

CITY SOLICITOR

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 role of City Solicitor and City Legal Advisors:

Sec. 3-9. City solicitor and Legal Advisors.

~~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.~~

The City Solicitor and Legal Advisors shall be attorneys-at-law in good standing who have been admitted to practice in the state. A preference in hiring shall be given to those residents of the City who apply for this position. A preference shall be given to appointees with experience as legal counsel in the area of their appointment.

- (1) City Solicitor. The Mayor shall select an office of the City with the approval of the City Council who shall have the title of City Solicitor. The City Solicitor shall be attorney for the City and on behalf of the City, shall be the attorney for 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. The City Solicitor shall make all final determinations and interpretations of the law on behalf of the City. The City Solicitor or its agents shall be the sole party to represent the City in any legal proceedings.
- (2) Legal Advisors. Additional Legal Advisors may be appointed. Legal Advisors shall represent the City, but the scope of their representation shall be limited to a strictly advisory capacity. The City Solicitor shall, at all times, have the ultimate authority with regard to any representation on behalf of the City. At no time shall any Legal Advisor purport to represent the City in a manner that is not subject to the authority of the City Solicitor. Any Legal Advisor violating the scope of their representation shall be terminated, shall

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not be eligible to be re-appointed, and shall not be compensated for any work outside the scope of their authority.

- (A) Legal Advisor to the Mayor. From time to time, the Mayor, by executive order, may appoint such Legal Advisors as are reasonably necessary for the efficient performance of the duties of the office of the Mayor. Such appointments shall include a written scope of work and a description of the limits of their advisory capacity.
- (B) Legal Advisor to the Council. From time to time, the Council may, by resolution, appoint such Legal Advisors as are reasonably necessary for the efficient performance of the duties of the office of the City Council. Such appointments shall include a written scope of work and a description of the limits of their advisory capacity.
- (C) Legal Advisor to the Solicitor. From time to time, with notice by written memorandum to the Mayor and the Council, the city Solicitor may appoint such legal advisors for their specific legal expertise. Such appointments shall include a written scope of work and a description of the limits of their advisory capacity.

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