

Subpart A THE CHARTER

CHARTER OF THE CITY OF EAST PROVIDENCE

PREAMBLE

We, the people of the Town of East Providence, in order to secure the right of self-government in all local matters, pursuant to the provisions of the Constitution of the State of Rhode Island and Providence Plantations, do adopt and establish this Charter for the City of East Providence.

ARTICLE I. BASIC PROVISIONS

Sec. 1-1. City status.

The people of the town of East Providence, within the corporate limits as not established or as hereafter established in the manner provided by law, shall continue to be a municipal corporation, and in order to secure the right of self-government in all local matters pursuant to the provisions of the Constitution of the State of Rhode Island and Providence Plantations, do adopt and establish this City Charter under the name of the City of East Providence.

Sec. 1-2. Form of government.

The municipal government provided by this Charter shall be known as the Mayor-Council government. Pursuant to its provisions and subject only to the limitations imposed by the state constitution and by this Charter, all powers of the City shall be vested in a chief executive to be known as the Mayor and a legislative body to be known as the City Council.

Sec. 1-3. Powers of city.

The City shall have all the powers granted to cities by the home rule and other provisions of the constitution and general laws of this state together with all such additional powers as hereafter may be granted to the City by the laws of the state, together with all the implied powers necessary to carry into execution the powers granted. The City may acquire property within or without its corporate limits for any City purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interests may require; and, except as prohibited by the constitution of this state or restricted by this Charter, the City shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The enumeration of particular powers by this Charter shall not be deemed to be exclusive, and in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the City shall have and may exercise all powers which, under the constitution of this state, it would be competent for this Charter specifically to enumerate. Furthermore, all laws relating to the Town of East Providence are hereby superseded to the extent that the same are inconsistent with the provisions of this Charter, except such laws as are enacted in accordance with powers reserved to the general assembly by the constitution of the state.

ARTICLE II. CITY COUNCIL

Sec. 2-1. Number, selection and term.

The Council shall have five [5] members, one to be elected from any by the electors of each of the four [4] wards of the City, and one to be elected at large, for a term of four [4] years or until a majority of the newly elected Council have qualified and have taken office.

Sec. 2-2. Qualifications; when office shall become vacant.

Council Members be qualified voters of the City and shall hold no other public office or employment in the service of the City. If a Council member shall cease to possess any of these qualifications or shall be convicted of [a] crime involving moral turpitude, his or her office shall immediately become vacant.

Sec. 2-3. Compensation.

The annual compensation of Council Members shall be determined by ordinance, but shall not be increased during the current term of Council Members enacting such ordinance.

Sec. 2-4. Presiding officer; president; vice president; compensation.

The Council shall elect an officer of the City who shall have the title of president, and shall preside at meetings of the Council. The Council shall also elect a vice president who shall act as president during the absence or disability of the president and if a vacancy occurs shall become president for the completion of the unexpired term. Both the president and the vice president shall be elected from among the Council Members. The president shall receive such additional compensation annually, as determined by ordinance in addition to his or her compensation as a Council member until changed by ordinance, but the amount shall not be increased during the current term of Council Members enacting such ordinance. The vice president while performing the duties of the president in the absence or disability of the president shall receive such compensation as determined by ordinance not to exceed the amount allowed to the president for such services.

Sec. 2-5. Council to be judge of qualifications of its members; review by courts.

The Council shall be the judge of the election and qualifications of its members and for such purposes shall have power to subpoena witnesses and require the production of records, but the decision of the Council in any such case shall be subject to review by the courts.

Sec. 2-6. Vacancies.

Any vacancy in the Council shall be filled for the unexpired term by vote of the electors of the City or ward. Such vacancy shall be filled at the next regular or special election to be held in the City, or the Council may call a special election for the purpose of filling the vacancy. If a vacancy in the Council shall occur more than nine (9) months prior to the date for the holding of an election, the City Clerk shall call a special election for the purpose of filling such vacancy within thirty (30) days after the vacancy occurs.

Sec. 2-7. Meetings generally; special meetings.

The first meeting of a newly elected Council shall be held on the first Tuesday after the first Monday in January following a City general election.

Sec. 2-8. Quorum; notice of holding adjourned meeting.

A majority of the whole number of members of the Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. At least twenty-four (24) hours' notice of the

holding of an adjourned meeting shall be given to all members who were not present at the meeting from which adjournment was taken.

Sec. 2-9. Powers.

The legislative powers of the City shall be vested in the Council. Without limitation of the foregoing, the Council shall have power to:

- (1) Determine its own rules and order of business and keep a journal of its proceedings which shall be open to public inspection in the office of the City Clerk;
- (2) Establish administrative departments and distribute the work of divisions;
- (3) Adopt the budget of the City;
- (4) Authorize the issuance of bonds by a bond ordinance;
- (5) Provide for an independent audit;
- (6) Inquire into the conduct of any office, department or agency of the City and make investigation as to municipal affairs and, for such purposes, the Council may subpoena witnesses and require the production of records if a simple majority of at least three (3) Council Members passes a resolution which shall state, with sufficient particularity, the legitimate public purpose for the issuance of any such subpoena and the scope of said subpoena;
- (7) Adopt ordinances for the government of the City which have to do with records, franchises, finance, personnel, civil service or merit system, pensions and retirement systems, public works, public safety, public welfare, public health, City planning, zoning, parks and playgrounds, and safe and sanitary housing, public utilities and other municipal functions not in conflict with the constitution and laws of the state;
- (8) Grant, suspend or revoke licenses, or, by ordinance, delegate to the Mayor the power to grant, suspend or revoke licenses or classes of licenses, except licenses permitting the sale of alcoholic beverages. The City Council or the Mayor may require an inspection, investigation and report by any department on any license or application for a license. If any applicant, licensee or citizen of the City is aggrieved by the decision of the Mayor in granting, refusing to grant, suspending or revoking any license or application for a license, he or she may appeal from such decision to the City Council.

Sec. 2-10. Council not to interfere in appointments or removals by mayor; council to act through mayor in dealing with subordinates.

Neither the Council nor any of its members shall direct or request the appointment of any person to, or his or her removal from, office by the Mayor or by any of his or her subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the City. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the Mayor and neither the Council nor any member thereof shall give orders to any subordinates of the Mayor, either publicly or privately. Any Council member violating the provisions of this section, or voting for a resolution or ordinance in violation of this section, shall be guilty of a misdemeanor and upon conviction thereof shall cease to be a Council member.

Sec. 2-11. Canvassing authority.

There shall be a bipartisan canvassing authority whose members shall be appointed by the City Council and nominated by the Mayor as provided by the constitution and laws of the state.

Sec. 2-12. City clerk.

- (1) The Council shall appoint an officer who shall have the title of City Clerk, and who shall give notice of its meetings, shall keep the journal of its proceedings, shall authenticate by his or her signature and record in full in a book kept for that purpose all ordinances and resolutions. A preference in hiring shall be given to those residents of the City who apply for this position.
- (2) He or she shall be responsible for the keeping and maintaining, for public inspection, all records of the City including, but not limited to:
 - (A) All land evidence records of every kind whatsoever;
 - (B) All records of personal property mortgages, attachments, assignments, lis pendens notices, conditional sales, and liens of every kind whatsoever that are now or shall hereafter be required or permitted to be recorded in a public place in charge of or under the control, custody, or supervision of any officer of the City;
 - (C) All records of the probate and municipal courts;
 - (D) All records of licenses issued by the City or by any officer or employee thereof;
 - (E) All records of births, marriages and deaths;
 - (F) All records of removals;
 - (G) All records of trade names;
 - (H) Such other records as shall by ordinance or laws of the state be required to be kept by the City Clerk.
- (I) All ordinances and resolutions passed by the council shall be recorded and then transmitted to the Mayor by the end of the following business day.
- (3) He or she shall issue all marriage licenses, burial permits, and such other licenses or permits as by ordinance or laws of the state shall be required to be issued by the City Clerk, and shall perform such other duties as may be required by ordinance or laws of the state.

Sec. 2-13. Planning board.

The Council shall provide by ordinance for the appointment of a planning board whose members shall be qualified electors of the City. The planning board shall consist of seven (7) members to be appointed by the Mayor, subject to Council approval, at least one (1) member to be a resident of each ward in the City. The planning board shall serve in an advisory capacity to the several officers, departments and agencies of the City and shall make studies of the resources and needs of the City with reference to its growth and development.

Sec. 2-14. Zoning board.

The Council shall provide by ordinance for the appointment of a zoning board whose members shall be qualified electors of the City. The zoning board shall consist of five (5) members and two (2) alternates to be appointed by the Mayor, subject to Council approval, at least one (1) standing member to be a resident of each ward in the City. Alternates shall not reside in the same ward. The zoning board shall have power to hear and determine appeals from original actions on requests for building permits and to allow exceptions to or variations from the zoning regulations in certain classes of cases or situations as may be provided by ordinance.

Sec. 2-15. Independent audit.

- (1) The Council shall cause to be made an annual independent audit of the books, accounts and other evidences of financial transactions of the City to be conducted either by state auditors or a certified public accountant

having no personal interest therein. If such audit is made by a private firm of certified public accountants, such firm shall be changed at least every five (5) years. A copy of the audit report shall be filed with the City Clerk and shall be a public record.

- (2) If the Council shall fail to provide for an independent audit not later than the close of any fiscal year, the proper officers of the state concerned with the municipal audits hereby are authorized to conduct such audit, and the City Clerk shall notify the state in writing that such audit is authorized to be conducted under the provisions of this Charter.

Sec. 2-16. Procedure of the council with regard to ordinances.

- (1) *Acts by ordinance.* In addition to such acts of the Council as are required by statute or by this Charter to be by ordinance, every act of the Council establishing a fine or other penalty or providing for the expenditure of funds or for the contracting of indebtedness, shall be by ordinance. The enacting clause of all ordinances shall be, "The Council of the City of East Providence hereby ordains:" All advertising and notice provisions for the passage of all ordinances shall strictly conform to applicable requirements as set forth in Rhode Island General Laws.
- (2) *First reading.* Every ordinance shall be introduced in writing, and after passage on first reading, at least three (3) copies of the ordinance, in the form in which it has been passed on first reading, shall be made available to public inspection at the office of the City Clerk ~~and there shall be published a notice in a newspaper having a general circulation in the city, describing the ordinance in brief and general terms and stating that the ordinance is available for public inspection at the office of the City Clerk, together with the time and place when and where it will be considered for final passage. Said notice shall be published at least one (1) week prior to the second reading.~~
- (3) *Second reading and public hearing.* At the time and place so advertised or noticed, or at any time and place to which such hearing shall from time to time be adjourned, such ordinance shall be read in full and, after such reading, all persons interested shall be given an opportunity to be heard.
- (4) *Further consideration and final passage.* After such hearing, the Council may finally pass such ordinance with or without amendment, ~~except that if it shall make an amendment, it shall not finally pass the ordinance until it shall have caused the amended sections to be published at least once as provided in subsection (2) of this section, together with a notice of the time and place when and where such amended ordinance will be further considered. At the time so advertised or at any time and place to which such meeting shall be adjourned, the amended ordinance shall be read in full and a public hearing thereon shall be held and after such hearing the governing body may finally pass such amended ordinance, or again amend it subject to the same conditions.~~ The second passage of any ordinance pursuant to this Charter shall be final and no further passage shall be required.
- (5) *Publication of ordinances after final passage.* After final passage, there shall be published within three (3) days as in subsection (2) of this section a notice describing the ordinance in brief and general terms and stating that it is available for public inspection in the office of the City Clerk.
- (6) *Date when ordinances go into effect.* Every ordinance, unless it shall specify another date, shall become effective at the expiration of twenty (20) days after such publication following final passage.
- (7) *Emergency ordinance.* In an emergency affecting the public peace, health or safety, the Council by affirmative vote of two-thirds of its members may adopt without a hearing or second reading an emergency ordinance which shall take effect upon its passage.
- (8) *Roll call.* The vote upon any ordinance shall be by roll call and entered on the record of proceedings. A vote by roll call shall be taken on any other matter at the request of any two (2) members.

ARTICLE III. MAYOR

Sec. 3-1. Election; term of office.

There shall be a Mayor who shall be elected at the City general election for a term of four (4) years and until his or her successor is elected and qualified. The term of the Mayor shall begin on the first Tuesday after the first Monday in January following said general election.

Sec. 3-2. Qualifications.

The Mayor shall be a legal resident of the City for at least four (4) years next preceding his or her election and a qualified elector of the city.

Sec. 3-3. Compensation.

The Mayor shall receive such annual compensation as determined by ordinance; provided that the compensation of the Mayor shall not be changed after the filing of nomination papers for the office or during the term of office for which the Mayor was elected.

Sec. 3-4. Chief executive and administrative officer.

The Mayor shall be the Chief Executive and Administrative Officer of the City and shall be responsible for the administration and management of all offices, departments and agencies except as may otherwise be provided by this Charter.

Sec. 3-5. Powers and duties.

- (1) (a) The Mayor shall appoint all heads of departments except as otherwise provided by this Charter. Said department heads shall serve at the pleasure of the Mayor. All such appointments constitute unclassified employment positions with indefinite terms subject to removal by the Mayor without cause;
- (b) Appoint, and when necessary for the good of service, remove all other officers and employees of the City except as otherwise provided by this Charter and except as he or she may authorize the head of a department or office to appoint, promote and remove subordinates in such department or office;
- (2) Notify the City Council of all appointments, which shall be in writing and filed with the City Clerk within five (5) days of the appointments;
- (3) Prepare the annual budget and submit it to the Council with recommendations and be responsible for its administration upon approval by the Council;
- (4) Prepare and submit the City Council within ninety (90) days of the close of the fiscal year a comprehensive annual report of the financial transactions and administrative activities of the City and prepare and make available for distribution to the public within six (6) months of the close of the fiscal an audited complete financial statement on the finances and administrative activities of the City for the preceding year.
- (5) Keep the Council advised of the financial condition and future needs of the City and make sure recommendations as may seem to him or her desirable.

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- (6) Enforce or cause to be enforced the laws and ordinances of the City of East Providence.
 - (7) Recommend to the City Council such measures as he or she may consider necessary and expedient for enactment.
 - (8) Negotiate contracts on behalf of the City subject to the approval of the City Council, except as otherwise provided for by the Charter or State Law.
 - (9) In the event of a disaster, catastrophe or other similar event the Mayor shall have the power and authority to declare a municipal emergency and to take whatever action he or she deems necessary to protect the health, safety and security of the City and its inhabitants.
 - (10) Supervise, control and direct the activities and operations of all departments and administrative offices of the City within his or her jurisdiction.
 - (11) Review all rules and regulations of the various department and administrative offices and only upon his or her approval shall they become effective.
 - (12) Perform such other such duties as may be required of him or her by ordinance.
 - (13) Be recognized as the official head of the City government for all ceremonial purposes and by the Governor for purposes of Military Law.
 - (14) Inquire into the conduct of any Council member and, any office, department or agency of the city, and make investigation as to municipal affairs and, only for such purposes, the Mayor may subpoena witnesses and require the production of records by an executive order which shall state, with sufficient particularity, the legitimate public purpose for the issuance of any such subpoena and the scope of said subpoena.

Sec. 3-6. Passage of ordinances over veto.

No Ordinance shall take effect without the approval of the Mayor unless:

- (1) The Mayor shall fail to sign the ordinance within ten (10) consecutive days after its passage; or
- (2) The Mayor returns it to the Council within ten (10) consecutive days after its passage with a message of disapproval and veto and the Council no later than its next regularly scheduled meeting shall approve the ordinance by the affirmative votes of at least four (4) of its members notwithstanding the disapproval and veto of the Mayor.

Sec. 3-7. Temporary absence.

In the event of the temporary absence of disability of the Mayor, not exceeding ninety (90) days, the President of the Council shall act as Mayor, for the time being until the Mayor shall return to his or her duties or until his or her disability shall cease. While serving during the temporary absence of the Mayor, the President of the Council shall not make any appointments or removals other than temporary appointments, until he or she shall have served as Acting Mayor for thirty (30) consecutive days and then only with the consent of the City Council. Any removal made must be for cause. While serving as Acting Mayor under the provisions of this section the President of the City Council may not sit on said Council. If the Mayor returns to office during this period the President of the Council shall return to his or her seat and position on the Council.

Sec. 3-8. Vacancy.

- (a) In the event of an absence exceeding ninety (90) days the City Council may declare the office of Mayor vacant.
- (b) In the event of a vacancy of the office of Mayor, if less than six (6) calendar months remains until a regular election and the office of Mayor is declared vacant, the President of the City Council shall act as Mayor. If the

President of the City Council shall resign or be unable to act then the Council shall elect as a majority of its members one of its members to serve as Acting Mayor. While serving as Acting Mayor under the provisions of this section the Acting Mayor may not sit on said Council. Any removal made by the Acting Mayor must be for cause. If the time between the occurrence of such vacancy and the next municipal election is six (6) months or more the City Clerk shall call a special election in the manner prescribed by the State Law to fill such vacancy in the office of Mayor. After said election the Acting Mayor shall return to his or her seat and position on the Council unless he or she has been elected Mayor in which case a vacancy on the Council is thereby created to be filled as prescribed in Article 2 Sec. 2-6.

Sec. 3-9. City solicitor.

The Mayor shall select an officer of the City with the approval of the City Council who shall have the title of City Solicitor. The Mayor shall also select an officer of the City with the approval of the City Council who shall have the title of Assistant City Solicitor. The City Solicitor and Assistant City Solicitor shall be attorneys-at-law in good standing who have been admitted to practice in the state. The City Solicitor shall be attorney for the City and legal advisor of the Mayor, Council and of all officers, departments, and agencies and shall perform such other duties as may be prescribed by the Mayor or Council. A preference in hiring shall be given to those residents of the City who apply for this position.

Sec. 3-10. Administrative departments.

There shall be a department of finance, a department of public works, a department of police, a department of fire and such other departments as may be established by ordinance.

Sec. 3-11. Directors of departments.

At the head of each department there shall be a director, who shall be an officer of the City and shall have supervision and control of the department subject to the Mayor. Two [2] or more departments may be headed by the same individual, the Mayor may head one or more departments, and directors of departments may also serve as chiefs of divisions.

Sec. 3-12. Departmental divisions.

The work of each department may be distributed among such divisions thereof as may be established at the direction of the Mayor.

ARTICLE IV. DEPARTMENT OF FINANCE

Sec. 4-1. Finance department created; head of department designated; organization.

There shall be a department of finance, the duties of which shall include the supervision and direction of all matters pertaining to financial operations, and the head of which shall be the director of finance, who shall be, or be appointed by, and subject to the removal by, the Mayor.

Sec. 4-2. Director of finance; qualifications.

The director of finance shall have knowledge of municipal accounting and taxation and shall have had experience in budgeting and financial control.

Sec. 4-3. Director of finance; salary.

~~The director of finance shall receive such salary as may be determined by ordinance, unless the duties of said office shall be performed by the Mayor.~~

[REPEALED]

Sec. 4-4. Director of finance; powers and duties.

The director of finance shall have charge of the administration of the financial affairs of the city and to that end he or she shall have authority and shall be required, acting through the proper division of the department in each instance, to:

- (1) Compile the current expense estimates for the budget for the Mayor;
- (2) Compile the capital estimates for the budget for the Mayor;
- (3) Supervise and be responsible for the disbursement of all monies and have control over all expenditures to ensure that budget appropriations are not exceeded;
- (4) Maintain a general accounting system for the City government and each of its offices, departments and agencies; keep books for and exercise financial budgetary control over each office, department and agency; keep separate accounts for the items of appropriation contained in the City budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance; require reports of receipts and disbursements from each receiving and spending agency of the City government to be made daily or at such intervals as he or she may deem expedient;
- (5) Submit to the Council through the Mayor a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City;
- (6) Prepare for the Mayor, as of the end of each fiscal year, a complete financial statement and report;
- (7) Supervise and be responsible for the assessment of all property within the corporate limits of the City for taxation, make all special assessments for the City government, prepare tax maps and give such notice of taxes and special assessments as may be required by law;
- (8) Collect all taxes, special assessments, license fees and other revenues of the City or for whose collection the City is responsible and receive all money receivable by the City from the state or federal government, or from any court, or from any office, department or agency of the City;
- (9) Have custody of all public funds belonging to or under the control of the City, or any office, department or agency of the City government, and deposit all funds coming into his or her hands in such depositories as may be designated by resolution of the Council, or, if no such resolution be adopted, by the Mayor, subject to the requirements of law as to surety and the payment of interest on deposits, but all such interest shall be the property of the City and shall be accounted for and credited to the proper account;
- (10) Have custody of all investments and invested funds of the City government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the City and the receipt and delivery of City bonds and notes for transfer, registration or exchange;
- (11) Approve all proposed expenditures; unless he or she shall certify that there is an unencumbered balance of appropriation and available funds, no appropriation shall be encumbered and no expenditure shall be made.

Sec. 4-5. Work programs; allotments.

Before the beginning of the budget year, the head of each office, department or agency of the City government shall submit to the Mayor, when required by him or her, a work program for the year, which program shall show the requested allotments of the appropriations for such office, department or agency, by monthly periods, for the entire budget year. The Mayor shall review the requested allotments in the light of the work

program of the office, department or agency concerned, and may revise, alter or change such allotments before approving the same. The aggregate of such allotments shall not exceed the total appropriation available to said office, department or agency for the budget year.

Sec. 4-6. Filing copy of allotments; director of finance to authorize expenditures; revision of allotments.

The Mayor shall file a copy of the allotments with the director of finance, who shall authorize all expenditures for the offices, departments and agencies to be made from the appropriations on the basis of approval allotments and not otherwise. An approved allotment may be revised during the budget year in the same manner as the original allotment was made. If, at any time during the budget year, the Mayor shall ascertain that the available income, plus balances, for the year will be less than the total appropriations, he or she shall reconsider the work programs and allotments of the several offices, departments and agencies and revise the allotments so as to forestall the making of expenditures in excess of the said income.

Sec. 4-7. Transfer of appropriations.

The Mayor may at any time transfer any unencumbered appropriation balance or portion thereof between general classifications of expenditures within an office, department or agency. At the request of the Mayor and within the last three (3) months of the budget year, the Council may by resolution transfer any unencumbered appropriation balance or portion thereof from one office, department or agency to another. No transfer shall be made from the appropriations required by subsections (1), (2), (3), (4), (5), (6), (7), (8), (9) and (12) of article V, section 8 of this Charter.

Sec. 4-8. Accounting supervision and control.

The director of finance shall have power and shall be required, to:

- (1) Prescribe the forms of receipts, vouchers, bills or claims to be used by all the offices, departments and agencies of the City government;
- (2) Examine and approve all contracts, orders and other documents by which the City government incurs financial obligations, having previously ascertained that monies have been appropriated and allotted and will be available when the obligations shall become due and payable;
- (3) Audit and approve before payment all bills, invoices, payrolls and other evidences of claims, demands or charges against the City government and with the advice of the City Solicitor determine the regularity, legality and correctness of such claims, demands or charges;
- (4) Inspect and audit any accounts or records of financial transactions which may be maintained in any office, department or agency of the City government apart from or subsidiary to the accounts kept in his or her office.

Sec. 4-9. Prohibited contracts and expenditures.

No office, department or agency shall expend any money or incur any liability or enter into any agreement which by its terms involves the expenditure of money during the fiscal year in excess of the amounts appropriated, other than for capital improvements to be financed in whole or in part by the issuance of bonds and the making of contracts and leases approved by the Council. Any contract, verbal or written, made in violation of this Charter shall be null and void.

Sec. 4-10. Unexpended appropriations.

All appropriations, except for capital, shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered.

Sec. 4-11. Fees.

All fees received by any officer or employee shall be remitted daily to the department of finance and shall belong to the City government.

Sec. 4-12. Board of assessment review.

- (1) There shall be a board of assessment review whose members shall be qualified electors of the city. The board of assessment review shall consist of five (5) members appointed by the Mayor, subject to Council approval, at least one (1) member to be a resident of each ward in the City. The members first appointed shall serve for terms of two [2], four [4] and six [6] years respectively, and thereafter one member shall be appointed in each second year for a term of six [6] years. Two (2) additional members shall be appointed for terms of office to conclude in the first and second years thereafter in which there are no members whose terms expire respectively. Thereafter one (1) member shall be appointed in each year, with the exception of the year in which no member's term expires, for a term of six [6] years from the date of expiration of the term for which his or her predecessor was appointed, except that a person appointed to fill a vacancy occurring prior to the expiration of such term shall be appointed for the remainder of the term. Each member of the board shall hold office until his or her successor is appointed and qualified.
- (2) The board of assessment review shall hear and consider the appeal of any property owner concerning the amount of his or her assessed valuation as determined by the City Assessor. The assessor shall attend all hearings of the board of review in order to explain his or her valuations, but shall have no vote. The board shall keep an accurate record of its proceedings which shall be available for public inspection. If it shall appear that the valuation of any property has been incorrectly or inequitably assessed, the board shall have power to change the assessment.
- (3) The Council shall provide by ordinance for the organization and procedure of the board of assessment review and for the manner of receiving, considering, and disposing of appeals.
- (4) The taking of an appeal to the board of assessment review, or any action thereon, shall not be construed to limit or restrict the right of any taxpayer to apply to a court of competent jurisdiction for relief from any assessed valuation or tax originally determined by the assessor.

Sec. 4-13. Competitive bidding.

- (1) Before any purchase of or contract for supplies, materials or equipment or contract for any City improvement, opportunity shall be given for competitive bidding under such rules and regulations, and with such exceptions, as the Council may prescribe by ordinance.
- (2) All contracts for more than an amount to be determined by ordinance shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance. No transaction which is essentially a unit shall be divided for the purpose of evading the intent of this section. The Mayor shall have the power to accept or to reject any or all bids, and to re-advertise or re-notice for same; provided, however, that the acceptance of any bid for a contract in excess of fifty thousand (\$50,000.00) dollars shall be subject to the approval of the City Council. Alterations in any contract may be made when authorized by the Council upon the written recommendation of the Mayor.

Sec. 4-14. Accounting control of purchases.

All purchases made and contracts executed by the finance department shall be pursuant to a written requisition from the head of the office, department or agency whose appropriation will be charged, and no contract or order shall be issued to any vendor unless and until an officer of the City certifies that there is to the credit of such office, department or agency a sufficient unencumbered appropriation balance to pay for the supplies, materials, equipment or contractual services for which the contract or order is to be issued.

Sec. 4-15. Contracts financed by bonds.

No contract shall be executed for the acquisition of any property or the construction of any improvement or betterment to be financed by the issuance of bonds until the ordinance authorizing the issuance of such bonds shall have taken effect and any contract executed before such day shall be unenforceable in any court of law.

Sec. 4-16. Emergency appropriations.

At any time in any fiscal year, the Council may, pursuant to this section, make emergency appropriations to meet a pressing need for public expenditure, for other than a regular or recurring requirement, to protect the public health, safety or welfare. Such appropriation shall be by resolution adopted by the favorable votes of at least four-fifths of the members of the Council, and shall be made only upon recommendation of the Mayor.

Sec. 4-17. Emergency appropriations borrowing.

In the absence of unappropriated available revenues to meet emergency appropriations under the provisions of article IV, section 19, the ~~Council may by resolution~~ City may authorize the issuance of notes, ~~each of which shall be designated "emergency note" and may be renewed: in the same manner as set forth in Sec. 4-16.~~

Sec. 4-18. Borrowing in anticipation of property taxes.

If necessary the Council shall authorize the issuance of any notes which lawfully may be issued by the City in anticipation of taxes an amount not to exceed eighty (80) per centum of the taxes due for that fiscal year, and all revenue from the collection of taxes on real and personal property beginning with the day subsequent to the date on which any such notes are issued shall be reserved for the payment of said notes and shall not be available for any other purpose until such borrowing in anticipation of taxes has been repaid.

Sec. 4-19. Borrowing in anticipation of other revenues.

In any fiscal year, in anticipation of the collection or receipt of other revenues than the property tax of that fiscal year, the Council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the city, each of which shall be designated "special revenue note for the year..." (stating the fiscal year). Such notes may be renewed, but all such notes, together with the renewals, shall mature and be paid not later than the end of the fiscal year immediately following the fiscal year in which the original notes shall have been issued.

Sec. 4-20. Notes redeemable prior to maturity.

No notes shall be made payable on demand, but any note may be made subject to redemption prior to maturity on such notice and at such time as may be stated in the note.

Sec. 4-21. Sale of notes; report of sale.

All notes issued pursuant to this article may be sold and accrued interest at private sale without previous advertisement by the director of finance.

Sec. 4-22. Payment of notes.

The power and obligation of the City to pay any and all notes hereafter issued by it pursuant to this article shall be unlimited and the City shall levy ad valorem taxes on all the taxable property within the City for the payment of such notes and interest thereon without limitation of rate or amount, subject to the laws of the state. The faith and credit of the City is hereby pledged for the payment of the principal of and interest on all notes of the City hereafter issued pursuant to this article, whether or not such pledge be stated in the notes.

Sec. 4-23. Borrowing for capital improvements.

The City may borrow money by issuing its negotiable bonds and notes in anticipation of bonds, pledging the credit and property of the City, to finance any capital project which it may lawfully construct or acquire.

Sec. 4-24. Bond ordinance.

- (1) The City shall authorize the issuance of bonds by a "bond ordinance" passed by the affirmative votes of a majority of all the members of its Council, as provided by this Charter.
- (2) A bond ordinance shall contain in substance at least the following provisions:
 - (A) An appropriation of a sum of money for a capital project, described in brief and general terms sufficient for reasonable identification;
 - (B) To finance the said appropriation, an authorization of the incurring of indebtedness by the issuance of bonds in a stated amount, pursuant to this Charter;
 - (C) A statement of the estimated maximum cost of the capital project, including any sums theretofore or thereby appropriated;
 - (D) A determination of the period of usefulness of the project, within the limitations of article IV, section 32 of this Charter;
 - (E) A determination of the net debt of the City after issuance of the bonds thereby authorized, together with a declaration that the bonds thereby authorized will be within all debt and other limitations prescribed by the constitution and laws of the state.
- (3) The title of a bond ordinance shall state the amount appropriated for an indicated project and the amount of bonds authorized to finance the appropriation. Bond ordinances shall be cited in bonds and notes by title and date of final passage. A bond ordinance may not combine two or more projects.
- (4) The procedure for passage of a bond ordinance shall be the same as that for other ordinances of the City except that when published after final passage each bond ordinance shall be accompanied by a notice in substantially the following form:

Notice

The bond ordinance published herewith has been finally passed and the twenty-day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced as provided in the City Charter has begun to run from the date of the first publication of this notice. City Clerk

Sec. 4-25. Referendum on bond ordinance.

No bonds shall be issued pledging the credit of the City unless submitted to a vote of the electors at either a general or special election, and approved by a majority of the electors voting on the question.

Sec. 4-26. Issuance and sale of notes in anticipation of bonds.

In anticipation of the issuance of bonds approved pursuant to article IV, section 28, the Council may by resolution authorize the issuance of negotiable notes. Each such note shall be designated "bond anticipation note" and, including renewals, shall mature and be paid not more than fourteen (14) calendar months after the date of issuance of the original note. Unless otherwise provided by ordinance, all bond anticipation notes may be sold by the director of finance at private sale without previous public offering.

Sec. 4-27. Special debt statement.

Five (5) days prior to the date of the second reading of the bond ordinance, the director of finance shall file with the City Clerk, who shall post publicly, a statement setting forth (a) the aggregate principal amount of all outstanding bonds and notes of the city; (b) deductions permitted by the constitution and general laws; (c) the amount of the existing net indebtedness; (d) the amount of the net indebtedness after the issuance of the bonds authorized by such bond ordinance; and (e) the aggregate principal amount of bonds and notes which the City may issue, pursuant to law.

Sec. 4-28. Serial bond requirement.

- (1) All bonds issued pursuant to this Charter shall be paid in consecutive annual instalments no one of which shall be more than fifty (50) per centum in excess of the smallest prior instalment.
- (2) The first annual instalment shall be paid not more than one (1) year, or if the bonds are issued to fund notes, not more than two (2) years, after the date of final passage of the bond ordinance by virtue of which they are issued.
- (3) The last annual instalment of each authorized issue of bonds shall be paid not later than the date of expiration of the period of usefulness of the project for the financing of which such bonds are issued as determined in the bond ordinance authorizing the issuance of the bonds.

Sec. 4-29. Period of usefulness requirement.

- (1) Bonds shall mature not later than the expiration of the period of the probable usefulness of the capital project for which they are issued, as determined by certificate of the engineer or architect, approved by the Mayor, and stated in the bond ordinance, but the maximum period shall not exceed thirty (30) years.
- (2) The period of usefulness of each project shall be computed from the date of final passage of the bond ordinance by virtue of which the bonds are issued.
- (3) The determination of the Council, in the bond ordinance, as to the period of usefulness, shall be conclusive in any action or proceeding involving the validity of the bonds.

Sec. 4-30. Public sale of bonds.

All bonds issued under this Charter shall be sold at public sale upon sealed proposals after at least ten (10) days' notice published at least once in a publication carrying municipal bond notices and devoted primarily to financial news or to the subject of state and municipal bonds, distributed in Rhode Island, and to the general public in at least one other manner as set by ordinance.

Sec. 4-31. Short period of limitations for bond ordinance.

When twenty (20) days shall have elapsed after the publication after final passage of a bond ordinance as provided by this Charter, (a) any recitals or statements of fact contained in such bond ordinance, or in the preambles or recitals thereof, shall be deemed to be true for the purpose of determining the validity of the bonds

thereby authorized and the City and all others interested shall forever thereafter be estopped from denying the same; (b) such bond ordinance shall be conclusively presumed to have been duly and regularly passed by the City and to comply with the provisions of this Charter and of all laws; and (c) the validity of such bond ordinance shall not thereafter be questioned by either a party plaintiff or a party defendant, except in a suit, action or proceeding commenced prior to the expiration of such twenty (20) days.

Sec. 4-32. Payment of bonds and notes.

The power and obligation of the City to pay any and all bonds and notes hereafter issued by it pursuant to this Charter shall be unlimited and the City shall levy ad valorem taxes upon all the taxable property within the City for the payment of such bonds or notes and interest thereon, without limitation of rate or amount, subject to the laws of the state. The faith and credit of the City is hereby pledged for the payment of the principal of and the interest on all bonds and notes of the City hereafter issued pursuant to this Charter, whether or not such pledge be stated in the bonds or notes, or in the bond ordinance authorizing their issuance.

ARTICLE V. BUDGET

Sec. 5-1. Fiscal year; "budget year" defined.

The fiscal year of the City government shall begin on the first day of November and shall end on the last day of October of each calendar year unless a uniform fiscal year for all cities and towns shall be established by state law. Such fiscal year may be changed by ordinance so long as any such change remains in compliance with state law. Such fiscal year shall also constitute the budget and accounting year. As used in this Charter, the term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

[This fiscal year of the government may be altered to coincide with the fiscal year of the State of Rhode Island.](#)

Sec. 5-2. Budget; general statement.

- (1) The budget shall provide a complete financial plan for the budget year. It shall contain in tabular form: (a) a general summary of the principal sources of anticipated revenue with amounts to be raised from each source, and of the principal objects of expenditure with amounts to be expended on each object; (b) detailed estimates of all anticipated revenues applicable to proposed expenditures; and (c) all proposed expenditures.
- (2) The total of such anticipated revenues shall at least equal the total of such proposed expenditures.

Sec. 5-3. Preparation and submission of budget.

The Mayor, at least forty-five (45) days prior to the beginning of each budget year, shall submit to the Council a budget and an explanatory budget message. For such purpose, at such date as he or she shall determine, he or she, or an officer designated by him or her, shall obtain from the head of each office, department or agency estimates of revenue and expenditure of that office, department or agency, detailed by organization units and character and object of expenditure, and such other supporting data as he or she may request; together with an estimate of all capital projects pending or which such department head believes should be undertaken (a) within the budget year and (b) within the five (5) next succeeding years. In preparing the budget, the Mayor shall review the estimates, shall hold hearings thereon and may revise the estimates, as he or she may deem advisable.

Sec. 5-4. Budget message.

- (1) The budget message submitted by the Mayor to the Council shall be explanatory of the budget, shall contain an outline of the proposed financial policies of the City for the budget year and shall describe in connection therewith the important features of the budget plan. It shall set forth the reasons for salient changes from the previous year in cost and revenue items and shall explain any major changes in financial policy.

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- (2) As a part of the budget message, with relation to the proposed expenditures for capital projects stated in the budget, the Mayor shall include a statement of pending capital projects and proposed new capital projects, relating the respective amounts proposed to be raised therefor by appropriations in the budget and the respective amounts, if any, proposed to be raised therefor by the issuance of bonds during the budget year.
 - (3) The Mayor shall also include in the message, or attach thereto, a capital program of proposed capital projects for the five (5) fiscal years next succeeding the budget year, prepared by the planning board, together with his or her comments thereon and any estimates of costs prepared by the department of public works or other office, department or agency. For the use of the planning board in preparing such capital program, copies of the departmental estimates of capital projects, filed with the Mayor pursuant to section 3 of this article, shall be filed with the board.
 - (4) Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material, in respect to both current operations and capital improvements, as the Mayor shall believe useful to the Council.

Sec. 5-5. Revenues anticipated.

- (1) Anticipated revenues shall be classified as "amount to be raised by property tax," "miscellaneous revenues" and "surplus." Miscellaneous revenues shall be sub-classified by each source and shall be estimated as hereinafter prescribed.
- (2) Miscellaneous revenues shall include all anticipated revenues not included within the "amount to be raised by property tax," including but not limited to the amount of federal aid to be received; state aid to be received; the amount by which the City is expected to benefit from taxes collected by the state; the amounts estimated to be received from services and sales, fines, forfeitures and fees, pension assessments, special assessments and any other special or nonrecurring sources.
- (3) The anticipated revenues and proposed expenditures of each utility or other public service enterprise owned, or operated, by the city, shall be stated in a separate section of the budget (each bearing the name of the utility); and as to each such utility, an anticipated surplus, if legally available for general purposes, shall be stated as an item of miscellaneous revenue in the budget.
- ~~(4) No miscellaneous revenue from any source shall be included as an anticipated revenue in the budget in an amount in excess of the average of the amount actually realized in cash from the same source in the next preceding fiscal year, and that actually realized in the first ten (10) months of the current fiscal year plus that to be received in the remaining two (2) months of the year estimated as accurately as may be, unless the Mayor shall determine that the facts clearly warrant the expectation that such excess amount will actually be realized in cash during the budget year and shall certify such determination in writing to the Council.~~
- (5) Revenues from the collection of special assessments on property specially benefited shall not be stated in an amount which is in excess of the amount of the receipts so derived which it is estimated will be held in cash on the first day of the budget year.
- ~~(6) No revenue from a new source not previously stated in the budget shall be included unless the Mayor shall determine that the facts clearly warrant the expectation that such revenue will be actually realized in cash during the budget year in the amount stated and shall certify such determination in writing to the Council.~~

Sec. 5-6. Anticipated revenues compared with other years.

In parallel columns opposite the several items of anticipated revenues there shall be placed the amount of each such item in the budget of the last completed fiscal year, the amounts of such items actually received during the year, the amount of each such item in the budget of the current fiscal year and the amount actually received ~~to~~

the time of preparing the budget plus receipts for the remainder of the current fiscal year estimated as accurately as may be.

Sec. 5-7. Surplus.

Surplus shall include:

- ~~(1) Revenue receipts made available by the lapsing of unencumbered appropriation balances at the beginning of the budget year;~~
- ~~(2) Receipts from unanticipated miscellaneous revenues for the last completed fiscal year;~~
- ~~(3) Receipts from anticipated miscellaneous revenues for the last completed fiscal year in excess of the estimates in the budget for that year;~~
- ~~(4) Receipts during the last completed fiscal year from taxes or liens against which a complete reserve has been established.~~

[REPEALED]

Sec. 5-8. Expenditures proposed.

The proposed expenditures shall be itemized in such form and to such extent as shall be provided by law, and in the absence of such provision, by regulations established by ordinance. Separate provision shall be included in the budget for at least:

- (1) Interest, amortization and redemption charges on the public debt for which the faith and credit of the City is pledged;
- (2) Other statutory expenditures;
- (3) The payment of all judgments;
- ~~(4) The amount by which the total receipts of miscellaneous revenues in the last completed fiscal year failed to equal the total of the budget estimates of receipts from miscellaneous revenues in that year;~~
- ~~(5) An amount equal to the aggregate of all taxes levied for the third fiscal year prior to the budget year which are delinquent and outstanding on the sixtieth day prior to the beginning of the budget year, except to the extent the City may have made provision therefor by reserving the full amount of said delinquent taxes;~~
- ~~(6) An amount equal to the aggregate of all cancellations, remissions, abatements and refunds of taxes, that have been made during the current fiscal year;~~
- (7) An amount equal to the aggregate of all special revenue notes which it is estimated will be outstanding at the end of the current fiscal year in anticipation of the collection of revenues other than the property tax;
- (8) An amount equal to the aggregate of all emergency notes which it is estimated will be outstanding at the end of the current fiscal year;
- (9) If the City is required to make up the deficit arising from the operations of utility or other public service enterprises, an amount equal to the deficit from such operations during the last completed fiscal year, separately stated for each utility or other public service enterprise which appears in a separate section of the budget;
- (10) Administration, operation and maintenance of each office, department or agency of the City itemized by character and object of expenditure;

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- (11) Contingent expense in an amount not more than three (3) per centum of the total amount pursuant to subsection (10) of this section;
 - (12) Expenditures proposed for capital projects.

Sec. 5-9. Proposed expenditures compared with other years.

In parallel columns opposite the several items of proposed expenditures, there shall be placed the amount of each such item in the budget of the last completed fiscal year, the amount of such items actually expended during such year, the amount of each such item in the budget of the current fiscal year and the amount actually expended ~~to the time of preparing the budget plus the expenditures for the remainder of the current fiscal year estimated as accurately as may be~~ in the first six (6) months.

Sec. 5-10. Budget to be public record; copies to be prepared for distribution.

The Mayor's proposed budget and budget message and the City's finally adopted budget and all supporting schedules shall each be a public record posted on the City's website in the office of the City Clerk open to public inspection by anyone. The Mayor shall cause sufficient copies of the budget and budget message to be prepared for distribution to interested persons:

Sec. 5-11. Public hearing on budget; insertion of new items; increase or decrease in items of budget.

- (1) At the meeting of the Council at which the budget and budget message are submitted, the Council shall determine the place and time of the public hearing on the budget, and shall cause to be published a notice of the place and time, ~~not less than seven (7) days after date of publication as set forth in the Rhode Island General Laws,~~ at which the Council will hold a public hearing.
- (2) At the time and place so advertised or noticed, or at any time and place to which such public hearing shall from time to time be adjourned, the Council shall hold a public hearing on the Mayor's proposed budget as submitted, at which all interested persons shall be given an opportunity to be heard, for or against the estimates or any item thereof.
- (3) ~~After Prior to~~ the conclusion of such public hearing, the Council may insert new items or may increase or decrease the items of the budget, except items in proposed expenditures fixed by law or prescribed by subsections (1), (2), (3), (4), (5), (6), (7), (8) and (9) of section 8 of this article. The Council may not vary the titles, descriptions or conditions of administration specified in the budget. Before inserting any additional item or increasing any item of appropriation or capital expenditure, ~~it must cause to be published a notice setting forth the nature of the proposed increases and fixing a place and time, not less than five (5) days after publication, at which~~ the Council will hold a public hearing thereon, and such public hearing shall be advertised and or noticed in conformance with Rhode Island General Laws.

Sec. 5-12. Adoption of budget.

- (1) After such further hearing, the Council may insert the additional item or items, and make the increase or increases, to the amount in each case indicated by the published notice, or to a lesser amount, but where it shall increase the total proposed expenditures, it shall also increase the total anticipated revenue to at least equal such total proposed expenditures.
- (2) The budget shall be adopted by the favorable votes of at least a majority of all the members of the Council.
- (3) The budget shall be ~~finally~~ adopted by the Council not later than ~~seven-eleven (11-7)~~ days before the end of the current fiscal year. Should the Council take no final action on or prior to such day, the Mayor's proposed budget, as submitted, shall be deemed to have been finally adopted by the Council.

~~(4) If the Mayor vetoes the budget in accordance with Sec. 3-6, the present budget shall continue to be in full force and effect. The Council shall then have fifteen (15) days to pass a budget with four (4) votes which shall not be subject to further veto and shall become the effective budget immediately upon passage. If, after a veto, the Council fails to timely pass a budget with four (4) votes, then the Mayor's proposed budget shall become the effective budget.~~

Sec. 5-13. Adoption, effective date, certification and filing of budget; copies to be available; expenditures to be appropriated; determination of property tax levy.

- (1) Upon final adoption, the budget shall be in effect for the budget year. A copy of the budget, as finally adopted, shall be certified by the Mayor and City Clerk and filed in the office of the director of finance and posted on the City's website. ~~The budget so certified shall be printed, mimeographed or otherwise reproduced and sufficient copies thereof shall be made available for the use of all offices, departments and agencies and for the use of interested persons and civic organizations.~~
- (2) From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named.
- (3) From the effective date of the budget, the amount stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the city, in the corresponding tax year. A copy of the budget as finally adopted shall be certified by the Mayor and filed by him or her with the officer, board, or commission whose duty it shall be to levy such taxes for the corresponding tax year.

Sec. 5-14. Cap on maximum tax rate increase.

- a) The State of Rhode Island, by and through its general assembly, has set forth laws controlling the process and procedures for municipal taxation. All property taxation processes and procedures are therefore defined and set forth by the general assembly and preempt any provision herein. The property taxation provisions of this Charter only apply to the extent that they do not conflict with the laws as enacted and as may be amended by the general assembly.
- ~~b) The City of East Providence may levy a tax in an amount not more than three and one half percent (3.5%) in excess of the total amount levied and certified for the previous fiscal year.~~
- ~~c) The amount levied by the City may exceed the increase specified herein only if the City or town qualifies under one or more of the provisions outlined in Rhode Island General Laws Title 44 Taxation, Chapter 5 Levy and Assessment of Local Taxes Subsection 2(d) Maximum levy, as may be amended from time to time.~~

Sec. 5-15. Fund balance and budget act

- (1) Except as explicitly authorized herein, every budget act enacted in any given fiscal year must shall allocate at least one and one quarter percent (1.25%) of anticipated general fund operating revenues for any given fiscal year to the Fund Balance.
 - ~~(a) Any given fiscal year budget act's aggregate expenditures may only exceed ninety nine percent (99%) of anticipated general fund operating revenues if the Fund Balance is greater than twelve percent (12%) of the prior fiscal year general fund operating revenues.~~
- (2) There is hereby established a Fund Balance. Said Fund Balance is funded with monies that are not otherwise allocated within any given fiscal year budget act.
 - (a) The Fund Balance shall be segregated into two (2) parts, the restricted Fund Balance and the unrestricted Fund Balance.

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- (b) The restricted Fund Balance shall take funding priority over the unrestricted Fund Balance. No funds may be allocated to the unrestricted Fund Balance until the restricted Fund Balance is equal to at least seven percent (7%) of the general fund operating revenues.
- (c) The restricted Fund Balance must be kept in reserve and will not be included in the general fund operating budget, unless:
- i. The City forecasts or experiences a loss in total revenues and the loss is certified by the director of finance;
 - ii. The City experiences or anticipates an emergency situation, which shall be deemed to exist when the City experiences or anticipates health insurance costs, retirement contributions or utility expenditures which exceed the prior fiscal year's health insurance costs, retirement contributions or utility expenditures by a percentage greater than ten and one-half percent (10.5%);
 - iii. The City forecasts or experiences debt services expenditures net of any state aid reimbursement which exceed the prior year's debt service expenditures by an amount greater than three and one-half percent (3.5%) and which are the result of bonded debt issued in a manner consistent with general law or a special act;
 - iv. The City experiences substantial growth in its tax base as the result of major new construction which necessitates either significant infrastructure or school housing expenditures by the City or a significant increase in the need for essential municipal services and such increase in expenditures or demand for services is certified by the director of finance.
- (d) The amount between the applicable percentage in subsection (1) and one hundred percent (100%) of the anticipated general fund operating revenues for any fiscal year shall be transferred in any given fiscal year into the Fund Balance; provided, however, that no such payment will be made which would increase the total of the Fund Balance to more than ~~ten-twelve~~ percent (12%) of only the anticipated general operating fund as set by subsection (1).
- (e) In the event that the payment to be made into the Fund Balance would increase the amount in said account to more than twelve percent (12%) of anticipated general operating fund revenues that said amount shall be transferred to a capital fund to be used solely for funding capital projects.
- (3) Capital Projects shall not include debt reduction, principal or interest payments on debt, or for any other type of financing arrangement, but shall only be used for payment of direct actual expenses incurred for capital projects, except that funding a synchronization of the City Fiscal Year to coincide with the Rhode Island Fiscal Year may be considered a Capital Project.
- (4) For the purpose of this section, general fund operating revenues is defined as the city and school budget, less the state aid and federal aid restricted to the school budget.

(Amd. of 8-24-2017)

ARTICLE VI. DEPARTMENT OF PUBLIC WORKS

Sec. 6-1. Public works department; organization; appointment of director of public works.

There shall be a department of public works, the head of which shall be the director of public works, who shall be, or be appointed by, the Mayor, and who shall be subject to removal by the Mayor.

Sec. 6-2. Director of public works; qualifications.

The director of public works shall have a degree in engineering from an approved college or university and shall have had at least three (3) years engineering experience.

Sec. 6-3. Public works department; powers and duties.

The department of public works shall be responsible for the functions and services of the City relating to streets, highways, sidewalks, bridges, watercourses, street lighting, parks and a water supply system; of the sanitary and storm sewers, sewer systems and sewage disposal plants or places; of the collection and disposal of garbage and other refuse; of the construction, maintenance, repair and operation of all public buildings and properties other than those of the school department belonging to or used by the city; of building, electrical and plumbing inspection; and the issuance of building, electrical and plumbing permits; of weights and measures; and of such other functions as may be prescribed by ordinance.

ARTICLE VII. DEPARTMENT OF POLICE

Sec. 7-1. Police department; organization; appointment of police chief.

There shall be a department of police, the director of which shall be the chief of police, who shall be appointed by the Mayor, and who shall be subject to removal by the Mayor.

Sec. 7-2. Chief of police; qualifications.

The chief of police shall have adequate knowledge of the organization and administration of a police department and shall have had several years' experience in the management and direction of police personnel, including five (5) years of experience above the rank of sergeant.

Sec. 7-3. Police department; powers and duties.

- (1) The police department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, and enforcement of the laws of the state and the ordinances of the City and rules and regulations in accordance therewith. All members of the department shall have the same powers and duties as are vested in police officers by the laws of the state and the City ordinances.
- (2) The chief of police, who is in direct command of the police force, shall, subject to the approval of the Mayor, make rules and regulations in conformity with the City ordinances, concerning the conduct of all officers and employees thereof. He or she shall assign all subordinates to their respective posts, shifts, details and duties and shall be responsible for their efficiency, discipline and good conduct and for the care and custody of all property used by the department.

ARTICLE VIII. DEPARTMENT OF FIRE

Sec. 8-1. Fire department; organization; appointment of fire chief.

There shall be a department of fire, the director of which shall be the fire chief, who shall be appointed by the Mayor, and who shall be subject to removal by the Mayor.

Sec. 8-2. Fire chief; qualifications.

The fire chief shall have adequate knowledge of the organization and administration of a permanent fire department and shall have had several years' experience in the management and direction of fire department personnel, including five (5) years of experience at the rank of captain or above.

Sec. 8-3. Fire department; powers and duties.

- (1) The fire department shall be responsible for the protection of life and property within the City from fire and for the enforcement of all laws, ordinances and regulations relating to fire prevention and fire safety.
- (2) The fire chief shall, subject to the approval of the Mayor, make rules and regulations in conformity with the City ordinances concerning the operation of the department and the conduct of all officers and employees thereof. He or she shall assign all subordinates to their respective posts, shifts, details and duties and shall be responsible for their efficiency, discipline and good conduct and for the care and custody of all property used by the department.

ARTICLE IX. PERSONNEL**Sec. 9-1. Appointment and removal of subordinate officers and employees.**

- (1) In the event that any employee, excepting department heads, is suspended, demoted, transferred or discharged, he or she shall be informed in writing of the reasons therefor and he or she may appeal in writing to the Mayor, who shall within ten (10) days give the person so suspended, demoted, transferred or discharged the opportunity to be heard, which hearing shall be public at the option of the employee.
- (2) If the former employee is not reinstated to his or her former position by the Mayor, such employee may appeal the decision of the Mayor to a hearing board composed of qualified electors of the city, and such employee shall have a right of appeal therefrom to a court of competent jurisdiction in accordance with law. The hearing board shall consist of five (5) members appointed by the Mayor, subject to Council approval, at least one (1) member to be a resident of each ward in the city.
- (3) The City of East Providence, in accordance with all applicable state or federal laws as either may be amended from time to time, shall not unlawfully harass or discriminate against any employee or applicant for employment.

Sec. 9-2. Right to organize.

The right of municipal employees to associate together and to join any lawful organizations of their own choosing for the purpose of collective bargaining is recognized by this Charter and shall not be denied by ordinances and resolutions passed in pursuance thereof.

Sec. 9-3. Employee protection.

- (1) No person holding a position in the administrative service of the City shall make any contribution to the campaign funds of any political party or of any candidate for public office or take part in the management, affairs, or political campaign of any political party, further than in the exercise of his or her rights as a citizen to express his or her opinion and to cast his or her vote.
- (2) No person shall orally, by letter or otherwise solicit any assessment, subscription or contribution for any political party or political purpose whatever from any person holding a position in the administrative service of the city.

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- (3) Any person who violates any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be ineligible for appointment to or employment in a position in the City service for a period of five (5) years, and shall if he or she be an officer or employee of the City immediately forfeit the office or position he or she holds.
 - (4) The City of East Providence, in accordance with all applicable state or federal laws as either may be amended from time to time, shall not unlawfully harass or discriminate against any employee or applicant for employment.

ARTICLE X. PUBLIC SCHOOLS

Sec. 10-1. School committee.

- (1) There shall be a School Committee consisting of five (5) members. One (1) member shall be elected from the City at large, and one (1) member shall be elected from each of the four (4) wards of the City at the regular City elections to serve for terms of two (2) years or until a majority of the newly elected School Committee have qualified and have taken office.
- (2) Any vacancy in the membership of the School Committee shall be filled by the City Council until the next regular City election.
- (3) The first meeting of a newly elected School Committee shall be held on the first Tuesday after the first Monday in January following a City general election.

Sec. 10-2. Qualifications of school committee members.

Members of the School Committee shall have the same qualifications and shall be subject to the same restrictions as are provided by this Charter for members of the City Council.

Sec. 10-3. School committee; powers and duties.

- (1) The School Committee shall elect a chairperson and a clerk from its membership and shall adopt its own rules and order of business.
- (2) The School Committee shall determine and control all policies affecting the administration, maintenance and operation of the public schools, and shall have all the powers and be subject to all the duties as prescribed by the laws of the state.
- (3) The School Committee shall appoint a superintendent of schools as its chief administrative agent.
- (4) The processes and procedures for appointment or removal of all school employees are set forth by the general assembly and preempt any provision herein. The provisions of this section only apply to the extent that they do not conflict with state laws as enacted and as may be amended by the general assembly. Except for the purpose of inquiry, the School Committee, as far as is consistent with the laws of the state, shall deal with the administration of the public schools solely through the superintendent of schools.
- (5) The School Committee shall submit budget estimates in the same manner as other departments, but the budget estimates and appropriations shall be considered by the Council in total only. The allocation of the amounts appropriated shall be determined by the School Committee.
- (6) The finance department of the City shall assume all the purchasing functions of the School Committee, in accordance with the requisitions of the School Committee, and shall purchase and distribute such supplies and materials as are required by the public schools. The costs for such supplies and materials shall be charged against the appropriation for the public schools.

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- (7) No member of the School Committee shall vote in the matter of any contract, job, work or service or the purchase of any property in which he or she is interested directly or indirectly nor shall he or she take any official action relating thereto. All such transactions shall be by the authority of the School Committee with the interested member not voting.
 - (8) At the request of the School Committee, the City Council may direct the department of public works to maintain and care for school buildings and grounds, provided that the costs are charged against the appropriation for the public schools.
 - (9) The School Committee shall prepare a complete report of its finances and activities at the close of the fiscal year. Such reports shall be included as a separate section in the annual report to the City Council by the Mayor.
 - (10) The meetings of the School Committee shall be open and accessible to the public.

Sec. 10-4. Ratification of collective bargaining agreements.

No collective bargaining agreement between the City of East Providence, including School Committee and any labor organization, shall become effective unless and until ratified by majority vote of the East Providence City Council.

ARTICLE XI. ELECTION PROCEDURE

Sec. 11-1. When provisions of article apply.

The State of Rhode Island and Providence Plantations Constitution, Article XIII, entitled, Home Rule for Cities and Town, explicitly reserves the power over elections and election procedures to the general assembly. All election processes and procedures are therefore defined and set forth by the general assembly and preempt any provision herein. The provisions of this article only apply to the extent that they do not conflict with the laws as enacted and as may be amended by the General Assembly.

Sec. 11-2. Definitions.

For the purposes of this Charter, the following terms shall have the meanings indicated, unless different meanings are clearly expressed or required by the context:

- (1) "City" shall mean the City of East Providence.
- (2) "Primary election" shall mean every City of East Providence primary election held to eliminate all candidates in excess of twice the number to be elected to the offices created by this Charter.
- (3) "General election", or "regular election" shall mean every City of East Providence general election, held for the election of candidates to offices under this Charter.
- (4) "Special election" shall mean every City of East Providence special election to fill a vacancy, or an elective meeting at which a question or questions is to be submitted to the voters of the city, under this Charter or other provisions of law.
- (5) "Canvassing authority" shall mean the canvassing authority created by this Charter.
- (6) "Election officials" shall mean and include officials for all municipal elections in the City of East Providence, whether primary, general or special.

Sec. 11-3. General municipal elections.

The qualified electors of the City of East Providence shall elect a Mayor, a Council and a School Committee as provided by this Charter. The qualified electors of the City shall elect the Mayor and such members of the Council and School Committee as are necessary to fill the offices of those whose terms of office expire that year, and also to fill any vacancies in the above offices which may then exist.

Sec. 11-4. Primary municipal elections.

There shall be a primary election in the City of East Providence to nominate two (2) candidates for each office to be filled as provided by this Charter for the office of Mayor, Council member, and committee member. The qualified electors of the City of East Providence shall cast their ballots to nominate such candidates to stand as candidates for Mayor, Council, and School Committee, as are necessary to fill the terms of offices that expire that year, and also to fill new vacancies in the above offices which then may exist.

Sec. 11-5. Non-partisan ballot.

In all municipal elections in the City of East Providence, whether primary, general or special, there shall be no party mark or designation upon any ballot, or upon any declaration of candidacy, nomination petition or list of candidates.

Sec. 11-6. Declaration of candidacy.

Candidates for nomination in the primary election shall file with the canvassing authority a declaration of their candidacy upon forms prepared and provided by the canvassing authority.

Sec. 11-7. Nomination petition signatures.

The nomination of all candidates for elective office in the primary election provided for by this Charter shall be by petition.

Sec. 11-8. Primary election; mayor, council members, school committee.

At the first and all subsequent primary elections for Mayor, City Council Member, and School Committee Member, the two (2) candidates for each respective office receiving the highest number of votes shall be deemed and declared to be the candidates for that office.

Sec. 11-9. Certification and publication.

The canvassing authority shall certify a list of candidates and shall cause to be published in one or more of the newspapers published or having general circulation in the City of East Providence, the names, residences and offices to which nominated, of the candidates who have duly filed the above described petitions and acceptances.

Sec. 11-10. Ballot; form of.

The names of the candidates in any primary, general or special City election shall be arranged alphabetically upon the ballot under the title of the office to be filled. The ballot shall be without party marks or designation. The name of each candidate shall be given.

Sec. 11-11. General election; elected candidates.

At any City election, the candidates for each office receiving the highest number of votes shall be deemed and declared elected to such office for the term as provided herein.

Sec. 11-12. Election laws and conduct of elections.

The provisions of the laws of the State of Rhode Island pertaining to elections and related matters, including the rights and qualifications of voters; the registration of voters; the board of canvassers and registration and the registering, listing and returning lists of voters, and proof of their qualifications to vote; canvassing the rights and correcting the list of voters; elective meetings; the hours of opening and closing the polls; voting machines; absentee voting; crimes; penalties and forfeitures under the election laws; and any and all other provisions of the laws of the State of Rhode Island relating to the qualification of electors, registration, the manner of voting, the duties of election officials and all other particulars in respect to preparation for, conducting and management of elections, shall govern every City primary, general and special election, so far as they may be applicable, excepting those provisions which are inconsistent with the election procedure set forth in this article.

Sec. 11-13. Party designation.

Whenever in said election laws and related matters, reference is made to any political party, or reference is made to voting machines as being prepared for voting purposes in accordance with political party designation, or any reference of whatever kind and designation is made in said election laws and related matters to any political party or political designation, each and every such reference to a political party shall be held to be eliminated from said election laws in accordance with the provisions of this Charter, providing for the use of non-partisan ballot; and the canvassing authority shall appoint election officials from lists submitted by the candidates, giving representation to all candidates insofar as possible.

Sec. 11-14. Terms of office.

All elected and appointive officers elected or appointed for a definite term, shall enter upon their term of office upon the first Tuesday after the first Monday in December next following a City of East Providence general election, or as soon thereafter as may be, and shall serve until their successors are elected and qualified.

Sec. 11-15. Recall.

Recall is authorized in the case of a Mayor, Council member, or School Committee member who has been indicted or informed against for a felony, convicted of a misdemeanor, or against whom a finding of probable cause of violation of the code of ethics has been made by the ethics commission or who has committed a willful violation of any provision of the Charter as determined by a preponderance of the evidence by the ethics commission or a state court of competent jurisdiction. Recall shall not, however be instituted at any time during the last nine (9) months of an individual's term of office. Such a recall may be instituted by filing with the canvassing authority an application for issuance of a recall petition against said Mayor, Council member, or School Committee member which is signed by duly qualified electors equal to three percent (3%) of the total number of votes cast at the last preceding general election for that office.

The canvassing authority shall within seven (7) days from the date of the filing of such application examine it and shall from the voters registered determine the sufficiency thereof. If, upon verification by the canvassing authority the application is determined to contain signatures of the required number of electors, the canvassing authority shall, forthwith, issue a recall petition.

Within ninety (90) days of said issuance, a written petition demanding the removal of the Mayor, or a member of the City Council or a member of the School Committee shall be filed with the canvassing authority. When removal of the Mayor, or a member of the City Council at large or a member of the School Committee at large is sought said petition shall contain the signatures of duly qualified electors constituting twenty percent (20%) of the total number of votes cast in the last preceding general election for said office provided, however, when recall of the Mayor, a Council member at large or a School Committee member at large is sought no less than twenty percent (20%) of the total signatures required may be from any one ward. When removal of any other

member of the City Council or School Committee member is sought, said petition shall contain the signatures of duly qualified electors constituting twenty percent (20%) of the total number of votes cast in the last preceding general election for said office of the ward from which such member was elected.

The signatures to the application and to the recall petition need not all be on one (1) sheet of paper, but each such application and petition must contain an identical statement naming the person to be recalled, the office held by said person, and the grounds for such recall set forth in a statement of one hundred (100) words or less approved by the canvassing authority. Each signatory must set forth his or her signature and printed name as it appears on the voting list, and his or her place of residence. The person witnessing the signatures of each elector on said petition must sign a statement under oath on said sheet attesting that the signatures thereon are genuine and were signed in his or her presence. If the requisite number of signatures are not obtained within said ninety (90) day period, the recall effort shall terminate.

The canvassing authority shall within ten (10) days from the date of the filing of such petition examine it and shall from the voters registered determine the sufficiency thereof and certify the results to the City Council forthwith.

If the examination shows that the petition contains the requisite number of signatures, the City Council shall order and fix, forthwith, a date for holding an election, which date shall not be less than sixty (60) nor more than ninety (90) days from the date that the canvassing authority certified the petition as sufficient.

Each ballot at such election shall have printed thereon the grounds for removing said office holder and the following question: "Shall (name of person) be removed from the office of (name of office)?" Immediately following such question, there shall be printed on the ballot the following two (2) propositions in this order:

- "Yes"
- "No"

In any such election, if a majority of the votes cast on the question of removal is affirmative, the person whose removal is sought shall thereupon be deemed removed from office as of certification of the results by the canvassing authority.

At such time the office shall be immediately declared vacant and shall be filled in accordance with the Charter of the City. The person so removed shall not be eligible to fill the unexpired portion of the term of office.

The City Council may, through ordinance, make other and further regulations for carrying out the provisions of this section not inconsistent herewith.

ARTICLE XII. WARDS

Sec. 12-1. Number of wards.

The City shall consist of four [4] wards.

Sec. 12-2. Ward rearrangement.

It shall be the duty of the Council within one (1) year after each decennial census commencing with the year 1960 to review, and if necessary to alter, the ward lines in such manner that the wards shall comprise compact and contiguous territory, contain as nearly as possible an equal number of inhabitants, and have well defined boundaries.

ARTICLE XIII. GENERAL PROVISIONS

Sec. 13-1. Printing, publication and distribution of charter and ordinances.

The Council may provide for the printing, publication and distribution of the Charter and ordinances of the City and may require that a reasonable charge be made for copies thereof.

Sec. 13-2. Rules and regulations not to be effective until filed with clerk; exceptions.

No rule or regulation made by any department or agency, except one which relates to its internal organization or management, shall be effective until it is filed in the office of the City Clerk.

Sec. 13-3. Membership of boards, etc., not to be composed entirely of members of same political party.

The membership of any board or commission shall not be composed entirely of members of the same political party, and any minority member shall be a bona fide member of his or her party.

Sec. 13-4. Reserved.

Sec. 13-5. Persons in employ of city not to hold elective office.

No employee of the City shall hold an elective office in the City government while he or she is in the employ of the city.

Sec. 13-6. Officers or employees not to be financially interested in city contracts, etc.

No officer or employee of the City government shall be financially interested directly or indirectly in the profits of any contract, job, work or service to be performed for the City or in the sale to the City of any land, property, materials, supplies or equipment, other than as the beneficiary of a patent or copyright or as a minority stockholder with ownership of not exceeding five (5) per centum of such stock outstanding.

Sec. 13-7. Contracts, etc., entered into contrary to section 13-6 to be void, etc.; penalty for violation of section 13-6.

Any contract, agreement or obligation entered into contrary to the provisions of section 6 of this article shall be void, and no person shall have any claim or demand whatever against the City thereunder. Any City officer or employee found guilty of a willful violation of said provisions shall forfeit his or her office or position.

Sec. 13-8. Certain officers and employees to devote full time to their duties; council may grant exemption from section.

All persons holding office or employment in the City government, other than an elective office, shall be required to engage in the actual work of their offices or employments during regular business hours to the extent that their services may be necessary for the full and complete discharge of their duties. The Council, upon recommendation of the Mayor, shall determine which officers and employees of the City shall not be required to devote their full time to the duties of their respective offices.

Sec. 13-9. Bond of officers and employees.

Each officer or employee of the City who has possession of or control over any funds of the City shall give bond for the faithful performance of his or her duties in such sum as may be fixed and with sureties to be approved by the Council, and the premiums thereon shall be paid by the City.

Sec. 13-10. Inspection of records and accounts by citizens.

All records and accounts of every department and agency of the City shall be open to inspection by any citizen at all reasonable times and under reasonable regulations established by the Mayor, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish and except such records as are required by the laws of the state to be kept confidential.

Sec. 13-11. Amendments to charter generally; adoption of new charter.

This Charter may be amended at any time or a new Charter adopted in the manner provided by the constitution. Should two or more amendments adopted at the same elections have conflicting provisions, the one receiving the largest affirmative vote shall prevail. The sections of any amendments in addition to this Charter shall be numbered by the City Clerk and inserted in their appropriate places or added to the Charter.

Sec. 13-12. How proposed new charter or amendments to charter may appear on ballot.

It shall not be necessary for the full text of a Charter or amendments to a Charter to be printed upon the ballot. Any digest or description thereof or any question or statement which substantially expresses the purpose or identifies the subject matter to be voted upon shall be sufficient. When any question is to be submitted to the voters, the Council shall approve the statement of the question as it shall appear upon the ballot.

Sec. 13-13. Laws, etc., inconsistent with charter to be superseded.

Upon the effective date of this Charter all laws and ordinances or parts thereof inconsistent with its provisions shall be superseded insofar as they relate to the municipality.

Sec. 13-14. Conflict of specific charter provisions with general provisions.

To the extent that any specific provision contained in this Charter conflicts with any provision expressed in general terms, the specific provision shall prevail.

Sec. 13-15. Effect of declaring section or part of charter invalid; when state election procedures to apply.

If any section or part of a section of this Charter shall be held invalid by a court of competent jurisdiction such holding shall not affect the remainder of this Charter, nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply; and if any section or part of section concerned with election procedures shall be held invalid by such court, the pertinent election procedures set forth in the laws of the State of Rhode Island shall apply.

Sec. 13-16. Revision and codification of ordinances.

The Council, within two (2) years following the effective date of this Charter and every tenth year thereafter, shall cause to be prepared a revision or codification of the ordinances of the City which are appropriate for continuation as local laws of the city. Such revision or codification shall be prepared under the supervision of the City Solicitor, but the Council may authorize the solicitor to contract for the services of persons or organizations experienced in the revision and codification of ordinances and statutes.

Sec. 13-17. Construction of words "town of east providence."

Whenever in any law or resolution of the General Assembly or in any record, instrument or proceeding the words "Town of East Providence" appear, they shall hereafter be construed to mean City of East Providence.

Sec. 13-18. Charter Commission.

Starting with the 2022 General Election, and the Statewide General Election every eight (8) years thereafter, there shall be a non-partisan election of a Charter Commission. Said Charter Commission shall consist of nine (9) members, two members (2) shall be appointed by the Mayor, two (2) shall be appointed by the City Council, and five (5) shall be elected, one (1) elected member from each City Ward who shall be a resident of each ward and one (1) elected at-large member. The Charter Commission shall choose the Chairperson of the Charter Commission by simple majority vote of the Commission.

If any member appointed by the Mayor or City Council resigns, dies, or is otherwise ineligible to complete the term of office, their replacement shall be made by the original appointing authority. If fewer than five (5) members are elected or if the elected member resigns, dies, or is otherwise ineligible to complete the term of office, the vacant elected seat(s) shall be appointed by majority vote of the City Council.

The Charter Commission shall meet at least monthly. Within nine (9) months from the date of their election or appointment, the Charter Commission may deliver Charter amendment proposal(s) to the City Council for their consideration. The City Council shall determine, after a public hearing, the number of Charter Amendment proposals to be submitted to the electors of the City at the next state general election.

Nothing in this Section shall be construed to limit any power of the City Council related to the Home Rule Charter Amendment process granted to it under Article XIII, Section 8 of the Rhode Island Constitution.

(Res. No. 87, 6-16-20)

Sec. 13-19. Council may provide penalties for violation of ordinance.

The Council may provide reasonable penalties for the violation of any ordinance.

ARTICLE XIV. COURTS

Sec. 14-1. Probate court.

- (1) The powers and duties of a probate court for the City shall be exercised and performed by a judge of probate.
- (2) The judge of probate and an associate judge of probate shall be attorneys-at-law in good standing who have been admitted to the practice of law in this state. A preference in hiring shall be given to those residents of the City who apply for these positions.
- (3) The Mayor, subject to Council approval, shall appoint a judge of probate and an associate judge of probate each to serve for a term of office concurrent with that of the Council and until their respective successors are appointed and qualified.
- (4) In the absence, disability or disqualification of the judge of probate so that he or she is unable to perform his or her duties, the associate judge of probate shall serve as acting judge of probate and when so serving shall have and exercise all the powers and duties of the judge of probate.

Sec. 14-2. Municipal court.

- (1) The powers and duties of a municipal court for the City shall be exercised and performed by a municipal court judge.

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- (2) The municipal court judge and an associate municipal court judge shall be attorneys-at-law in good standing who have been admitted to the practice of law in this state. A preference in hiring shall be given to those residents of the City who apply for these positions.
 - (3) The Mayor, subject to Council approval, shall appoint a municipal court judge and an associate municipal court judge each to serve for a term of office concurrent with that of the Council and until their respective successors are appointed and qualified.
 - (4) In the absence, disability or disqualification of the municipal court judge, so that he or she is unable to perform his or her duties, the associate municipal court judge shall serve as acting municipal court judge and when so serving shall have and exercise all the powers and duties of the municipal court judge.

Certificate

We, the undersigned members of the charter commission of the Town of East Providence, have prepared and hereby propose the foregoing as a Home Rule Charter of the City of East Providence.

Done in the Town of East Providence this twenty-first day of September, 1954.

THE CHARTER CHARTER COMMISSION	
	<u>S/Nathan E. Pass,</u> NATHAN E. PASS, Chairman
	<u>S/Celia S. Craig,</u> CELIA S. CRAIG, Vice Chairman
	<u>S/Herbert Silva,</u> HERBERT SILVA, Secretary
	<u>S/C. Kendrick Brown,</u> C. KENDRICK BROWN
	<u>S/George A. Lamb,</u> GEORGE A. LAMB
	<u>S/David S. Lowry,</u> DAVID S. LOWRY
	<u>S/William P. Robinson, Jr.</u> WILLIAM P. ROBINSON, JR.
	<u>S/Harold R. Semple,</u> HAROLD R. SEMPLE
	<u>S/Vernon W. White,</u> VERNON W. WHITE