


CITY OF EAST PROVIDENCE
RHODE ISLAND
MINUTES-COUNCIL MEETING-SPECIAL SESSION
THURSDAY, SEPTEMBER 12, 2019
7:00 P.M.
Council Chambers, City Hall, 145 Taunton Avenue
East Providence, Rhode Island
02914

I. CALL TO ORDER - Council President Britto called the meeting to order. 

II. PLEDGE OF ALLEGIANCE - Council President Britto led the Pledge.
Councilwoman Sousa is absent from the meeting.

III. ORDINANCES 

a) ORDINANCES FOR FIRST PASSAGE – FOR VOTE

1. AN **ORDINANCE** IN REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED
“ADMINISTRATION”

Sponsored by: Councilman Mourato and Councilwoman Sousa

Assistant City Solicitor Conley addressed the Council stating how this will clarify the new form of government between the legislative Council and the Mayor's administration based on the Charter. If request for inquiry is denied, the Council can use its subpoena powers. There is an MOU involved where the Council's right of inquiry by filling out and completing a form to the Mayor's office. The Mayor would be required to respond and potential produce someone who has to do with the day to day inquiry of which the Council is requesting information.

This ordinance makes it clearer.

The form needs to be submitted two days before the posting of the docket.

Council Vice President Rodericks made the motion to approve. Motion seconded by Councilman Mourato. Motion approved 4-0.

IV. RESOLUTIONS – FOR VOTE 

a) RESOLUTION RESCINDING CITY COUNCIL RESOLUTION NO. 37, BOOK 27, PAGE 42 APPROVED ON AUGUST 20, 2019 ESTABLISHING A SPECIAL ELECTION ON NOVEMBER 5, 2019 FOR THE PURPOSE OF AMENDING THE CITY CHARTER

Sponsored by: Councilman Mourato and Councilwoman Sousa

City Solicitor Marcello made mention October 16, 2016 was the deadline for the Board of Elections and Secretary of State's office to rescind this resolution.

Councilman Mourato made the motion to approve the resolution. Councilman Cahoon seconded the motion. Motion passes 4-0.

Council Vice President Rodericks requested the City Clerk, Samantha Burnett to speak with the Board of Canvassing in the morning to inform them of the rescinding and the results of this meeting.

V. APPOINTMENTS 

a) Traffic Appointments – FOR VOTE

1. Joseph A. Pangborn

94 Crown Ave.

East Providence, RI 02915

Sponsored by: Council Vice President Rodericks

2. Drew Oliver Andrews

37 Crescent Ave.

Riverside, RI 02915

Sponsored by: Council Vice President Rodericks

Both items 1 and 2 were tabled to another meeting, September 17, 2019.

VI. ADJOURNMENT 

Council Vice President Rodericks made a motion to adjourn. Councilman Cahoon seconded the motion. Motion passes 4-0. Meeting is adjourned.

If communication assistance is needed or any other accommodations to ensure equal participation, please contact the City Clerk, Samantha Burnett at 401.435.7596

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2019 SEP 10 PM 4:51

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

CHAPTER 2

AN ORDINANCE IN
REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,
RHODE ISLAND, 1998, AS AMENDED, ENTITLED "ADMINISTRATION"
ARTICLE II

2019 SEP 10 PM 4:51

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. Article II entitled "City Council" of Chapter 2 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Administration" to read as follows:

Section 2-18

- 1) The East Providence City Charter Chapter 2, Subsection 10, expressly prevents the City Council from unilaterally dealing with the administrative service of the City, except for the purpose of inquiry. Otherwise, the Council is required to work with the administrative office of the City through the Mayor. Therefore, the Council is prevented from issuing any direct order to any member of the Administrative Services of the City.
 - a. Any alleged violation of this Charter provision may be brought in Municipal Court by any party with standing.
 - b. If such a violation of The East Providence City Charter Chapter 2, Subsection 10 is proven beyond a reasonable doubt, the Municipal Court may impose a fine on the Councilor up to \$1,000 for each violation.
 - c. Any such decision is appealable to the Rhode Island Superior Court *de novo*, and subject to the authority of the Rhode Island Attorney General, including but not limited to *nolle prosequi*.

d. These provisions in no way limit the East Providence City Council's Subpoena Powers under Chapter 2 Section 9 of the East Providence City Charter.

2) The City Council may make inquiries of the administrative services and may work with the administrative services of the City by and through the Mayor or the Mayor's delegate.

3) In order for the Council to fulfill its duties and obligations under the Charter without risk of violating the limitations set forth in Chapter 2, Section 10 of said Charter, the Council and the Mayor shall come to a formal written agreement, which shall be voted on after a public hearing before the City Council. Such formal written agreement shall establish the practical means for the Council to make inquiry of administrative services and to work with administrative staff through the Mayor.

a. This agreement shall be the basis by which the Mayor shall have a member of the administrative services whose regular duties and responsibilities are relevant to the inquiry respond to said inquiry.

b. This agreement balances the power of the Council's right to inquiry and the council's limitations for interacting directly with the administrative services.

SECTION II. This ordinance shall take effect upon its second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Given first passage _____ and referred to _____ at 7:00 p.m. for a hearing and consideration of final passage and adopted

Attest:

City Clerk of the City of East Providence, Rhode Island

Introduced by: Councilman Mourato and Councilwoman Sousa

2019 SEP 10 PM 4:51

MAYOR ROBERTO L. DASILVA

and

THE CITY COUNCIL OF THE CITY OF EAST PROVIDENCE

Procedure establishing the practical means for the Council to make inquiry of administrative services and to work with administrative staff through the Mayor

2019 SEP 10 PM 4:51

This Memorandum of Understanding (MOU) is made and entered into on September __, 2019 by and between Mayor Roberto L. DaSilva (hereinafter referred to as the "Mayor") and the City Council of the City of East Providence (hereinafter referred to as the "Council").

This MOU is intended to balance the power of the Council's right to inquiry and the Council's limitations for interacting directly with the administrative services.

It will be in effect from the date of its passage until a successor agreement takes its place.

Both the Mayor and the Council agree to the following:

1. A form shall be made available to members of the Council, created by the Mayor's office, which must be filled out as thoroughly as reasonably practicable and submitted to the Mayor's office, either in person, or through the email address mayorsoffice@cityofeastprov.com.
2. The form shall state:
 - a. The name of the Councilmember,
 - b. The topic and general concerns or questions related to the Councilor's inquiry,
 - c. Any department that the Councilmember believes may have pertinent information about the inquiry
3. If the Councilmember wishes that the inquiry be addressed at a public meeting, the Councilmember shall indicate as much and shall submit the form no later than (2) two days prior to the posting of the docket for the public meeting for which the member of the administrative service is being requested to ensure compliance under the Rhode Island Open Meetings Act, 42-46-1 et seq.

4. If a Councilmember wishes a member of the administrative service to speak on multiple issues, separate forms must be submitted.
5. The member of the administrative service appearing before the Council shall answer all questions, to the best of their ability, requested by the Councilmembers provided they continue to fall under the particular docket item being discussed. If the member of the administrative service does not have the answer to a particular question at the time of the meeting, they shall make all reasonable efforts to provide a response to the Councilmember as soon as practicable, but in all cases prior to the subsequent Council meeting.
6. If the Administrative Services shall fail, either willfully or without cause, to perform under this Memorandum of Understanding, then the Council may use this form as sufficient grounds to issue a subpoena in accordance with East Providence City Charter Section 2-9(6).

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COUNCIL INQUIRY TO THE ADMINISTRATIVE SERVICES

Council Member:	
Inquiry: (1 per form) <i>Please include the topic and general concerns or questions related to the inquiry, the more information provided to Administrative Services the more thoroughly Administrative Services may be able to respond</i>	2019 SEP 10 PM 4:51
Is the Councilor requesting a member of the administrative services to appear at a public Meeting? If so, which meeting?	

Sign

Date

If the Councilmember wishes that the inquiry be addressed at a public meeting, the Councilmember shall submit the form no later than (2) two days prior to the posting of the docket for the public meeting.

The member of the administrative service appearing before the Council shall answer all questions, to the best of their ability, requested by the Councilmembers provided they continue to fall under the particular docket item being discussed. If the member of the administrative service does not have the answer to a particular question at the time of the meeting, they shall make all reasonable efforts to provide a response to the Councilmember as soon as practicable, but in all cases prior to the subsequent Council meeting.

The Mayor shall have a member of the administrative services whose regular duties and responsibilities are relevant to the inquiry respond to said inquiry, but the Council may not direct any particular individual to respond. If the Administrative Services shall fail, either willfully or without cause, to perform under this Memorandum of Understanding, then the Council may use this form shall constitute the legitimate public purpose for the issuance of and scope of a subpoena pursuant to East Providence City Charter Section 2-9(6).