

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 356

Effective: ~~Approved~~ X June 14, 1982

JUN 15 1982
CITY CLERK
CITY OF PROVIDENCE

WHEREAS, Certain Members of the City Council have been sued while performing their duties as representatives of the City of Providence,

NOW, THEREFORE, BE IT RESOLVED, That the Members of the City Council hereby authorize payment of legal fees to be incurred by Councilmen Harry A. Johnson, ^{and} Thomas F. O'Connor, Jr. and ~~Nicholas W. Easton~~ as a result of the recent Court Suit relative to the Redistricting of the Ward Boundaries of the City of Providence, in accordance with Section 2.8 of the Charter of the City of Providence.

Effective without the Mayor's signature June 14, 1982.

Rose W. Mendenhall

IN CITY COUNCIL

JUN 3 1982
READ AND PASSED

Robert F. Lynch

Richard R. Chouat
ACTING

City of Providence



Rhode Island

Department of City Clerk

MEMORANDUM

DATE: May 13, 1982

TO: Acting City Solicitor, John Rotondi

SUBJECT: ATTACHED RESOLUTION

CONSIDERED BY: Councilwoman Carolyn F. Brassil, Chairwoman of Committee on Finance

DISPOSITION: VOTED: To obtain an opinion from the Acting City Solicitor as to whether passage of the accompanying Resolution requesting payment to certain members of the City Council for legal fees is legal.

City Clerk

ACTING CITY SOLICITOR
JOHN ROTONDI, JR.



MAYOR
VINCENT A. CIANCI

LAW DEPARTMENT

May 17, 1982

Councilwoman Carolyn F. Brassil
Chairwoman, Committee on Finance
Office of the City Clerk
City Hall
Providence, Rhode Island 02903

RE: Payment of legal fees incurred by Councilmen Harry A.
Johnson, Thomas F. O'Connor and Nicholas W. Easton

Dear Chairwoman Brassil:

In reference to the above, Section 2.8 of the Charter entitled "Power of counsel to hire experts" states that "experts not regularly employed in any city department may be hired when their services are required to solve any special technical problem" or basically a problem which is unique in nature and one which may not be handled by any department of city government. The litigation in question is not such that experts are required and as such, the type of case which the staff of the City Solicitor's Office is capable of handling. This matter falls squarely within the purview of the City Solicitor's Office as outlined in Sections 5.3 and 5.4 of the Charter.

Each councilmatic defendant was notified by my office that we would represent them in all matters from which compensatory damages may flow. We also told them that we would not represent them if punitive damages resulted from the litigation, in that punitive damages normally result from actions of a wanton and willful manner and beyond the scope of a councilman's authority. I do not think the City of Providence should sponsor litigation of this nature in that we may not pay punitive damages if they do result, and secondly, we should not support these actions if they did occur.

PHONE 421-7740 EXT. 381-382-340

FILED

MAY 19 9 50 AM '82

DEPT. OF CITY CLERK
PROVIDENCE, R.I.

Councilwoman Carolyn F. Brassil
Chairwoman, Committee on Finance
May 17, 1982

Page Two

In summary, Section 2.8 of the Charter should not be invoked to pay the legal fees of the above-named in that, because of the facts in question, it does not apply.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Rotondi, Jr.", written in dark ink.

JOHN ROTONDI, JR.
Acting City Solicitor

JRJR/vav