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CITY OF PROVIDENCE  
RHODE ISLAND



CITY COUNCIL  
JOURNAL OF PROCEEDINGS

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No. 32 City Council Special Meeting, Thursday, December 21, 2006,  
Upon The Rise of the 7:30 City Council Meeting

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PRESIDING

COUNCIL PRESIDENT  
JOHN J. LOMBARDI

ROLL CALL

Present: COUNCIL PRESIDENT  
LOMBARDI, COUNCILMEN ALLEN,  
APONTE, BUTLER, DeLUCA, COUNCIL-  
WOMAN DiRUZZO, COUNCILMEN  
HASSETT, IGLIOZZI, JACKSON, LUNA,  
MANCINI, COUNCILWOMAN ROMANO,  
COUNCILMAN SEGAL, COUNCIL-  
WOMEN WILLIAMS and YOUNG - 15.

Absent: NONE.

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.

FILED  
2007 MAY -9 P 3:11  
DEPT. OF CITY CLERK  
PROVIDENCE, R.I.

MAY 17 2007  
IN CITY COUNCIL

READ  
WHEREUPON IT IS ORDERED THAT  
THE SAME BE APPROVED.

## INVOCATION

The invocation is given by Councilman  
Patrick K. Butler.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag of  
the United States of America led by  
Councilman Patrick K. Butler.

## CALL FOR SPECIAL MEETING

## COMMUNICATION FROM COUNCIL PRESIDENT JOHN J. LOMBARDI

Request, filed with the City Clerk,  
December 19, 2006, Requesting a Special  
Meeting of the City Council to be Called on  
the 21<sup>st</sup> day of December, 2006 Upon The

Rise of the 7:30 City Council Meeting, in the  
City Council Chamber, Third Floor, City  
Hall.

**CITY OF PROVIDENCE, RHODE ISLAND**

December 19, 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 21<sup>st</sup> day of December 2006 Upon The Rise of the 7:30 City Council Meeting, in the City Council Chamber, Third Floor, City Hall for the purpose of acting upon the following:

**AN ORDINANCE AMENDING  
ORDINANCE CHAPTER 2006-33 NO.  
235, APPROVED JUNE 12, 2006,  
REGARDING PREDATORY LENDING.**

**AN ORDINANCE ESTABLISHING A  
FIRST SOURCE LIST, AS AMENDED.**

**AN ORDINANCE ESTABLISHING A  
"LIVING WAGE", AS AMENDED.**

Respectfully,

Council President  
John J. Lombardi

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## 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 21<sup>st</sup> day of December, 2006 Upon The Rise of the 7:30 City Council Meeting, in the City Council Chamber, Third Floor, City Hall.

**DEPARTMENT OF CITY  
CLERK CITY HALL**

December 19, 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 21<sup>st</sup> day of December, 2006, A.D. Upon The Rise of the 7:30 City Council Meeting, in the Chamber of the City Council, Third Floor, City Hall for the purpose of Enacting the following:

**AN ORDINANCE AMENDING  
ORDINANCE CHAPTER 2006-33 NO.  
235, APPROVED JUNE 12, 2006,  
REGARDING PREDATORY LENDING.**

**AN ORDINANCE ESTABLISHING A  
FIRST SOURCE LIST, AS AMENDED.**

**AN ORDINANCE ESTABLISHING A  
"LIVING WAGE", AS AMENDED.**

You are therefore, hereby commanded and required to summon each Member of the City Council to that Special Meeting, as Called.

*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 19<sup>th</sup> day of  
December, 2006, A.D.

Anna M. Stetson  
City Clerk

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STATE OF RHODE ISLAND AND  
PROVIDENCE PLANTATIONS  
THE CITY OF PROVIDENCE, Sc.  
DECEMBER 19, 2006

I, Vincent J. Berarducci, City Sergeant do hereby certify that I have notified each Member of the City Council of the Special Meeting scheduled to be held on Thursday, December 21, 2006 Upon The Rise of the 7:30 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.

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Date

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

**COUNCIL PRESIDENT LOMBARDI Receives the foregoing Communication and Warrant.**

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## PERSONAL EXPRESSIONS

**COUNCILWOMAN WILLIAMS Requests the privilege of the floor to speak on a Point of Personal Expression and states:**

"Thank you Mr. President. I have no prepared remarks but I just felt like since this is my last night of official business on the City Council that I just wanted to say a few words to my colleagues to thank you for your support and to let you know that I have really enjoyed working with all of you. Sixteen years ago we had the biggest change. A third of the Council was replaced, just as in 2007 a third of the Council will be replaced by five Council members. Sixteen years ago I came onto the Council with Councilman Mancini, with Councilman DeLuca, Pat Nolan and Joshua Fenton. So there were five new people sixteen years ago and a few have survived and are still here serving the City. I just leave with such mixed feelings. Part of me feels like I'm going on school vacation forever and I'm happy about that because I'm retiring and it's like vacation time and I can do what I want to do with my life and have my life back. So I feel good about that, but there is a part of me that just feels

that this has been so much a part of my life that I'm really going to miss it. I've really enjoyed the process of being part of a government and having open government and having public hearings and making sure that there is input from the public in all of our business. I've really enjoyed that part of the job. In helping people, being there for people and I just urge you to continue that openness of government that I feel that we've practiced in the past sixteen years that I've been on the Council. So I just urge you to continue to do that. I will miss being a part of that but I wish all of you, everyone of you, good luck and I thank you for your continued service because it is hard work. It takes you away from you family, it takes you away from doing things that you would like to do for yourself so it is hard work. I commend all of you for continuing to serve and now that I've gotten used to the idea I'm kind of happy that I'm going to have some time to myself. Carol and I have some time to ourselves to do what we want to do. I just wanted to wish you all well and say I enjoyed working with you and continued good success to all of you. Thank you."

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**COUNCILMAN BUTLER** Requests the privilege of the floor to speak on a Point of Personal Expression and states:

"Thank you Council President. Eight years ago I came into this Chamber and I was the happiest person on the face of this earth. I loved representing the people in the City of Providence as well as the people of the 5<sup>th</sup> Ward and I leave here still happy as I was then. It's been a great experience and I've had an opportunity to meet a lot of great and wonderful people. I had two great staffs. The City Council Office as well as the City Clerk's Office. Different department directors who have worked tirelessly through different problems that we have had, not only in my neighborhood but throughout the City. We've always been able to overcome things and get things accomplished. We have a lot to be proud of in this last eight years. A lot of development has come to the City and it's because of this Council and this leadership. The building to or northwest I think which Councilman Hassett and Finance Chair Jackson were very helpful in negotiating a Tax Stabilization for. Just some wonderful things. The park improvements that we've been able to make. So I know that I left the City and my neighborhood a little bit better than when I came here eight years ago. I had a wonderful experience and I would like to personally thank all my colleagues and our staff for a wonderful eight years. Thank you very much."

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**COUNCIL PRESIDENT LOMBARDI**  
**RELINQUISHES THE CHAIR**

**ACTING COUNCIL PRESIDENT PRO**  
**TEMPORE YOUNG IN THE CHAIR**

**COUNCIL PRESIDENT LOMBARDI** Requests the privilege of the floor to speak on a Point of Personal Expression and states:

"Thank you Madam President and my esteemed colleagues. 1998 we embarked upon a new journey and that journey was to make this City what it should be and I think certainly this Council and this leadership in particular was on the forefront and the mantra then and I hope the mantra going forward will be two things. That we would question conventional wisdom and challenge the status quo and I think we did that. In fact I know we did it and I look at Deputy Majority Leader Williams who I think served us well in many capacities. She certainly lead the charge with the Honorable Service Ordinance. Then we established the Blue Ribbon Commission to oversee the Providence Police Department. Then after much fighting, kicking, pinching and scratching the External Review Authority. We did what we needed to do in this Council Office because yes, we have a great Clerk's Office and we have a great Council Office. We saw the need of the changing dynamics of the City of Providence and we hired people from the Latino community. We hired people from the South East Asian community, we hired people from the African American community and, yes we had the only fluent Japanese speaking person in any department in this entire State. At one point we had a person who could speak five fluent languages because we recognize that that office should be "A"

political and, yes they were servicing 173 thousand people a day, seven days a week, twenty-four seven. When big corporate America wanted to come to Providence it was the City Council that said oh no you will come to Providence or you will have to do something for the people of Providence. GTECH, yes we stood them down. We did what we needed to do. We even spoke on issues that people would ordinarily say why would a Council seek out the LNG plants. There are several things that we've really been in the forefront. We dare to challenge that status quo and we dared and we insisted that we would do what we needed to do no matter how difficult the issue. Now we're about to embark upon that again this evening and the rules do not require me to expand on it, but again we will challenge it. We will be able to speak about it in a little while. First Source, Predatory Lending and Living Wage. Let's hope going forward this Council has the intestinal fortitude to stand up for what the people of Providence need, what they want, what they desire but most important what they deserve. I want to thank the outgoing colleagues. They can never take this away from you, never. No matter who it is. You have a lot to be proud of. I'm proud to call you my colleague, I'm proud to call you a fellow councilperson, but I'll tell you what I'm most proud of, I'm proud to call you my friend because that means a lot to me and with that I'm sure that wherever you're going next some people are going to relax, some people I'm sure are going to take on other challenges but I know you're going to be successful in whatever that may be. I can tell you this. You will always have a friend here. You call me

I'll be there, not behind you, I'll be by your side or in front of you. God Bless and thank you very much."

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COUNCIL PRESIDENT LOMBARDI  
RETURNS TO THE CHAIR

COUNCILMAN JACKSON Requests the privilege of the floor to speak on a Point of Personal Expression and states:

"Thank you. I rise tonight to wish my colleagues who are leaving the Council the very best in their lives and in their pursuits in the future. If we hadn't chosen the life of running for office our paths probably would have never crossed. In each one of you I remember certain things that you've accomplished in the time that I've served with you. Councilwoman Williams my next door neighbor on the Council. We share certain streets in our wards that adjoin each other and it was very nice to know that when I was coming here on the City Council that there would be another Social Worker like myself who understands the people who are in most need throughout the City. I've always respected that and I've always been a strong advocate of all the people in need in the City of Providence and I truly appreciate that. You did an outstanding job as the Chairwoman of the Ordinance Committee because that's such an important committee. That lays the laws down for the City of Providence. I congratulate you and I'm sure we will see each other as you're walking your dogs and I'm probably coaching track over there on the East Side. Councilman Butler, you have left

your community in better shape than it ever was before, and all you have to look at as far as I'm concerned, is the crown jewel, which is Conley Stadium. The amount of time and effort that you put in to serve the children of the City of Providence, and again that's something that we shared in common. You and I would always be in the forefront of supporting the athletic teams in the City of Providence and yours stood tall for family values such as the Ten Commandments. Although I might have disagreed with you on that coming from a social worker's point of view, you stood strong on that and I will always remember that. Councilman Segal, again going up to the State House, really not leaving us. I think you and I will be working on a number of issues that will be beneficial to the people in the City of Providence. I know we share the same philosophical views in regards to how government is to serve the citizens of the City of Providence and I appreciate that. Then over back to my side to my two colleagues over here, and just as Council President stated, we all leave here with developed friendships. Friendships that probably again, as I stated earlier we would never have had unless we chose this profession. My dear friend Councilwoman Romano, who's probably my closest friend on the City Council. I'm sure we will still sneak away to the China Inn in Pawtucket to have our Chinese dinners every so often when we need to refuel ourselves. You were an outstanding Vice-Chairwoman of the Finance Committee with me, always supportive of the efforts that we put forth in the Finance Committee and always supportive when we were

developing a budget for the City Council. Thank you again. Then the closest friendships you develop or the closest political allies you develop for the most part are the Council people that you come into office with, and Councilman Allen and myself entered this Chamber twelve years ago as colleagues and we sat beside each other throughout this whole time. Yet at one point he was the Majority Leader and we worked and hashed out budgets. He had more political experience than I did growing up over there in the West End in the Reservoir Triangle of those hard politics. I didn't really have that over there in Mount Hope. I was just a community activist and he taught me a lot about politics and his famous expression was, "Kevin there will always be another vote don't worry what they think about you when you go to give something or for something that they disagreed with", but also I'll always remember, and it's almost fitting or ironic that earlier in the first meeting we named a bridge after James Creamer. Jimmy was a dear friend of Ronnie's and someone I met through Ronnie and I just remember the times that Ronnie was the designated driver when we had a good time on the town. So again I will always remember that and thank you again. I wish all my colleagues the best of luck."

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COUNCILWOMAN YOUNG Requests the privilege of the floor to speak on a Point of Personal Expression and states:

"Thank you Mr. President. I to want to rise and congratulate my colleagues



that have been on the Council in doing such a tremendous job. We don't always pat ourselves on the back for the hard work that we do everyday but day in and day out, year in and year out we're always meeting. We don't have breaks like the General Assembly. They're very fortunate. We work through the summer and through the winter months. We work twenty-four hours a day, seven days a week, 365 days a year. So I want to commend you. This has been probably the most aggressive Council that I've seen. I have been on the City Council for eighteen years and this Council has pushed through initiatives that several years ago people would have not believed was possible. That's because of the infusion of young people, older people, middle age people, everyone working together as a team. It has been a pleasure to serve with my colleagues who are leaving. They represent different points of view and what's interesting is we don't always agree on everything but we do agree that it is our job and our mission to serve the people and the residents of Providence. When you agree on that as our foundation that's how a lot of great initiatives and resolutions and ordinances were passed and I think we all care about the people that we serve and that's important. The hours that we go to community meetings, neighborhood meetings, City Council meetings, committee meetings, talk about how much time we put into this. This has to be a labor of love because we are certainly not getting paid that much money for this. All of us have had and do have full time jobs so this is a commitment to civic government, to be responsible for our community and to

be able to do the best we can and you have all met that challenge. You've done tremendous jobs and wherever your neighborhood was you served your constituents well and you can leave here tonight and know that people will remember you, remember the good things that you've done and remember that you were there when the community needed you. You heard the call and you came to serve and you did that well. God Bless and have a great holiday season."

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COUNCILWOMAN ROMANO Requests the privilege of the floor to speak on a Point of Personal Expression and states:

"Thank you Mr. President. As my tenth year on the City Council draws to a close it is a bitter sweet time for me. I wanted to look back at many of the accomplishments and experiences I've had, the friends I've made and the privileges I've had serving the people of the Fourth Ward. I am proud to be the first woman elected to the City Council in the history of the Fourth Ward. In fact we women on the Council really made history. When I began my term ten years ago, at that time there were six women serving on the City Council. That's forty percent of the Council seats filled by women. It has been a pleasure to dedicate myself to my neighbors and the people of our City for these years and as many of you know I committed myself to public office completely. My actions speak for themselves. Through the many initiatives, projects and services I've worked on and helped to implement. I hold my head up high knowing I have done this all to the best of my ability but

none of these accomplishments would have been possible without the competent, helpful and professional staff of the City Clerk and the City Council offices. I want to take a moment to say thank you to all of you. To each and every staff member of these offices, you have made my job so much easier and you really are the best. Thank you. I also would like to recognize the excellent rapport I had with every department in City Government, with both department directors and employees, and of course I must express my gratitude to my colleagues on the City Council. Serving with you for the past ten years has been one of the greatest experiences of my life. I will cherish the friendships I have made but I want you to know I'm not saying goodbye because I hope to be active in some other capacities in the City of Providence. Although I did not choose to leave under these circumstances, and it is not easy to do so, I leave knowing you will never forget me because I will never let you forget me. I certainly will remember all of you. Finally, if I can be of any assistance to you please feel free to call me and you know where to find me. I wish all of you good luck, best wishes, happy holidays to each of you and once again thank you for the great ten years."

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COUNCILMAN ALLEN Requests the privilege of the floor to speak on a Point of Personal Expression and states:

"Thank you Mr. President and members of this Honorable Body and guests of this honorable chamber. I stand here tonight with mixed feelings,

and a famous writer wrote "it was the best of times, and it was the worst of times" and that's kind of how I feel tonight because the worst of times because I'm leaving this honorable body and I'll tell you, you know the feelings, the emotions, the strengths that you draw upon from being on the body for twelve years in my case is just immeasurable. I would like to publicly thank my colleagues for their support, for their challenges and most of all for being an honorable statesperson that does their job 365 days a year, twenty-four hours a day, seven days a week and we don't get paid enough to do this job but we do it. We do it out of love, out of compassion, out of advocacy for the people that we represent and I just want to say thank you to my colleagues. To my constituents, I want to say thank you for allowing me to serve here for three terms, twelve years. I didn't run this term and I know that my successor will do well but I just would be remised if I didn't say thank you to the individuals who elected me to represent them here in this honorable chamber. Lastly I want to thank the staff. The Clerk's Office and the Council staff because without them we couldn't do our job. They do yeoman's work and they don't get paid enough either. They just do a marvelous job and without them we wouldn't be able to do the job that we do. So I thank the staff, I thank my colleagues, I thank the great people that I've represented over the last twelve years in the Eighth Ward and I say God Bless to all."

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**COUNCILMAN APONTE** Requests the privilege of the floor to speak on a Point of Personal Expression and states:

"Thank you Mr. President. In ancient China when two friends left each other they would give each other a blessing and the blessing was may you live in interesting times and I rise to thank my colleagues, all of you and in particular those who will not be returning for making the last eight years for me very interesting times. Sitting here listening to all the kind words I could not help but harkin back on some of the very difficult challenges that this Council faced over the last eight years. The group of people that I've had the privilege to work with who are all here because they saw something wrong and wished to make it right. They're here because they saw something not being done in their community and were compelled and moved to make sure that those things got done. I've had the privilege of knowing these people for eight years and know that they're not here for the personal glory, because along with the personal glory comes the personal attacks. I know they're not here for the dollars, so I can only gleam that they are here because they are people of conscience who see something wrong and wish to make it right. I can recall when this City was in dire need of leadership. We went through a time several years ago when the Mayor was no longer here and there was a pending strike of teachers, the budget was a mess and it was this Council that came together to make sure that this City saw it's way through. There were countless times where issues today brought us to

heated debates but we were always able to debate those issues respectfully. We may not have always agreed but I never questioned what my opposition was. I knew that their opposition was based in their principals and their beliefs. I knew that they disagreed with me but it was a disagreement based on what they believed was right for their neighborhood, their constituents and the City. As Councilman Allen taught me as well, there is always another vote. You have all taught me much and I hope that in some small measure I have taught you something as well. Councilman Butler and I came to this Council at the same time. Both very young and eager, a little bit lighter and I recall Councilman Butler had a little bit more hair. We all understood that this calling was one that was not to be taken lightly. That the task before us was fraught with challenges and in order to represent your neighborhood and City, well you had to be here. I recall many nights where snow had made streets throughout the City almost impassible. The inclement weather was things of fable but the majority of this Council was here. There were events that tried to tear this City apart. I recall in this very Chamber one of those tragic times that I've had to live through in my public life and that's Sergeant Cornel Young. This Council though in passion provided some leadership under very difficult circumstances. When those issues and things surrounding that tragedy threatened to tear at this very fiber, I was proud of this institution and I was proud of my colleagues. For when we disagreed we understood that we were disagreeing in public and we

understood that the direction of this City took its view from what happened in this very Chamber. I will miss very much conversations with my dear friend Carol Romano and I will acknowledge publicly that I owe Carol a veal and peas lunch which I plan to pay very soon Carol. Councilman Allen, Councilman Butler, Councilman Segal and Councilwoman Williams have taught me very much. They have helped make me be a better councilperson, have helped me figure out what role I'm to play in this, and for that I'm eternally grateful. Councilman Butler said it earlier. The evidence of this job, the evidence of a career in public service well done is the belief and the understanding that we have left the City a little bit better than we found it. I'm here to bear witness to all of you that your fingerprint is developed and etched in the City and you all have left it a much better place than you found it and on my own behalf and on behalf of the people in the Tenth Ward, I wish to thank you for all that you've done and wish you well and God speed in all your endeavors. Thank you."

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COUNCILWOMAN DiRUZZO Requests the privilege of the floor to speak on a Point of Personal Expression and states:

"You all know that I'm not very good at saying goodbye, so I'm not going to say goodbye because I become very emotional and very attached to people. These people that are leaving tonight have attached themselves to me. Don't forget now I was here before all of you so I have been here to welcome all of

you to the Providence City Council so I must be the mother of everybody here. My colleagues who have spoken prior to myself have really said all there needs to be said about the service that these five people have dedicated themselves to the City of Providence and their constituents and they have done an outstanding job. Each of us have taken care of one another while we have served on this Council and we have concerned ourselves not only with what is happened in our neighborhoods but what has happened in all of your neighborhoods. We have always worked as a team and you should be very proud that I'm proud of it and I'm proud to have served with each of you. I would like to say to Rita, you served sixteen years on this Council and I remember when she first ran and I first saw her signs RITA. That impressed me more than anything else, the design of your signs. Rita, I've gotten to know you very well and I will miss you. I'll miss the trips we went on as we served this City. We reached out to learn how other cities and towns served the people and we always enjoyed one another's company. You worked hard for your constituents and you have a lot to be proud of and I will miss seeing you sitting in that seat. Patrick, eight years ago when I first met you, you impressed me so much because you were so eager to please everyone that you represented and you've done an outstanding job too. I've watched your family grow and I shall miss seeing the children, so don't be a stranger. You have a lot to be proud of. I want to thank you especially for your loyalty to me and your support of me in the eight years you've been on this Council. Representative-Elect

Segal, Carol Romano and I became your adopted mothers and took care of you while your parents lived out of town and they were assured that you would be well provided for. However, we didn't teach you not to wear sneakers when you wear a suit. I'm hoping that you will learn that before you take your seat on the General Assembly. Your constituents obviously are very proud of you because they elected you to represent them statewide and I want to wish you the very best of luck as you move up and out. Carol has always been very special to me. We had a lot in common when Carol first got elected. I really didn't know how much of a fan she was of mine until she became City Councilwoman. She has worked tirelessly for her people. She has definitely made a big change in her ward and she has a lot to be proud of and I know how much this job meant to her and I know how much she is going to miss it because she lived it 24/7 and she is right when she says she can go on forever doing work for the people and I'm sure that she will. She will always be welcomed here and you know that. Your friendships will never be lost especially between the two of us, there is a special bond. As all of you know Carol and I are very good friends and we will always will be. I will miss seeing you here but I know you will still continue to be a part of us and I want to wish you the very best of luck because I know that you're never going to retire anyway. Ronnie, I really don't know what to say about you. What I'm going to miss most about you is seeing

you drive up in you snazzy cars, okay. I want to wish you the very best of luck Ronnie because I know you chose not to run so you must have known that you had done about all that you could have done for your people. Now you face having a life of you own. Each of us work very hard. Being a City Councilperson is a very difficult job. Please don't underestimate the job because it looks like it's luxurious and glamorous but there is a lot of work that come with it. Once you take that oath you never stop working, never until you retire. So I want to wish all of you good luck, good fortune and good health especially and I'm really going to miss serving with you. As you leave tonight we welcome new people in and they will become a part of our family as well. Enjoy and the best of luck to you and the best holiday season.

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#### CONTINUED BUSINESS

The Following Ordinance was in City Council December 7, 2006 and Laid on the Clerk's Desk until December 21, 2006.

An Ordinance Amending Ordinance Chapter 2006-33 No. 235, Approved June 12, 2006, regarding Predatory Lending.

COUNCILMAN APONTE Moves to Lay the Ordinance on the Clerk's Desk until December 28, 2006, seconded by COUNCILWOMAN WILLIAMS.

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## ORDINANCE SECOND READING

**The Following Ordinance was in City Council December 14, 2006, Read and Passed the First Time and is Returned for Passage the Second Time:**

"An Ordinance Establishing a First Source List, As Amended".

*Whereas*, It is critical to the economic survival of our City to insure a strong employment base, and

*Whereas*, Effective means must be found to address the onerous problem of unemployed and underutilized human resources, and

*Whereas*, A high rate of employment will expand the tax base, and improve the quality of neighborhood and family life,

*We therefore* shall adopt a "First Source List." An approach that will put people to work, with a minimum of government involvement. The First Source Agreement should be viewed first and foremost as a means to encourage the retention of working, homeowning families, who will live and work in Providence. Secondly, the First Source Agreement should be seen as an effective tool to persuade employers to come to Providence with the assurance that a trained and motivated work force will be in place to fill their requirements.

*Therefore, Be it ordained that the City of Providence* does hereby establish the following "First Source Ordinance":

SECTION I. Applicability – The provisions of this Ordinance shall apply to any and all businesses in the City of Providence who shall receive aid in cash or in-kind from the City of Providence above and beyond the normal services provided to all businesses and residents in the City. This shall include tax concessions, and/or abatements, other than adjustments made by the tax assessor or the Board of Tax Assessment Review; grants-in-aid, grants from the Office of Community Development, Office of Economic Development, U.D.A.G.'s, H.O.D.A.G.'s of any other program requiring authorization by resolution of the City Council unless specifically exempted by Ordinance. In addition, this shall include any project funded in whole or in part by City funds, or funds which, in accordance with a federal grant or otherwise the City expends or administers, or which the City is a signatory to the construction contract. This requirement shall not apply, however, to businesses of four employees or less.

SECTION II. Coverage – Jobs covered by this Ordinance and requiring adherence to the provisions of a first source agreement shall include all non-supervisory positions created as a result of internal promotions, terminations, and expansion of the employers workforce, except those filled by internal promotion from within the employers local workforce.

SECTION III. Agreements - Any business either existing in the City of Providence or establishing itself in the City of Providence receiving any aid from the City as outlined above shall as a condition of the receipt of such aid enter into a First Source Agreement covering the hiring of any and all employees as outlined in Section II for the terms of such aid but no case for less than three nor more than ten years. Any contractor or developer entering into a contract for a city-funded project shall enter into a First Source Agreement covering the hiring of employees necessary to complete the project.

Under a first source agreement employers shall agree to recruit and hire all covered employees from the First Source List provided by the Department of Planning and Development and associated agencies.

At least ten days before hiring the employer shall notify D.O.P.D. who shall refer appropriately trained and qualified employees to said employer until the employer has filled such jobs. In the event that the employer is unable to find acceptable employees after exhausting the entire First Source List, the employer shall notify the D.O.P.D. that it wishes to seek outside employees. If after conference the employer and D.O.P.D. agree that the First Source List is unable to provide suitable employees for said positions the employer shall be free to seek employees from other sources. If the employer and D.O.P.D. do not agree that the D.O.P.D. is able to find suitable employees the D.O.P.D. shall be given an additional thirty days to recruit employees for said positions. If at the end of thirty days the D.O.P.D. is unable to provide suitable employees the employer shall be free to hire from other sources. Employers shall comply with Federal Equal Employment Opportunity

Policy on non-discrimination for those with prison records. Whenever an Employer is in receipt of information which is part of an employment applicant's or employee's criminal history record information file, he may use that information for the purpose of deciding whether or not to hire the applicant or fire the employee, only in accordance with this section, unless such denial of employment or termination is required by municipal, state or federal law.

(1.) Convictions should only be considered by the employer to the extent that they relate to the applicant's suitability for employment in the position for which they have applied or in which they are in, that is, where there is a justified business necessity. In determining whether a justified business necessity exists, the employer must consider:

- a. The gravity of the offense or offenses;
- b. The time that has passed since the conviction and/or completion of the sentence; and
- c. The nature of the job held or sought.

(2.) Process

In the case when an individual is being denied employment as a result of a business necessity as described above, the Employer is required to give written notification to the individual being denied or fired, explaining the reasons why he/she was denied employment, and informing him/her of the right to appeal to the D.O.P.D.

SECTION IV. – D.O.P.D. – The Department of Planning and Development shall maintain a First Source List and at least one full-time employee of the Department shall be assigned to work exclusively on implementing, and ensuring compliance with, the First Source Agreement.

The list shall consist of any bona-fide Providence resident seeking employment who wishes to register with said Agency.

This list shall include with the names and addresses of such job seekers any special skills, training or education which the job seeker may have.

D.O.P.D. in conjunction with other appropriate government agencies shall be responsible for recruiting, training, and advertising no less frequently than once every three months the existence of said list and the method by which a person may be included on such list. Advertising shall be in a newspaper of general circulation as well as any other method deemed appropriate by such agency and shall also include notification of any and all public job placement and referral agencies in the City of Providence.

The agency shall also establish training and referral programs for such persons and notify all persons on the First Source List of such programs. Selection for such training programs shall be in accordance with the following guidelines. The D.O.P.D. shall strive to place a proportionate share of women, minorities and handicapped persons in all training and job opportunities. The goals will be 50% women, 50% minorities and 5% handicapped persons.

Training and referral programs shall be established at regular intervals and shall be in the following areas:

- 1.) Any area in which a covered employer who expects to be hiring has expressed a need or it can be anticipated by the agency that such need exists.
- 2.) Any area in which in the determination of the agency a need exists in the general workforce but there are not sufficient training opportunities specifically for Providence residents.
- 3.) Basic training in the skills and work habits necessary for successful and continued employment for any person on the First Source List whom the agency identifies as lacking such skills.

The Department of Planning and Development shall prepare reports on implementation of this ordinance to the City Council and made available to the public, including the following information:

- 1.) Names of employers that are required to sign First Source Agreements, and whether or not they have signed them;
- 2.) Number of job vacancies from each employer;
- 3.) Whether or not the employer has hired from the First Source List;
- 4.) Number of people the D.O.P.D. has referred to employers from the First Source List;



- 5.) Total number of people hired off the First Source List, percentage of people of color, women and people with disabilities;
- 6.) Job training programs for people established through the funds allocated by this Ordinance, number of residents from the First Source List who have participated in these programs, and percentages of these residents who are people of color, women, and people with disabilities; and
- 7.) Challenges in ensuring compliance from employers, and information on any employers who are non-compliant.

These reports shall be made on a bi-monthly basis until July 1, 2007, after which point the reports will be made on a bi-monthly basis.

SECTION V. Funding - For purposes of maintaining an adequate First Source List to meet the needs of covered employers and for adequately training individuals on such list the City shall commit annually no less than \$250,000 for the recruitment, training, referral and maintenance of such list. This fund shall be under the general administration of D.O.P.D. but may include funds from J.P.T.A., Community Development, or any other source. The City shall be authorized when the appropriate state and local provisions are fulfilled to issue the necessary bonds for such funding. If the City is unable to fulfill the funding provision of this Ordinance from any other source the funds shall be provided from the City's general fund.

SECTION VI. Enforcement. The agency shall have the power, by the terms of the First Source Agreement, to impose sanctions on any business found to be in violation of the agreement. Such sanctions shall include, but not be limited to:

1. Termination of aid or funding.
2. Termination of contract.
3. Recovery of any benefits which accrued to the business during the period of violation.

In addition, this ordinance shall be enforceable by a private right of action for legal or injunctive relief in any court of competent jurisdiction, including the Superior Court.

SECTION VII. This Ordinance shall take effect upon passage and shall require the establishment of such list within three months of passage.

**COUNCILMAN APONTE Moves to Amend the foregoing Ordinance, page 5, number 7, These reports shall be made on a monthly basis until July 1, 2007, changing the word "monthly" to "bi-monthly", seconded by COUNCILWOMAN WILLIAMS.**

**COUNCILMAN APONTE Moves to Amend the foregoing Ordinance by striking in the last sentence "legal or" and the new sentence will read "In addition, this ordinance shall be enforceable by a private right of action for equitable relief in any court of competent jurisdiction", seconded by COUNCILWOMAN WILLIAMS.**

COUNCILMAN APONTE Withdraws his motion of the second amendment and COUNCILWOMAN WILLIAMS withdraws her second.

COUNCILMAN APONTE Moves to Amend the foregoing Ordinance by striking "equitable" and inserting "injunctive", seconded by COUNCILWOMAN WILLIAMS.

COUNCILMAN APONTE Moves Passage of the Ordinance the Second Time, As Amended, seconded by COUNCILWOMAN WILLIAMS, by the following Roll Call Vote:

AYES: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN ALLEN, APONTE, DeLUCA, COUNCILWOMAN

DIRUZZO, COUNCILMEN HASSETT, JACKSON, LUNA, MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL, COUNCILWOMEN WILLIAMS and YOUNG -13.

NAYES: NONE.

NOT VOTING: COUNCILMAN BUTLER and COUNCILMAN IGLIOZZI - 2.

ABSENT: NONE.

The Motion for Passage the Second Time, As Amended is Sustained.

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# REPORT FROM COMMITTEE

## COMMITTEE ON FINANCE

### COUNCILMAN KEVIN JACKSON, Chairman

Transmits the Following with  
Recommendation the Same be Adopted,  
As Amended:

An Ordinance Establishing a "Living Wage",  
As Amended.

Read and Passed the First Time, on  
Motion of COUNCILMAN APONTE,  
seconded by COUNCILMAN DeLUCA,  
by the following Roll Call Vote:

AYES: COUNCIL PRESIDENT  
LOMBARDI, COUNCILMEN ALLEN,  
APONTE, DeLUCA, JACKSON, LUNA,  
SEGAL and COUNCILWOMAN YOUNG-8.

NAYES: COUNCILMAN BUTLER,  
COUNCILWOMAN DiRUZZO, COUNCIL-  
MEN HASSETT, IGLIOZZI, MANCINI  
and COUNCILWOMAN ROMANO - 6.

NOT VOTING: COUNCILWOMAN  
WILLIAMS - 1.

ABSENT: NONE.

The Motion for Passage the First  
Time is Sustained.

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## ADJOURNMENT

There being no further business, on Motion of COUNCILMAN BUTLER, seconded by COUNCILWOMAN WILLIAMS, it is voted to adjourn at 8:35 o'clock P.M. (E.S.T.), to meet again THURSDAY, DECEMBER 28, 2006 at 5:30 o'clock P.M. (E.S.T.)



ANNA M. STETSON  
CITY CLERK

