

INQUIRY

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

RESOLUTION NO.

RESOLUTION ESTABLISHING THE LANGUAGE OF PROPOSED AMENDMENTS TO THE EAST PROVIDENCE CITY CHARTER AS WILL BE VOTED ON AT THE SUBSEQUENT CHARTER REFERENDUM

WHEREAS, the Home Rule Charter for the City of East Providence was originally adopted by the Town of East Providence in September 1954; and

WHEREAS, Article XIII, Sec. 8 of the Rhode Island Constitution allows for the legislative body of any city or town to propose amendments to the Charter, which amendments shall be submitted for approval to the qualified electors of the City at a general or special election; and

WHEREAS, the City Council desires to amend the City Charter as follows with regard to the Council's power of inquiry:

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;~~
- ~~(34)~~ Adopt the budget of the City;
- ~~(45)~~ Authorize the issuance of bonds by a bond ordinance;
- ~~(56)~~ Provide for an independent audit;
- ~~(67)~~ 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;
- ~~(78)~~ 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;
- ~~(89)~~ 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

INQUIRY

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 the City Clerk. ~~and n~~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. Any subordinate of the Mayor that receives an order from any member of the Council shall report that order to the Mayor, and the Mayor may publish the incident in the Mayoral Communications section of the next regularly scheduled council meeting.~~

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, or such other party as may be designated by ordinance so long as such designation is consistent with applicable state laws, 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.
- (3) He or she, or such other party as may be designated by ordinance so long as such designation is consistent with applicable state laws, 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.
- (4) The City Clerk shall be the head of the support staff for the City Council.
- (5) The City Clerk shall not give any orders to any subordinate of the Mayoral administration, except in those circumstances where it is necessary to perform the duties of the Clerk as required by state law.

(6) The City Clerk shall be the liaison between the City Council and the Mayoral administration and shall protect the separation of powers between the executive and legislative branches of government. Any Council member wishing to provide information to, or make inquiry of, the Mayoral administration may do so through the City Clerk. The City Clerk shall communicate with the administration by and through department heads and should not communicate with subordinates.

Sec. 2-17. Subcommittees.

- (1) The City Council may establish subcommittees. The purpose of the subcommittees shall be for the Council to receive regular and/or *ad hoc* information from the administration on matters that fall under the jurisdiction of the Council. These subcommittees shall not have the authority to bind the City in any manner, and their authority shall be limited to the production of written or verbal reports and recommendations to the entire City Council during a public meeting. The subcommittees shall not have the power to hold public hearings because the capacity to hold public hearings shall remain with the full body of the City Council. Each subcommittee shall have a maximum of two (2) council members.
- (2) Such subcommittees may include by are not limited to:
 - (A) Finance Subcommittee, with oversight over budget development, municipal contracts, capital projects;
 - (B) Legislative Drafting Subcommittee, with oversight over ordinance development workshops, Zoning Code, etc.;
 - (C) Licensing Subcommittee;
 - (D) Appointments Subcommittee;
 - (E) Public Works and Infrastructure Subcommittee.

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 not be headed by the same individual, for a period of more than three (3) months without the express written consent of the Council. ~~The Mayor may head one or more departments, on an interim basis which shall not exceed three (3) months unless authorized by the Council.~~ ~~and~~ Directors of departments may also serve as chiefs of divisions.

NOW, THEREFORE, BE IT RESOLVED that these proposed Charter amendments be summarized on the ballot in the next special election.

BE IT FURTHER RESOLVED that the ballot question expressly state that these amendments shall become effective upon passage without further action insofar as the Rhode Island Constitution's Home Rule Charter provisions allow.

Adopted by the City Council:

Attest:

City Clerk of East Providence, Rhode Island

