

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No.

Approved

WHEREAS, on June 11, 2012, the 2012 Charter Review Commission submitted its report and recommended amendments to the Providence Home Rule Charter to the City Council; and

WHEREAS, the City Council accepted the 2012 Charter Review Commission Report on June 21, 2012, and referred it to the Committee on Ordinances for consideration;

WHEREAS, the City Council Committee on Ordinances conducted a public hearing on July 26, 2012; and

WHEREAS, the City Council Committee on Ordinances considered various aspects of the 2012 Charter Review Commission Report and the recommendations therein, as well as additional proposed Charter amendments, and adopted certain of the recommendations and proposed amendments on July 26, 2012; and

WHEREAS, the various proposed amendments to the Providence Home Rule Charter adopted by the City Council Committee on Ordinances must be transmitted to the Rhode Island Secretary of State no later than August 8, 2012 in order to appear on the ballot for the General Election to be held in November 2012;

NOW, THEREFORE, IT IS RESOLVED, DECREED AND ORDERED:

That the following ballot question, as adopted on _____, 2012, be submitted to the Rhode Island Secretary of State to appear on the November 2012 ballot:

Shall the city solicitor review all legal documents for the city, have authority to seek any remedy permitted by law? {Amends Section 603}

Shall the city solicitor review all legal documents for the city, have authority to seek any remedy permitted by law? {Amends Section 603}

The amendment clarifies the duties of the city solicitor to ensure that the solicitor's office reviews all legally binding municipal documents, whether prepared by the solicitor's office or others.

603. City solicitor.

(b)[*Powers and duties.*] The powers and duties of the city solicitor shall be, without limitation, the following:

* * *

(7) To draft and review executive orders, rules and regulations for the mayor or for any agency of city government listed in clause (2) of this section;

(8) To prepare and review all leases, deeds, contracts, bonds and other instruments in writing in which the city is concerned and/or to endorse thereon the approval of the city solicitor of the form and correctness thereof;

(9) To perform such other legal duties as the city council may by resolution or ordinance require;

(10) To apply, when so instructed by the mayor or the city council, in the name of the city to a court of competent jurisdiction for an injunction to restrain the misapplication of the funds of the city or the abuse of its corporate powers or the execution or performance of any contract which was made on behalf of the city in contravention of law or which was procured by fraud or corruption; and to seek any remedy permitted by law, including but not limited to injunctive and/or compensatory relief.

(11) To ~~apply~~ pursue, when so instructed by the mayor or by the city council, or upon said city solicitor's own initiative, ~~for suitable process~~ any remedy permitted by law to stop any activity prohibited by this Charter, and/or to compel the performance of any officer or employee of the city who fails to perform any duty, discharge any responsibility, or make any disclosure required by the terms of this Charter or by law.

IN CITY COUNCIL

AUG 01 2012

READ AND

Failed
[Signature]

PRES.

[Signature]
CLERK

OUTLINE OF COMMISSION'S RECOMMENDATIONS

The following is a summary outline of the amendments recommended by the Commission:

1. Adds a statement of intent of the city's government, including protecting the health, welfare, safety and financial well-being of the resident, and enables the elected officers to take such actions as they deem necessary for same. (Article I).
2. Allows the city to publicize electronically instead of in a newspaper, minimizing the expenditure of funds on costly publication. (Article I)
3. Recommends the inclusion of city councilors elected at-large and offers two options to accomplish this. (Article II).
4. Clarifies the procedures for acquisition and sale of city property, and enunciates the city's policy to promote minority and women's enterprise programs. (Article IV).
5. Codifies duties of the City Solicitor not currently provided for in the Charter, and permits the Solicitor to hire legal staff according to the needs of the Office. (Article VI).
6. Amends the budget and finance procedures to, among other things, establish a budget reserve fund and a method for financing that fund. Defines and qualifies the manner in which the funds may be used and must be reported. (Article VIII).
7. Renames the "Personnel Department" as the "Human Resources Department," amends some of the responsibilities of that office in accordance with current practice, and clarifies the procedure for suspending, disciplining, or discharging employees. (Article IX).
8. Adds the mayor and internal auditor as members of the Retirement Board. (Article IX).
9. Places the newly established Public Emergency Management Agency and Homeland Security Department ("PEMA") under the jurisdiction of the Commission of Public Safety. (Article X).
10. Changes the qualifications for the director of public property. (Article XI).
11. Establishes the Department of Arts, Culture and Tourism and Culture as a department defined by charter, while maintaining the same duties and responsibilities contained in its governing ordinance. (Article X).
12. Limits individuals from serving more than two consecutive terms as chair of a board, authority or commission, and prohibits the mayor, city council and department heads from influencing the hiring of a family member or business associate. (Article XII).
13. Affords future charter review commissions additional time to review and propose amendments to the charter. (Article XIII).