



# RESOLUTION OF THE CITY COUNCIL

No. 300

**EFFECTIVE August 10, 2022**

WHEREAS, On July 14, 2022, the 2022 Charter Review Commission submitted its report and recommended amendments to the Providence Home Rule Charter to the City Council; and

WHEREAS, The City Council accepted the 2022 Charter Review Commission Report on July 14, 2022, and scheduled three (3) Public Hearings on the recommended amendments; and

WHEREAS, The City Council conducted public hearings on July 25, 2022; July 26, 2022; and July 28, 2022; and

WHEREAS, The City Council considered various aspects of the 2022 Charter Review Commission Report and recommended amendments prior to action to adopt certain of the amendments on July 28, 2022; and

WHEREAS, The various amendments to the Providence Home Rule Charter adopted by the City Council must be transmitted to the Rhode Island Secretary of State no later than August 8, 2022 in order to appear on the ballot for the General Election to be held on November 8, 2022.

NOW, THEREFORE, IT IS RESOLVED, DECREED AND ORDERED:

That the following ballot question be submitted to the Rhode Island Secretary of State, as adopted on July 28, 2022:

1. *Shall Department Directors be required to appear before the City Council for re-appointment every four years. [Amends Section 302 (b)]*
2. *Shall the City Council be allowed to hire consultants by vote of a simple majority. [Amends Section 401 (d)]*
3. *Shall the removal procedure for appointed officers be defined by ordinance and allow the City Council to remove council appointees by a vote of a simple majority. [Amends Section 403]*
4. *Shall the purchasing threshold be increased from five thousand (\$5,000.00) dollars to ten thousand (\$10,000.00) dollars for regular purchasing and twenty thousand (\$20,000.00) dollars for construction contracting. [Amends Section 1007 (c)(1)]*
5. *Shall the new position of General Manager of the Water Supply Board be established with oversight authority over all personnel matters of the Water Supply Board separate and apart from the position of Chief Engineer. [Amends Section 1101(a)(3)(4)(5)and(b)]*

6. *Shall the Charter clarify that all department heads and appointed officers are subject to all applicable personnel regulations of the City. [Amends Section 1201]*
7. *Shall the number and composition of school board members be increased from nine (9) to ten (10), to include five (5) members elected in a non-partisan manner at the November 2024 general election, one from each of five (5) equal electoral regions representing the North, South, East, West, and Central areas of the City; and five (5) members appointed by the mayor with the approval of the city council, with one appointee from each of the five (5) equal electoral regions. [Amends Section 701]*
8. *Shall the terms "chairman" and "vice-chairman" be replaced with the terms "chair" and "vice-chair" wherever they appears in the charter.*
9. *Shall the City Treasurer be provided direct access to records of all receipts, appropriations, and allotments of the City, and be required to ensure compliance with the City Charter and Code of Ordinances prior to issuing any payments. [Amends Section 602]*
10. *Shall the Composition of the City Plan Commission be amended to increase representation from the general citizenry of the City of Providence. [Amends Section 1013]*

IN CITY COUNCIL  
JUL 28 2022

READ AND PASSED

JOHN J. IGLIOZZI, PRESIDENT

ACTING

CLERK

**VETO**

I HEREBY DISAPPROVE AND VETO.

DATE:

8/5/22 MAYOR

IN CITY COUNCIL  
AUG 10 2022

READ AND MAYOR'S VETO

NOT SUSTAINED

CLERK





Mayor of Providence

Jorge O. Elorza

August 5, 2022

The Honorable Members of the Providence City Council  
Providence City Hall  
25 Dorrance Street  
Providence, RI 02903

**Regarding: "Resolution forwarding Ballot Questions to the Secretary of State for placement on the November Ballot"  
Charter Recommendations**

Honorable Members of the City Council,

I thank the members of the Charter Review Commission for taking on this immensely important work. I thank them sincerely for their efforts.

During my tenure as Mayor, I have remained steadfast in my belief that improvements to Providence Public Schools will require transformative change. I know that the City Council wants to do what is best for our kids and assume that their recommendation is born out of a deep frustration with our public schools and the feeling that something dramatic needs to be done to turn things around.

**However, I believe that having elections for school board members is a terrible idea. That is why I am standing with education leaders, parents and community members to veto this proposal.**

First and foremost, there was limited community engagement and this was a decision that was driven by City Council members whom comprised a majority of the committee (5 out of 9 members). There was very limited outreach, such as proactive engagement with education leaders, parents and students, when crafting this proposal. Community members are correct to expect greater outreach and they have raised concerns of this proposal being designed without PPSD parents at the table.

This proposal would require candidates to run geographically large campaigns that would require significant resources. Successful campaigns will likely have to raise more money than Providence Council members, Representatives and State Senators. This significantly limits the pool of people who can realistically win a campaign and it could make the school board less reflective of our city.

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Mayor of Providence

Jorge O. Elorza

Also, the grave danger of electing school board members is that special interest groups will likely run their own candidates for these seats. This creates the very real risk that the interests pursued by these members will not be in the best interest of our children. We should avoid this at all cost.

I believe that the core problems with our public schools is that, in practice, the superintendent does not run the district, principals do not run their buildings, and teachers are not incentivized in the right way. The City Council's proposal will not change any of this.

I agree wholeheartedly that Providence public schools need radical change but disagree that a hybrid school board is the answer. There is no evidence showing that elected school boards are better than appointed ones in boosting student performance. And in fact, there's ample evidence showing that they are no better. I strongly believe that injecting more politics into our schools would be a terrible outcome.

There is too much at stake when it comes to our city's future and this recommendation will not help. I look forward to continue working with our city leaders to address the challenges facing our schools and providing our students the best opportunities to grow, learn and thrive.

Sincerely

A handwritten signature in black ink, consisting of stylized, overlapping loops and a long horizontal stroke extending to the right.

Jorge O. Elorza  
Mayor

City Hall, 25 Dorrance Street, Providence, RI 02903  
Phone (401) 421-7740 Fax (401) 274-8240

## **SUMMARY OF PROPOSED CITY CHARTER RECOMMENDED CHANGES**

1. Shall Department Directors be required to appear before the City Council for re-appointment every four years. [Amends Section 302 (b)].

### **302. Powers and duties of the mayor.**

The powers and duties of the mayor shall include, without limitation, the following:

(b) To appoint all heads of city departments and agencies with the approval of the city council, except as otherwise provided in this Charter, which approval shall be sought at the commencement of a mayor's four (4) year term, regardless of whether the mayor has served a previous term; and to appoint such other officials as the mayor may be empowered to appoint by this Charter or by the laws of the state, with the approval of the city council unless the power of appointment is vested in the mayor alone. Except as otherwise provided herein, all such appointees shall serve at the pleasure of the mayor. In no case shall a person serving under an acting appointment hold office on that basis for more than ninety (90) days, nor shall a regular appointee serve beyond the expiration of the term for which he or she was appointed unless reappointed in accordance herewith.

2. Shall the City Council be allowed to hire consultants by vote of a simple majority [Amends Section 401 (d)].

### **401. Legislative powers.**

The legislative powers of the city shall be vested in a city council, which shall have and exercise all powers vested in it by this Charter and by the laws of the state. The powers and duties of the city council shall include, without limitation, the following:

- (a) To enact such ordinances as the city council may consider necessary to insure the welfare and good order of the city and to provide penalties for the violation thereof;
- (b) To approve or reject all appointments submitted to the city council by the mayor pursuant to section 302(b) of Article III; provided, however, that any such appointment upon which the city council fails to act within thirty-five (35) calendar days of its submission shall be deemed to have been approved. The thirty-five (35) days shall commence with the first meeting of the city council at which the appointment appears on the agenda. The mayor may withdraw any appointment before it has been acted upon by the city council;
- (c) To adopt the annual city budget appropriation ordinance and levy taxes;
- (d) To retain by ~~two-thirds~~ majority vote of the entire city council and to fix the salaries of those consultants it deems necessary for the exercise of its functions including, but not limited to, ~~legal counsel~~, accountants, engineers, and other experts not regularly employed in any city department or service. Legal counsel shall be retained by two-thirds vote of the entire city council and to fix the salaries of Legal counsel it deems necessary for the exercise of its functions. The city council shall have the power to appropriate funds to defray the costs thereof;
- (e) To appoint officers and employees of the city as prescribed by this Charter.

3. Shall the removal procedure for appointed officers be defined by ordinance and allow the City Council to remove council appointees by a vote of a simple majority. [Amends Section 403].

#### **403. Charges against administrative personnel.**

Subject to the general laws of the state, except as otherwise provided by this Charter, the city council may bring charges against any department head or agency head, any deputy thereof, any appointive officer of the city, any appointee of the city council or any appointee of the mayor, except the staff of the mayor's office, for neglect of duty or gross misconduct having an effect upon the discharge of the duties of such person. Any such charges which the city council should choose to bring shall first be presented to the mayor, in writing. Not less than thirty (30) days after the delivery of such charges, the city council shall order a public hearing thereon, which hearing shall be held only after due notice to such person of the details of such charges and with reasonable provision for answer by said individual. The person so charged shall have the right to be heard, to be represented by counsel, and to request the city council to compel the attendance of witnesses and production of evidence, including relevant records of the city.

After such hearing is concluded, the city council may, upon the affirmative vote of at least two-thirds of all of its members, suspend or dismiss ~~the person charged~~ any department head or agency head, any deputy thereof, any appointive officer of the city, whereas a majority vote of all of its members is required to dismiss any appointee of the city council. Such action shall be final and not subject to veto by the mayor.

The hearing process may be specified in this charter or by ordinance.

4. Shall the purchasing threshold be increased from five thousand (\$5,000.00) dollars to ten thousand (\$10,000.00) dollars for regular purchasing and twenty thousand (\$20,000.00) dollars for construction contracting. [Amends Section 1007 (c)(1)]

#### **1007. Board of contract and supply.**

There shall be a board of contract and supply whose members shall consist of the mayor, the president of the city council, the finance director, the city controller, the chairperson of the committee of the city council with jurisdiction over city property, the chairperson of the committee of the city council with jurisdiction over budgetary and financial matters, the director of public works, the commissioner of public safety, the city treasurer, the director of public property, the chairperson of the water supply board and the president of the school committee, all ex officio. In the absence of any of the above-named members, a deputy shall serve in the place of said member. On the first Monday of January, 1983, or as soon thereafter as may be practical, the members of the city council who are members of a political party or parties other than that of the mayor, or are independents, shall elect from their total number one member to serve on said board for a term of four (4) years. Any vacancy that may occur in the office of an elective member shall be filled for the unexpired term by those members of the city council eligible to



vote for that elective member under the terms of this subsection. Failure to elect such elective member shall in no case prevent said board from acting. The city assessor shall likewise be, ex officio, a member of the board for such purposes as may be declared by ordinance.

- (a) The mayor, or in the absence of the mayor, the president of the city council, shall be the chairperson of said board. The city clerk, or in the absence of the city clerk, one of his or her deputies, shall act as clerk of said board.
- (b) In addition to the membership established herein, the city council, by ordinance, may appoint the heads of other city departments or agencies to the membership of the board of contract and supply, but may not deny membership to any member so named in this subsection unless the department or agency of which said member is the head shall have been abolished.
- (c) It shall be the responsibility of the board of contract and supply:

- (1) To make all contracts for purchase of materials, supplies, services, equipment and property on behalf of the city, the price or consideration of which shall exceed ~~five~~ ten thousand dollars (~~\$5,000.00~~) (\$10,000.00), and twenty thousand dollars (\$20,000.00) for construction contracting on the basis of sealed bids solicited through public advertisement in a newspaper of general circulation in Providence, such bids to be submitted, opened and considered in accordance with rules and regulations approved by the board. The city council may increase the figures of ~~five~~ ten and twenty thousand dollars (~~\$5~~ 10,000.00 and \$20,000.00) by a two-thirds vote following a public hearing, but no more often than once every five (5) years;

- (2) To insure before a contract is entered into that there exists sufficient appropriation to pay the cost thereof;

- (3) To reject any or all bids submitted to it for a specific purpose if it considers that the public interest will be best served thereby.

- (d) The board of contract and supply shall have the authority to enter into agreements with the state, or the United States, or any public body having authority to condemn property of the city, with respect to the value of any such property so taken; and shall have the authority to employ such experts as it shall deem necessary to assist it in the purchase of real estate, or in connection with the condemnation thereof, under such terms and conditions as the city council may set.

- 5. Shall the new position of General Manager of the Water Supply Board be established with oversight authority over all personnel matters of the Water Supply Board separate and apart from the position of Chief Engineer. [Amends Section 1101(a)(3)(4)(5)and(b)]

## **1101 - Water supply board.**

There shall be a water supply board which shall consist of the director of finance, ex officio, and six (6) other members, four (4) of whom shall be appointed by the mayor for four-year terms arranged in such a manner that the term of one appointed member shall expire annually and two (2) of whom shall be elected by the city council from among its members to serve for a term of four (4) years. The city council may elect members to the water supply board who are not presently members of the city council, provided that such members serve a term concurrent with the term of the city council. Annually at its first meeting following the qualification of new members, the board shall elect one of its appointive members to serve as chairperson. In the event of a vacancy in the office of chairperson, the board shall fill the vacancy for the balance of the term. No member of the board shall continue in office after his or her term expires without being reappointed by the mayor or re-elected by the city council as the case may be.

- (a) Powers and duties. The powers and duties of the water supply board shall include, without limitation, the following:
  - (1) To supervise, manage and control water collection, storage, purification, and distribution system of the city and other areas within its jurisdiction;
  - (2) To protect and conserve the water supply of the city and other areas within its jurisdiction;
  - (3) To appoint for a period of not more than five (5) years a general manager who shall have at least a bachelor's degree from an accredited college or university and five (5) or more years of supervisory experience in the administration of a utility system.
  - ~~(3)~~(4) To appoint for a period of not more than five (5) years a chief engineer who shall be a professional engineer with at least five (5) years of service as such; and to remove the general manager or chief engineer for official misconduct or failure to perform the duties of the office, after notice and hearing, by a vote of a majority of its members.
  - ~~(4)~~(5) To appoint a legal advisor, subject to the approval of the mayor, to hold office at the pleasure of the board, for the purpose of advising the water supply board upon all questions involving its official actions and business; provided that said legal advisory shall be subordinate to the city solicitor and in all litigation to which the city may be a party, said legal advisor shall be under the direction of the city solicitor.
- ~~(b)~~ General manager's ~~Chief engineer's~~ powers and duties. The general manager ~~chief engineer~~ shall have sole charge of the city water system in every particular, being subject at all times to the prescribed orders and direction of the water supply board, and shall personally attend to all administrative and supervisory details of operating the water system, including personnel matters, subject to the orders and direction of the board. The general manager ~~chief engineer~~ shall annually prepare a report for presentation to the board, mayor and city council containing a description of the general operation of the water system, a detailed statement of expenditures and income and such other data and information as the board may require.

6. Shall the Charter clarify that all department heads and appointed officers are subject to all applicable personnel regulations of the City. [Amends Section 1201]



## **1201. General provisions for departments.**

The following provisions shall apply to all heads of departments and to all departments of city government, subject to any exceptions and qualifications set forth in this Charter or in state law.

(a) Qualifications of department heads. It shall be the responsibility of the mayor in the making of all appointments of department heads pursuant to section 302(b), to appoint, and it shall be the responsibility of the city council to approve, only persons who are qualified by training, education or previous experience for the positions they are to hold, and who meet the qualifications for any such position as may be specified in this Charter or by ordinance. All department heads shall be subject to applicable personnel regulations that may hereafter be adopted.

7. Shall the number and composition of school board members be increased from nine (9) to ten (10), to include five (5) members elected in a non-partisan manner at the November 2024 general election, one from each of five (5) equal electoral regions representing the North, South, East, West, and Central areas of the City; and five (5) members appointed by the mayor with the approval of the city council, with one appointee from each of the five (5) equal electoral regions [Amends Section 701]

## **701. Number, selection and term [of school board.]**

(a) Commencing January 1, 2025, there shall be a school board consisting of ~~nine (9)~~ ten (10) members, five (5) members who shall be appointed by the mayor with the approval of the city council and five (5) members who shall be elected at the November 2024 general election, one from each of the five regions as specified in Section 201 of this Charter. Commencing January 1, 2025, Of of the ~~nine (9)~~ five (5) members first appointed, ~~three (3)~~ one (1) shall serve a term of one year, ~~three (3)~~ two (2) shall serve a term of two (2) years and ~~three (3)~~ two (2) shall serve a term of three (3) years. All subsequent appointments or reappointments shall be for a term of three (3) years. No more than one (1) individual shall be appointed by the Mayor from each of the five (5) electoral regions as set forth in Section 201 of this Charter. No appointed member shall continue in office after his or her term expires without being reappointed by the mayor with approval of the city council. Elected members shall be selected in a nonpartisan election and shall serve four-year terms.

(b) The mayor shall be empowered to appoint a school board nominating committee with responsibility to narrow the field of school board appointees.

## **702. Qualifications.**

Members of the school board shall be domiciliaries of the city and qualified electors of the city. Additionally, elected school board members shall be a qualified elector of the region from which the elected member of the school board was elected. ~~They~~ School board members shall hold no

other paid office or employment in the service of the city and shall not be financially interested directly or indirectly in any contract concerning the public schools. The credentials of ~~both~~ school board appointees and nominating committee members shall reflect ethnic and racial diversity, and diversity of backgrounds, experiences and training that are representative of the city.

### **703. Vacancies.**

If during a term of office any appointed school board member dies, resigns or ceases to possess any of the qualifications set forth above, the mayor shall thereupon declare the office vacant and shall fill such vacancy for the remainder of the term with the approval of the city council.

Vacancies of elected school board members are subject to the provisions provided in section 206 of Article II of this Charter.

### **707. Budget.**

Annually at the time and in the manner provided in Article VIII, section 802 for all city departments, the school board shall submit to the finance director an itemized budget, including an itemized estimate of the anticipated revenue and the proposed expenditures necessary to meet the financial needs of the school department, including sums for the promotion of health of the school children for the ensuing fiscal year, together with such other supporting information as the finance director may direct.

The finance director, under the supervision of the mayor, may revise the estimates as submitted by the school board, and the mayor shall present to the city council the recommended budget for the operation of said school board in the same manner as required by Article VIII, section 803 for any other city department.

The city council shall have the power and authority to act on the school budget in the same manner and to the same extent it may act on the budgets of other city departments, and the city council may appropriate funds to the school department in lump sum or in such detail as it deems necessary and appropriate. The total amount or amounts so appropriated to the school department shall include all revenues from whatever source derived, and the department of finance shall be charged with the responsibility of insuring that no expenditures are made or obligations created by the school board which are in excess of the amount or amounts so appropriated or of such amounts as may be amended by the city council.

There shall be no change to the budget process as set forth in this section with the establishment of a hybrid elected school board set forth in section 701 of Article VII of this Charter.

### **201. Elected officials.**

The elected officials of the city shall consist of a mayor, who shall be elected at-large by the qualified voters of the City of Providence, ~~and~~ a city council which shall consist of fifteen (15) members, one elected from each of the fifteen (15) wards into which the city shall be divided pursuant to section 204 of this article; and an elected school board consisting of five (5) members, one elected from each of the five (5) regions into which the city shall be divided pursuant to section 204 of this article.

## **202. Date of election and terms of office.**

The mayor, ~~and~~ the members of the city council and elected members of the school board shall each be elected for a term of four (4) years at a general city election to be held on the Tuesday next after the first Monday in November, A.D. 1982, and each fourth year thereafter. Said elections shall be conducted pursuant to applicable provisions of state election law, and the provisions of any special acts relating to the city. The term of office of the mayor, ~~and~~ the terms of office of the members of the city council, and the terms of the elected members of the school board shall begin on the first Monday in January next following their election, and each person shall hold office until his or her successor is elected and qualified; provided, however, that no such office becomes vacant before the end of the term as a result of a recall pursuant to section 208 of this article, or from other causes, pursuant to section 206 of this article. The mayor shall be limited to serving two (2) consecutive full terms (excluding any partial term of less than two (2) years previously served); and council members shall be limited to serving three (3) consecutive full terms (excluding any partial term of less than two (2) years previously served).

## **204. Wards, ~~and~~ ward boundaries, regions and region boundaries.**

The city shall be divided into fifteen (15) council wards; and five (5) school board regions, the boundaries of which shall be drawn pursuant to the provisions of this section.

- (a) The city council shall, following each federal decennial census, enact an ordinance providing for the establishment of the boundary lines of the fifteen (15) council wards, and five (5) school board regions of the city, said boundary lines to be established following the federal census of 1980, and to be revised as necessary to conform to the criteria set forth in subsection (b) of this section, following the federal census of 1990 and each census thereafter.
- (b) The procedure for establishing or revising the council ward and school board region boundary lines, as the case may be, shall be the following:
  - (1) At its first meeting in September, 1981, 1991, 2001 and 2011, and at its first meeting in January each tenth year thereafter, the city council shall elect a committee on ward boundaries of five (5) members, who may be members of the city council or other qualified persons who are electors of, and are domiciled in, the city as defined in

Section 206 below. Three (3) members are to be elected by the majority party, and two (2) members are to be elected by the members of the city council who are not members of that party. The committee shall draw up a plan for establishing or revising the council wards and school board regions subject to the following requirements:

- (A) The committee will hold at least four (4) public meetings, during which public comment will be accepted, at various locations throughout the City of Providence before designating a map to submit to the city council for approval;
  - (B) The committee will provide public notice at least seventy-two (72) hours before holding its meeting to approve the final map that is submitted to the city council for approval. Public comment will be accepted at this meeting prior to the vote;
  - (C) The committee will submit with the final map a written report of findings and reasons for adoption which includes notation of all criteria employed in the process and a full analysis and explanation of decisions made by the committee;
  - (D) All committee meetings will comply with the Open Meetings Act.
- (2) Upon receiving the plan, the city council shall hold at least one public hearing thereon, following the completion of which the city council shall adopt the plan as presented or with such amendments as it shall think proper. Final approval will require two (2) separate votes by the city council, with the second vote taking place no sooner than seventy-two (72) hours after the first one. Final approval will require a vote of at least two-thirds ( $\frac{2}{3}$ ) of all city council members attending the meeting at which the vote is taken.
  - (3) The procedure set forth in this subsection shall be completed no later than March 1, 1982, in the case of the committee appointed in September, 1981, 1991, 2001 and 2011 and May first of each tenth year thereafter.
- (c) The committee on ward boundaries and the city council shall insure that said boundaries are drawn in accordance with the following criteria:
- (1) Equality of ward, and region, populations so far as practicable;
  - (2) Contiguousness of the territory of each ward and region;
  - (3) Wards and regions shall comply with the federal Voting Rights Act (42 U.S.C. Sec. 1971 and following).
  - (4) The geographic integrity of any local neighborhood, or local community of interest, shall be respected in a manner that minimizes their division to the extent possible



without violating the requirements of any of the preceding subdivisions. A community of interest is a contiguous population which shares common social and economic interests that should be included within a single ward for purposes of its effective and fair representation. Examples of such shared interests are those common to an urban area, an industrial area, and those common to areas in which the people share similar living standards, use the same transportation facilities, have similar work opportunities, or have access to the same media of communication relevant to the election process. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

- (5) To the extent practicable, and where this does not conflict with the criteria above, wards and regions shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant population.
- (6) The place of residence of any incumbent or political candidate shall not be considered in the creation of a map. Council wards and school board regions ~~Districts~~ shall not be drawn for the purpose of favoring or discriminating against an incumbent, political candidate, or political party.
- (d) If the Charter is revised to change the number of ~~ward-based districts~~ council wards or school board regions for an election to take place prior to the next decennial census, the city council will determine the new council ward and school board region boundaries in compliance with the procedures and standards set forth above, except that the date for forming the ward boundaries committee will be January 1 of the year preceding the election, and the date for completing the ward and region boundary map will be May 1 of the year of the election.

## **205. Swearing in of elected officials.**

The mayor, ~~and~~ the members of the city council, and the elected members of the school board, before taking office, shall first be sworn or affirmed to the faithful discharge of their duties, and to the support of the Constitution and laws of the State of Rhode Island and of the Constitution of the United States, in the form and manner provided by law. The oath shall be administered by the judge of the probate court of the City of Providence, or in the judge's absence by the clerk thereof; such oath shall be administered only to a candidate or candidates to whom a certificate of election has been issued as required by law; provided, however, that said oath may be refused to any candidate where the election of such candidate shall have been declared void by a court of competent jurisdiction.

## **206. Vacancies in elective offices.**

(a) Vacancies in the offices covered by the provisions of this article shall be defined and filled pursuant to the provisions of this section. For the purposes of this section, a vacancy in a city elective office shall be declared to exist by the city council in the event the incumbent thereof:

(1) Dies;

(2) Holds any other elective public office carrying a salary, whether such office be municipal, state, or federal;

(3) Ceases to be domiciled in, and a qualified elector of, the city; or, in the case of a member of the city council, ceases to be domiciled in, and a qualified elector of, the ward from which the member of the city council was elected; or, in the case of an elected school board member, ceases to be domiciled in, and a qualified elector of, the region from which the elected member of the school board was elected. As used herein, domiciled shall mean "that place where a person has his or her, true, fixed, and permanent home and principal establishment, and to which whenever he or she is absent has the intention of returning";

(4) Resigns;

(5) Is convicted of a felony or a crime of moral turpitude and has exhausted all appeals from said conviction;

(6) Is recalled as provided hereafter; or

(7) Is otherwise permanently incapable of performing his or her duties of office.

The city council shall provide by ordinance such definitions and procedures as may be necessary and appropriate to carry out its duties under this section, including but not limited to the suspension of an official convicted of a felony from performing any official duties until said official's status is finally determined.

(b) If a vacancy occurs in the office of mayor, ~~or~~ of a member of the city council or of an elected school board member more than one hundred eighty (180) days before the time of holding the next succeeding regular city election, the city council shall call a special election for the purpose of filling such vacancy for the remainder of such person's term, such special election to be held within ninety (90) days of the date of the occurrence of such vacancy. If any such vacancy occurs one hundred eighty (180) days or less before the time of holding the next succeeding regular city election, the city council shall call a special election for said purpose, to be held within said period of ninety (90) days, on demand in writing signed by at least one-third of all the members of the city council, and filed with the board of canvassers and the city clerk at least one hundred (100) days prior to the time of holding the next succeeding regular city election. In the event that any state election, regular or special, or any city election for any other purpose shall be held within said period of ninety (90) days, the city council may in its discretion order any special election required by the provisions of this section to be held at the same time as such other city or state election.

## **207. Enforcement.**

In the event that the city council does not declare a vacancy in the city council or the elected school board pursuant to section 206(a) above, any fifty (50) qualified electors of a single ward, or single region as it pertains to an elected school board member, may file a signed statement with the city clerk charging that the member of the city council elected from said ward, or that the elected school board member from said region, has ceased to possess one or more of the qualifications of office, and stating the particulars as to what lack of qualifications is charged. The city clerk shall present the charges to the city council at its next regular meeting, and at such meeting, the city council shall set a time and place for the holding of a public hearing thereon. Such hearing shall be held not more than fifteen (15) days after said meeting of the city council, and the city council shall determine whether the charges shall be sustained. Upon the affirmative vote of two-thirds of the entire city council, the seat shall be deemed vacant and shall be filled pursuant to the provisions of section 206(b) above.

## **208. - Recall.**

The mayor, ~~and~~ members of the city council or an elected school board member may be removed from office by recall, provided that recall may not be initiated during either the first six (6) months or the last year of an incumbent's term. The procedure to accomplish removal by recall shall be as follows:

- (a) A declaration of intent to petition for recall shall be filed with the city clerk; in seeking recall of the mayor said declaration shall include the signatures of one thousand (1,000) qualified city electors, or in the case of members of the city council or elected school board member shall include the signatures of three hundred (300) qualified electors of the ward, or region as it pertains to an elected school board member, from which such member was elected;
- (b) Within one hundred twenty (120) days of the presentation of said declaration, a written petition demanding the removal of the mayor, ~~or~~ member of the city council or elected school board member shall be filed with the city clerk. When removal of the mayor is demanded, said petition shall include the signatures of fifteen (15) per cent of all qualified city electors, provided that no more than fifteen (15) per cent of the total signatures thereon may be from any one ward of the city. When removal of a member of city council is demanded, said petition shall include the signatures of twenty (20) per cent of the qualified electors of the ward from which such member of city council was elected. When removal of a member of the elected school board is demanded, said petition shall include the signatures of twenty (20) per cent of the qualified electors of the region from which such member of the school board was elected. The signatures on any recall petition provided for in this subsection may be on separate papers, but to each separate paper there shall be attached a signed statement of the circulator thereof, who states therein under oath, that each signature appended to said paper was made in the presence of the circulator. All such papers comprising a recall petition may be bound together and filed as one instrument at one time, or may be filed at different times as separate papers;

provided, however, that all such separate papers must be filed within the time limit set in this subsection.

- (c) The city clerk shall refer said petition forthwith to the board of canvassers which shall within ten (10) days from the date of the filing of such petition examine it and shall from the voters registered determine the sufficiency thereof and certify the results to the city council forthwith; if the examination shows that the petition contains the requisite number of signatures, the city council shall order and fix, forthwith, a date for holding an election, which date shall not be less than thirty (30) nor more than sixty (60) days from the date that the board of canvassers certified the petition as sufficient;
- (d) Each ballot at such election shall have printed thereon the following question: "Shall (name of person) be removed from the office of (name of office)?" Immediately following such question, there shall be printed on the ballot the following two (2) propositions in this order:  
  
"Yes"  
  
"No"
- (e) In any such election, if a majority of the votes cast on the question of removal is affirmative, the person whose removal is sought shall thereupon be deemed removed from office as of certification of the results by the board of elections.
- (f) The city council may, through ordinance, make other and further regulations for carrying out the provisions of this section not inconsistent herewith.

- 8. Shall the terms "chairman" and "vice-chairman" be replaced with the terms "chair" and "vice-chair" wherever they appears in the charter.

Shall the words Chairman/Vice Chairman be changed to Chairperson/Vice Chairperson wherever they appear in the Charter.

- 9. Shall the City Treasurer be provided direct access to records of all receipts, appropriations, and allotments of the City, and be required to ensure compliance with the City Charter and Code of Ordinances prior to issuing any payments. [Amends Section 602]

## **602. - City treasurer.**

(a) *Election and term.* On the first Monday in January, 1983, or as soon thereafter as may be practical, and every four (4) years thereafter on the first Monday in January, or as soon thereafter as may be practical, the city council shall elect, by a vote of a majority of all of its members, a city treasurer who shall be a college graduate and shall have training and at least five (5) years'



experience in fiscal management or the equivalent training or experience. The city treasurer shall serve until a successor shall have qualified; provided, however, that in the event of a vacancy in said office, such vacancy shall be filled within thirty (30) days of its occurrence by a majority of the entire city council for the remainder of the term. The city treasurer shall have the status of a department head and shall have all powers and perform all duties vested in the office of the city treasurer by the provisions of this charter or otherwise.

(b) [*Powers and duties.*] The powers and duties of the city treasurer shall be, without limitation, the following:

- (1) ~~To maintain, independent of the city controller, a schedule of appropriations and allotments as approved by the city council; To have direct access to records to all receipts, appropriations, and allotments of the city.~~
- (2) To review the decisions of the controller as to the ~~sufficiencies~~ sufficiency of funds ~~and in conformity with the Home Rule Charter and Code of Ordinances~~ before approving payment of any bill, payroll or other claim, demand or charge against the city;
- (3) To ~~maintain~~ have direct access to records which accurately reflect the financial condition of the city;
- (4) To have custody of all public funds belonging to or under the control of the city, or any office, department or agency of city government;
- (5) To select depositories from among those financial institutions approved by the finance director pursuant to Article VIII, section 813(a)(6), and deposit all funds coming into the treasurer's hand in such depositories, subject to the requirements of all as to surety and the payment of interest on deposits; but all such interest shall be the property of the city, and shall be accounted for and credited to the proper account;
- (6) To have custody of all investments and invested funds of the city government, or in possession of such government, in a fiduciary capacity, and have the safekeeping of all bonds and notes of the city and the receipt and delivery of city bonds and notes for transfer, registration, or exchange;
- (7) To supervise the preparation of bond ordinances, bonds, advertisements for sale of bonds and delivery of bonds, subject to provisions of state law and city ordinance.

10. Shall the Composition of the City Plan Commission be amended to increase representation from the general citizenry of the City of Providence. [Amends Section 1013]

**1013. - City plan commission.**

There shall be a city plan commission of seven (7) members. The mayor shall appoint, and the city council approve, five (5) members, who shall be qualified voters of the city, to serve for staggered five-year terms, with appointments arranged so that the term of one member shall expire each year. One member shall have experience in real estate, development or finance; one member shall have experience in city planning, architecture or urban design; ~~one member shall have experience in human services or environmental sciences~~; and ~~two~~ three (3 ~~2~~) members shall represent the general citizenry of the city. The president of the city council and the mayor, or their designees, shall serve as members, ex officio. Any vacancy among the appointed members of the commission shall be filled by the mayor with the approval of the city council to serve for the remainder of the unexpired term. No member shall serve beyond the date of expiration of said term unless reappointed.