

- 308 -

COUNCILWOMAN
PATRICIA K. NOLAN
230 ATLANTIC AVENUE
PROVIDENCE, RI 02907
Res. 467-3093
Office: 521-7477



City of Providence, Rhode Island

April 20, 1995

COMMITTEES

Public Works

Urban Redevelopment,
Renewal and Planning

Dr. Charles V. Chapin
Memorial Award
Vice-Chairwoman

Board of Contract
and Supply

Providence Historic
District Commission

The Honorable City Council
City Hall
Providence, Rhode Island 02903

Dear Members of the City Council:

Pursuant to City Council Resolution No. 78 approved January 24, 1995, the Study Commission on the Providence Review Commission was convened on March 6, 1995.

The members of the Study Commission consisted of:

Councilwoman Patricia K. Nolan, Chairperson
Councilman Kevin Jackson
Councilman Ronald W. Allen
City Solicitor Charles R. Mansolillo
Boyce Spinelli, Finance Director
Edward C. Brown, General Public Member
Ann Nagle, General Public Member

Meetings of the Commission were held on March 6, 13, 20, 21 and April 5, 1995. The members of the Commission, as well as several members of the public, reviewed and discussed the ordinance provisions that were originally ordained during the 1981 Fiscal Crisis prior to the effective date of the Providence Home Rule Charter in 1983.

After completing its study, the Study Commission unanimously approved a draft of a proposed Review Commission Ordinance which is herewith transmitted to the Honorable Members of the City Council for their consideration.

Very truly yours,

Patricia K. Nolan 

Patricia K. Nolan
Councilwoman, Ward 9

Enclosure

IN CITY COUNCIL
APR 20 1995

READ
WHEREUPON IT IS ORDERED THAT
THE SAME BE RECEIVED.

Michael K. Clement CLERK

TO AMEND ARTICLE VII
SECTIONS 21-141 - 21-149 OF THE CODE OF
ORDINANCES OF THE CITY OF PROVIDENCE
REGARDING PROVIDENCE REVIEW COMMISSION

SECTION 1. That Article VII, Sections 21-141 through 21-149 of the Code of Ordinances entitled "Providence Review Commission" is hereby repealed.

SECTION 2. That Article VII, Sections 21-141 through 21-147 of the Code of Ordinances shall read as follows:

Sec. 21-141. 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 assist in:

- (1) Ensuring 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;
- (2) Ensuring effective management and spending controls on Providence city government;
- (3) Reviewing and recommending correction of any deficiencies in said city's fiscal management.

Sec. 21-142. Creation of review commission.

- (a) The City Council hereby establishes the Providence Review Commission (hereinafter referred to as the "commission") for the purpose of monitoring the management of the financial affairs of the City of Providence.
- (b) The commission shall be composed of eleven (11) members having the qualifications and/or offices set forth below and selected in the following manner: Six (6) members to be selected by the City Council on the recommendation of the Finance Committee of the City Council. Of the six (6) members so appointed by the City Council, two (2) shall

- serve for a term of one year, two (2) will serve for a term of two years, and two (2) will serve for a term of three years.
- (c) All subsequent appointments or reappointments made by the City Council shall be for a term of three (3) years. Of the six (6) members of the Commission appointed by the City Council, one (1) member shall be a practicing attorney; one (1) member an independent certified public accountant; one (1) member shall be engaged in business, banking or finance; one (1) member shall be a member of a labor union; one (1) member shall have experience in the study of or a profession related to governmental finance; and one (1) member shall be a representative of the general public. None of the members of the commission so appointed shall be an elected or appointed officer or an employee or paid consultant of the City of Providence or the State of Rhode Island, or any of its departments, boards, agencies or commissions other than as a member of the Providence Review Commission.
- (d) The remaining five (5) members shall serve at the pleasure of the appointing officer and shall be selected as follows:
One (1) member to be selected by the Mayor of the City of Providence; one (1) member to be selected by the Governor of the State of Rhode Island; one (1) member to be selected by the speaker of the Rhode Island House of Representatives; one (1) member to be selected by the majority leader of the Rhode Island Senate and the auditor general of the State of Rhode Island, who shall serve as a member, ex officio.
- (e) Each member of the commission, other than the Auditor General, shall be a qualified elector and resident of the City of Providence.
- (f) 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 the Providence Home Rule Charter and the Code of Ordinances.

Sec. 21-143. 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 deficiencies in such conditions.
- (2) To monitor and review expenditures against the total amount of appropriations of any fiscal year.
- (3) To monitor 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 review and make recommendations regarding:
 - (a) Bidding or purchasing procedures and decisions;
 - (b) Investments, loans or borrowings by the city or any of its departments or agencies; and
 - (c) City accounts and methods of administration of such accounts;
 - (d) Personnel staffing levels;
 - (e) Contracts by and between any third party and the city; and
 - (f) Any collective bargaining agreement between any union and the city.
- (6) To 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 any 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-saving measures.

The Commission may recommend that the City Council investigate, pursuant to the authority set out in Sections 402 and 403 of the Providence Home Rule Charter of 1980, as amended, any alleged violation of law brought to the attention of the City Council by the Commission.

Sec. 21-144. Cooperation.

All departments, employees, agencies, and elected and appointed officers of the City of Providence shall cooperate with the commission. The commission shall have access to all records and books of account of the city. The commission may recommend that the city council conduct an investigation pursuant to Sections 402 and 403 of the Providence Home Rule Charter of 1980.

Sec. 21-145. Operation of the commission

The members of the commission shall receive no salary, but may receive such per diem allowance as may be appropriated by the city council 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 subject to the prior approval of the City Council. The finance director, city treasurer and internal auditor shall assist the commission in carrying out its responsibilities by providing services and facilities for the commission; provided, however, that provision of said services and facilities by the finance director, city treasurer and internal auditor shall be subject to the performance of other duties as set forth in said Providence Home Rule Charter of 1980, as amended.

Sec. 21-146. Reports by the commission.

The commission shall make a semiannual report to the general assembly, governor, the city council, finance director, mayor and members of the commission on or before each January 31st and July 31st of each year regarding its findings and recommendations for the six-month period ending thirty-one (31) days before each such date. All actions of the Commission shall be advisory only and shall be consistent with the provisions of the Providence Home Rule Charter of 1980, as amended, and the Providence Code of Ordinances, and no action of the Mayor, the City Council or any City officer, employee, board or commission shall be made void by any action of the commission.

Sec. 21-147. Prohibitions; penalties, disciplinary action, etc.

Any city employee or officer who willfully violates or fails to comply with any request of the commission which is within the commission's authority and any city employee or officer who willfully prepares, presents or certifies any document, instrument, agreement or information, including without limitation any projections or estimates of revenue or expenditure requested 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 reported to the City Council.

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



Providence Review Commission

"Building Pride In Providence"

April 7, 1995

The Honorable Patricia Nolan
Providence City Council
230 Atlantic Avenue
Providence, RI 02907

Dear Councilwoman Nolan:

I want to thank you and the members of the Review Commission Study Group for your hard work and dedication. Your efforts have preserved the Providence Review Commission as a viable and effective body working with the City Council and following the creed of the Providence City Charter.

I know the discussion was detailed, frank and at times, emotional - but the final ordinance document is one which all parties can be proud of. The citizens of Providence have been well served by this group's efforts and your leadership and the contributions of the Council members.

The Providence Review Commission remains available to assist the Council and the administration in any manner as deemed necessary. Our mission is one towards protecting the best interests of the Providence taxpayer.

Again, my thanks and appreciation.

Sincerely,

A handwritten signature in cursive script that reads "Allan".

Allan M. Petteruto
Chairman

cc: Councilman Ron Allen
Councilman Kevin Jackson