

THE CITY OF PROVIDENCE
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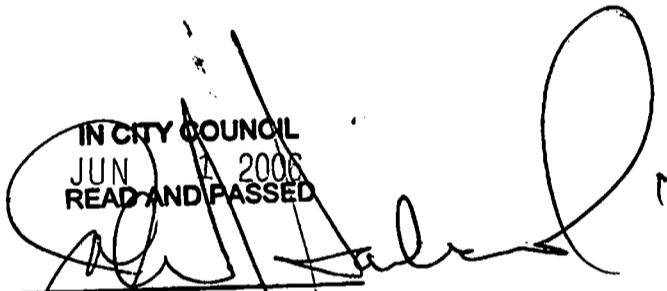
RESOLUTION OF THE CITY COUNCIL

No. 271

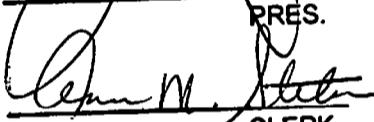
EFFECTIVE ~~Approved~~ June 11, 2006

RESOLVED, That the City Council is requested to retain R. Kelly Sheridan, Esquire, under the provisions of the Providence Home Rule Charter of 1980, as amended, Section 401(d), for the purpose of assisting the City Council on the drafting of a Code of Ethics Ordinance for the City of Providence, in a total amount not to exceed Ten Thousand (\$10,000.00) Dollars.

IN CITY COUNCIL
JUN 17 2006
READ AND PASSED



PRES.



CLERK

Effective without the
Mayor's Signature:



Anna M. Stetson
City Clerk

401. Legislative powers.

The legislative powers of the city shall be vested in a city council, which shall have and exercise all powers vested in it by this Charter and by the laws of the state. The powers and duties of the city council shall include, without limitation, the following:

- (a) To enact such ordinances as the city council may consider necessary to insure the welfare and good order of the city and to provide penalties for the violation thereof;
- (b) To approve or reject all appointments submitted to the city council by the mayor pursuant to section 302(b) of Article III; provided, however, that any such appointment upon which the city council fails to act within fifteen (15) calendar days of its submission shall be deemed to have been approved. The fifteen (15) days shall commence with the first meeting of the city council at which the appointment appears on the agenda. The mayor may withdraw any appointment before it has been acted upon by the city council;
- (c) To adopt the annual city budget appropriation ordinance and levy taxes;
- (d) To retain by two-thirds vote of the entire city council and to fix the salaries of those consultants it deems necessary for the exercise of its functions including, but not limited to, legal counsel, accountants, engineers, and other experts not regularly employed in any city department or service. The city council shall have the power to appropriate funds to defray the costs thereof;
- (e) To appoint officers and employees of the city as prescribed by this Charter.

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Creating ethics code takes time, expert says

Carla Miller, an ethics officer for Jacksonville, Fla., and a former federal prosecutor, tells city officials, "You are in the upper echelon because you are at least struggling with it."

01:00 AM EDT on Friday, May 19, 2006

BY CATHLEEN F. CROWLEY
Journal Staff Writer

PROVIDENCE -- Mayor David N. Cicilline's administration has accused the City Council of dragging its feet on adopting a proposed ethics code, but last night, a national expert validated the council's equivocation.

"It's painful to write an ethics code for a city and it's nearly impossible to get it right," said Carla Miller, an ethics officer for Jacksonville, Fla., and a former federal prosecutor. "You are in the upper echelon because you are at least struggling with it."

Miller and two colleagues briefed the council on their experience in Jacksonville and gave the legislators suggestions that Providence can use.

Miller successfully prosecuted the mayor of Jacksonville and president of the state Senate on corruption charges. Afterward, she served on a commission that created an ethics

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code for the city. It took two years to draft, and another year to convince the Jacksonville City Council to approve it.

Cicilline's proposed ethics code was based on recommendations from a seven-member task force that he formed after he took office in the wake of the corruption trial of former Mayor Vincent A. "Buddy" Cianci Jr.

The council has sat on the legislation for a year.

A proposed municipal integrity officer was the main sticking point for the council. Cicilline said that would be someone who would investigate ethics violations and train city workers on the ethics code. Cicilline had said the officer would report directly to him.

The prospect of an ethics investigator controlled by the mayor did not sit well with council members, who would be subject to the ethics code. Council members feared the officer could become a political tool.

Council President John J. Lombardi invited the ethics experts to speak with the council to share a national perspective. In addition to Miller, the council heard from Don McClintock, a member of Jacksonville's Ethics Commission, and Robert F. Wechsler, director of research for City Ethics, a Web site that focuses on ethics programs in municipal government. All three are active in the national Council on Governmental Ethics Laws and volunteered their expertise. The council paid only their travel costs.

The municipal integrity officer's job must be strictly educational and have no punitive or investigatory powers, Miller said. In Jacksonville, newly elected officials are required to take ethics training within the first 60 days in office and new employees must undergo training during their first week on the job.

She advised the council to avoid creating a code for every possible violation because the city can't think of every sneaky way to break the law. Keep it simple, she said, unlike the federal code of regulations, which has 30

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Code-based ethics doesn't work, Miller said, noting that Enron had a voluminous ethics code and an ethics officer. Instead, Providence must create an "ethical culture," she said.

Jacksonville's five-page ethics code has a preamble that sets forth the city's goals.

"Ethics is more than the avoidance of criminal behavior," the document reads. "It is a commitment for public servants to take individual responsibility in creating a government that has the trust and respect of its citizens."

Miller recommended the city create an ethics board. The board would not duplicate the role of the state Ethics Commission, but it would serve as a traffic cop to direct ethics complaints to the right body and to advocate for new ethics laws. The Jacksonville Ethics Commission has nine members, including representatives of unions and community groups.

She also suggested that Providence create a hotline so people could anonymously alert the ethics board of possible problems.

Miller warned the council not to delay passage of an ethics code. Nothing is perfect. It can always be amended, she said.

"You can copy Jacksonville's," she said. "We've spent a lot of time on it."

Council members who attended the meeting called the session enlightening. Councilwoman Rita M. Williams, chairwoman of the Ordinance Committee, directed the city solicitor's office to draft a new ordinance based on Miller's suggestions and present it to the council.

Cicilline said in a statement that the ethics code remains a priority for his administration and he is pleased that the City Council is focused on the issue.

"I certainly hope that the City Council's engagement of these consultants accelerates the enactment of an ethics ordinance," he

said. "I will carefully review any recommendations put forward by these consultants but I remain committed to an ethics code that is comprehensive and covers all city employees and elected officials."

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