

**MEMORANDUM**

Proposed Charter Changes

**SECTION I:  
EDITORIAL CHANGES**

**PREAMBLE**

We, the people of the ~~Town City~~ 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.

**Explanation:** These changes reflect the City’s designation as a city rather than a town, and the change to the full name of the State.

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**ARTICLE 1. – BASIC PROVISIONS**

**Sec. 1-1. - City status.**

The people of the ~~town city~~ of East Providence, within the corporate limits as ~~not now~~ 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.

**Explanation:** These changes reflect the City’s designation as a city rather than a town. Further, it corrects an apparent scrivener's error from “not” to “now”. It also reflects the change to the full name of the State.

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**ARTICLE II. – CITY COUNCIL**

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

Council Members shall 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.

**Explanation:** clarifies the mandatory requirement that Council Members be qualified voters of the City and simplifies language disqualifying members for conviction of crime involving moral turpitude.

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## **ARTICLE III. – MAYOR**

### **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 **year** 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.

(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.

**Explanation:** The red-line changes to Sec. 3-5 were unanimously approved by the Commission on February 28, 2024. The word “year” in subsection (5) appears to have been missing, although clearly intended to be present. The word “sure” in subsection (5) and the word “such” in subsection (12) are unnecessary and are proposed to be eliminated for clarity and to result in the most concise possible language.

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### **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 ~~an~~ 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.

**Explanation:** The red-line change merely eliminates an unnecessary and extra word which creates a grammatical error to the section. This is cured with the elimination of the word

“an” from the section. This change was unanimously approved by the Commission on February 28, 2024.

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**ARTICLE IV. – DEPARTMENT OF FINANCE**

No proposed editorial changes

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**ARTICLE V. – BUDGET**

No proposed editorial changes

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**ARTICLE VI. – DEPARTMENT OF PUBLIC WORKS**

No proposed editorial changes

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**ARTICLE VII. – DEPARTMENT OF POLICE**

No proposed editorial changes

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**ARTICLE VIII. – DEPARTMENT OF FIRE**

No proposed editorial changes

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**ARTICLE IX – PERSONNEL**

No proposed editorial changes

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**ARTICLE X. – PUBLIC SCHOOLS**

No proposed editorial changes

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**ARTICLE XI. – ELECTION PROCEDURE**

No proposed editorial changes

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**ARTICLE XII. – WARDS**

No proposed editorial changes

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**ARTICLE XIII. – GENERAL PROVISIONS**

No proposed editorial changes

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**ARTICLE XIV. – COURTS**

No proposed editorial changes

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**SECTION II:  
SUBSTANTIVE CHANGES**

## **PREAMBLE**

No proposed substantive changes

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## **ARTICLE 1. – BASIC PROVISIONS**

No proposed substantive changes

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## **ARTICLE II. – CITY COUNCIL**

### **Sec. 2-3. - Compensation.**

**Current language:** 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.

**Proposed Change 1:** Should the City Council’s salary be changed to \$7,000 per year with an additional \$1,000 for the Council President?

**Note:** if this were placed on the ballot for the 2024 election, with terms ending in 2025, any change would take effect in January 2027 for the Council.<sup>1</sup>

**Proposed Change 2:** Should the City Council members receive an annual cost of living increase, to mirror the formula set out in the Mayor’s salary section (Sec. 3-3)?

**Note:** The Commission voted to approve the above changes during the May 8, 2024 meeting.

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### **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 President shall have the power to set the City Council meeting agenda with the assistance of the City Clerk and Law Department.**

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

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<sup>1</sup> This was discussed in detail but was not voted on by the Commission

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.

**Proposed Change:** Should the City Council President be given additional powers, including the power to set the City Council agenda with the assistance of the City Clerk and Law Department?

**Note:** The potential addition of a City Council Clerk, if accepted, would also impact any the proposed amended language. The red line changes above were voted on and unanimously accepted by the Commission on June 21, 2023.

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### **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 Canvassing** Clerk shall call a special election for the purpose of filling such vacancy within thirty (30) days after the vacancy occurs.

**Proposed Change:** Should any vacancy on the City Council occurring more than nine (9) months prior to the date of a future election be filled by the holding of a special election which shall be called by the Canvassing Clerk, rather than the City Clerk?

**Note:** The change as drafted was voted on and accepted by the Commission on June 21, 2023.

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### **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. 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.~~

**Proposed Change:** Should Sec. 11-14 of the Charter be stricken due to conflicting with this section (Sec. 2-7), and the first meeting date of a newly elected Council be in January rather than December following a general election?

**Note:** The Commission determined that Sec. 2-7 is in conflict with the existing Sec. 11-14. Sec. 2-7 establishes the first meeting date for a newly elected Council to be the first Tuesday after the first Monday in January following an election, whereas Sec. 11-14 provides that the first meeting date would be the first Tuesday after the first Monday in December following an election. On June 21, 2023, the Commission unanimously voted to approve the proposed change.

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

A ~~majority of the whole number quorum~~ of ~~three (3)~~ members of the Council shall ~~constitute a quorum be necessary~~ 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.

**Proposed Change:** Should Sec. 2-8 of the Charter be amended to require a minimum quorum of three members of the Council to transact business, rather than defining a quorum as a majority of the total members?

**Note:** The proposed change does not have any significant impact at this time, as the Council consists of five members. Accordingly, a “majority of the whole” would be three members anyway. However, this proposed change is forward-thinking in the event that the number of councilmembers in East Providence were to ever change. The change will set a quorum at three members, which is consistent with the current language and will maintain that set quorum number which will provide clarity and consistency in the event that the council ever expands or decreases in size. The Commission unanimously voted to approve the proposed change and transmit it to the Council on June 21, 2023.

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**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;

..<sup>2</sup>

**Proposed Change:** Should the powers of the Council in Sec. 2-9 be amended to remove the Council’s power to “distribute the work of divisions” as it conflicts with this section (Sec. 3-12) of the Charter which grants that power to the Mayor?

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.

**Note:** The Commission has determined that the existing language of Sec. 2-9 is in conflict with Sec. 3-12. Sec. 3-12 states that the distribution of the work of divisions is done at the direction of the Mayor, while the existing Sec. 2-9 claims that the Council has that power. The Commission unanimously voted on June 21, 2023 to strike the conflicting language of Sec. 2-9.<sup>3</sup>

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**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.

**Proposed Change:** None.

**Note:** The Commission discussed the possibility that the Council should be given the power to reach out to Department Heads for information. This was based on a note from Councilman Lawson. However, after discussion, the Commission did not approve any proposed changes to this section, and suggests leaving the wording as is.

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<sup>2</sup> The remaining subsections (4) through (8) of Sec. 2-9 omitted for brevity. There are no proposed changes to the language or content of those subsections.

<sup>3</sup> See Sec. 3-12.

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**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.

(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.

**Proposed Change:** Should the City Clerk be appointed by the Mayor, and the Council have the power to appoint its own Clerk, which would be a new role/position called the Clerk of the City Council?

**Note:** If accepted/approved, the proposed changes would be added in new sections to Article II of the Charter, and would result in amendments to the language of Sec. 2-12. Should the City Council wish to pursue the proposed changes, the Assistant City Solicitor will draft proposed language.

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### **ARTICLE III. – MAYOR**

#### **Sec. 3-3. - Compensation.**

The Mayor shall receive such annual compensation ~~as determined by ordinance of one hundred and ten thousand dollars (\$110,000) annually~~; 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.

~~Beginning January 1, 2025 and each January 1<sup>st</sup> thereafter, the Mayor’s salary shall be increased by the total percentage increase of the consumer price index for all urban consumers (CPI-U) as published by the United States Department of Labor Bureau of Labor statistics for the northeast region for the previous calendar year, but in any event not to exceed 3% increase in any one year.~~

**Proposed Change:** Should the compensation for the Mayor be increased and include a formula for calculating a reasonable and equitable salary each year?

**Note:** The Commission voted to increase the mayor’s base salary to \$110,000 and include a formula for a cost of living adjustment salary increase each year, on March 27, 2024.

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#### **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 Canvassing~~ 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.

**Proposed Change:** Should any vacancy of the office of Mayor occurring more than six (6) months prior to the date of the next election be filled by the holding of a special election which shall be called by the Canvassing Clerk, rather than the City Clerk?

**Note:** This change mirrors the proposed change to Sec. 2-6 relating to any vacancy on the City Council. The change as drafted was voted on and accepted by the Commission on June 21, 2023.

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### **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.

**Proposed Change:** Should Sec. 2-9 be stricken in its entirety based on conflicting with Sec. 3-12?<sup>4</sup>

**Note:** The Commission has determined that the existing language of Sec. 2-9 is in conflict with Sec. 3-12. Sec. 3-12 states that the distribution of the work of divisions is done at the direction of the Mayor, while the existing Sec. 2-9 claims that the Council has that power. The Commission unanimously voted on June 21, 2023 to strike the conflicting language of Sec. 2-9.

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## **ARTICLE IV. – DEPARTMENT OF FINANCE**

**Proposed Change:** Should a new section be added to Article IV which allows for the transferal of funds from capital projects to other items, subject to a prerequisite to the allocation of such capital?

**Note:** Finance Director Malcolm Moore attended the Commission’s August 2023 meeting to answer questions regarding transferring of funds for unspent approved projects. Mr. Moore stated that money can’t be transferred from capital projects to other items, but they can move funds from one item to another. If the Council sees fit to approve this proposed change, the Assistant Solicitor has agreed to draw up language which would be something to the effect of a prerequisite to the allocation of capital.

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<sup>4</sup> See Sec. 2-9.

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**ARTICLE V. – BUDGET**

No proposed substantive changes

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**ARTICLE VI. – DEPARTMENT OF PUBLIC WORKS**

No proposed substantive changes

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**ARTICLE VII. – DEPARTMENT OF POLICE**

No proposed substantive changes

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**ARTICLE VIII. – DEPARTMENT OF FIRE**

No proposed substantive changes

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**ARTICLE IX – PERSONNEL**

~~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.~~

~~(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.~~

**Proposed Change:** Should Sec. 9-3 be eliminated?

**Note:** The Commission unanimously voted to eliminate Sec. 9-3 at its September 2023 meeting due to First Amendment concerns.

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## **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 **staggered** terms of ~~two (2)~~ **four (4)** 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.

**Proposed Change:** Should the School Committee members serve staggered terms, and shall their terms be extended from two (2) years to four (4) years?

**Note:** The Commission voted to approve the above changes during the September 2023 meeting.

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**Proposed Change 1:** Should the School Committee members receive a pay raise, increasing the committee's salary to \$7,000 per year with an additional \$1,000 for the chairperson?

**Note:** The Commission voted to approve the above changes during the August 2023 meeting.

**Proposed Change 2:** Should the School Committee members receive an annual cost of living increase, to mirror the formula set out in the Mayor's salary? See Section 3-3.

**Note:** The Commission voted to approve the above changes during the May 8, 2024 meeting.

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## ARTICLE XI. – ELECTION PROCEDURE

**Proposed Change:** Should the entirety of this Article be amended to reflect a change to partisan elections?

**Note:** The Commission voted to approve partisan elections in the City, which will impact all sections of Article XI. If approved, the language throughout the section may be amended by the Assistant Solicitor to reflect the change.

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### **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.

**Proposed Change:** Should there be a question on the ballot of the next election that East Providence have partisan elections?

**Note:** The Commission voted in August 2023 to approve partisan elections in the City, which passed on a 7-2 vote.

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### ~~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.~~

**Proposed Change:** Should Sec. 11-14 of the Charter be stricken due to conflicting with this section (Sec. 2-7), and the first meeting date of a newly elected Council be in January rather than December following a general election?

### **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.

**Note:** The Commission determined that Sec. 2-7 is in conflict with the existing Sec. 11-14. Sec. 2-7 establishes the first meeting date for a newly elected Council to be the first Tuesday after the first Monday in January following an election, whereas Sec. 11-14

provides that the first meeting date would be the first Tuesday after the first Monday in December following an election. On June 21, 2023, the Commission unanimously voted to approve the proposed change.

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**ARTICLE XII. – WARDS**

No proposed substantive changes

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**ARTICLE XIII. – GENERAL PROVISIONS**

No proposed substantive changes

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**ARTICLE XIV. – COURTS**

No proposed substantive changes

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