

# APPOINTMENTS BY ORDINANCE

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## 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 appointments by ordinance:

#### **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.
- (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.

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- (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. 13-20. Boards and appointments.**

Outside of the scope of employment or the hiring of contractors to perform work on behalf of the City, and except as otherwise expressly set forth in this Charter or by the General Laws of the State of Rhode Island, no appointed office or board shall exist except as expressly set forth herein:

- (1) Advisory Boards and Appointments, Council. The Council may, by resolution or ordinance, establish an appointed position or create a board or commission with limited authority to advise the Council in any manner the Council expressly finds reasonably necessary to support the Council's performance of specific council duties. Appointments shall be by resolution of the Council, and all such resolution shall describe the advisory nature of the role, set forth the appointees' qualifications for the appointment, and that the appointment shall expire at the conclusion of the Council term.
- (2) Advisory Boards and Appointments, Mayor. The Mayor may, by executive order, establish an appointed position or create a board or commission with limited authority to advise the Mayor in any manner the Mayor expressly finds reasonably necessary to support the Mayor's performance of specific Mayoral duties. Appointments shall be by executive order, and all such orders shall describe the advisory nature of the role, set forth the appointees' qualifications for the appointment, and that the appointment shall expire at the conclusion of the Mayoral term.
- (3) Authoritative Boards. The Council may, by ordinance, create boards and commissions with legal authority that goes beyond an advisory capacity. No board or commission shall have any power that impinges on the powers or duties of any office as set forth in this Charter. Any act by a board or commission that does not conform to the requirements set forth herein shall be null and void. Each ordinance shall:
  - (A) Expressly set forth the duties of the Board and the limitations of the scope of the Board;
  - (B) Expressly set forth the powers of the Board and the limitations of the powers of the Board;
  - (C) Establish specific appointment procedures;
  - (D) State that all appointments by the Maor shall be subject to approval by Council resolution;

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- (E) State that all appointments by the Council shall be subject to the veto procedure set forth in Section 3-6;
- (F) Require that all appointments are subject to removal in the same manner as their appointment, and;
- (G) Describe the term of the appointment.

**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:

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City Clerk of East Providence, Rhode Island