, LUNA, MANCINI,
COUNCILWOMEN ROMANO and
WILLIAMS - 12.**

NAYES: NONE.

**ABSENT: COUNCILMEN ALLEN,
SEGAL and COUNCILWOMAN YOUNG - 3.**

**The Motion for Passage the Second
Time is Sustained.**

ADJOURNMENT

There being no further business, on Motion of COUNCILMAN APONTE, seconded by COUNCILWOMAN WILLIAMS, it is voted to adjourn at 7:00 o'clock P.M. (E.D.T.), to meet again on THURSDAY, SEPTEMBER 7, 2006 at 7:30 o'clock P.M. (E.D.T.)



ANNA M. STETSON
CITY CLERK



