

TECHNICAL AMENDMENT TO THE CHARTER OF THE CITY OF EAST PROVIDENCE

The Charter of the City of East Providence is hereby amended to read as follows.

PREAMBLE

We, the people of the Town 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.

ARTICLE I. BASIC PROVISIONS

Sec. 1-1. City status.

Sec. 1-2. Form of government.

Sec. 1-3. Powers of city.

Sec. 1-1. City status.

The people of the ~~€Town~~ of East Providence, within the corporate limits as not 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.

Sec. 1-2. Form of government.

The municipal government provided by this Charter shall be known as the ~~mayor-council-manager~~ government. Pursuant to its provisions and subject only to the limitations imposed by the state constitution and by this Charter, all powers of the city shall be vested in ~~an elective council, which shall determine policies, enact local legislation and appoint the city manager, who shall execute the laws and administer the government of the city under the authority of the council.~~ in a chief executive to be known as the mayor and a legislative body to be known as the city council.

Sec. 1-3. Powers of city.

The city shall have all the powers granted to cities by the home rule and other provisions of the constitution and general laws of this state together with all such additional powers as hereafter may be granted to the city by the laws of the state, together with all the implied powers necessary to carry into execution the powers granted. The city may acquire property within or without its corporate limits for any city purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interests may require; and, except as prohibited by the constitution of this state or restricted by this Charter, the city shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The enumeration of particular powers by this Charter shall not be deemed to be exclusive, and in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the city shall have and may exercise all powers which, under the constitution of this state, it would be competent for this Charter specifically to enumerate. Furthermore, all laws relating to the Town of East Providence are hereby superseded to the extent that the same are inconsistent with the provisions of this Charter, except such laws as are enacted in accordance with powers reserved to the general assembly by the constitution of the state.

ARTICLE II. CITY COUNCIL

Sec. 2-1. Number, selection and term.

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

Sec. 2-3. Salary.

Sec. 2-4. Presiding officer; ~~mayer~~ president; ~~assistant mayer~~ vice president; salary.

Sec. 2-5. Council to be judge of qualifications of its members; review by courts.

Sec. 2-6. Vacancies.

Sec. 2-7. Meetings generally; special meetings.

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

Sec. 2-9. Powers.

~~Sec. 2-10. Appointment of city manager.~~

~~Sec. 2-11. Term and removal of city manager.~~

Sec. 2-12. Council not to interfere in appointments or removals by ~~city manager~~ mayor; council to act through ~~city manager~~ mayor in dealing with subordinates.

Sec. 2-13. Creation of new departments or offices; change of duties.

Sec. 2-14. Probate court.

Sec. 2-15. Canvassing authority.

Sec. 2-16. City clerk.

~~Sec. 2-17. City solicitor.~~

Sec. 2-18. Planning board.

Sec. 2-19. Zoning board.

Sec. 2-20. Sinking fund board.

Sec. 2-21. Independent audit.

Sec. 2-22. Procedure of the council with regard to ordinances.

Sec. 2-1. Number, selection and term.

The council shall have five [5] members, one to be elected from any by the electors of each of the four [4] wards of the city, and one to be elected at large, for a term of two (2) years or until a majority of the newly elected council have qualified and have taken office.

~~(Election of 11-6-12)~~

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

~~Councilmen~~ Council members shall be qualified voters of the city and shall hold no other public office or employment in the service of the city, ~~or of the state or federal government, except that of notary public or member of the National Guard or military reserve.~~ If a ~~councilman~~ 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.

Sec. 2-3. Salary.

The annual salary of ~~councilmen~~ council members shall be ~~seven hundred fifty (\$750)~~ three thousand five hundred (\$3,500.00) dollars-until changed by ordinance, but shall not be increased during the current term of ~~councilmen~~ council members enacting such ordinance.

~~Editor's note—~~

~~The annual salary of councilmembers is now \$3,500.00~~

Sec. 2-4. Presiding officer; ~~mayor president; assistant mayor vice president;~~ salary.

The council shall elect an officer of the city who shall have the title of ~~mayor president~~, and shall preside at meetings of the council, ~~and shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law, but shall have not regular administrative duties.~~ The council shall also elect ~~an assistant mayor~~ a vice president who shall act as ~~mayor president~~ during the absence or disability of the ~~mayor president~~ and if a vacancy occurs shall become ~~mayor president~~ for the completion of the unexpired term. Both the ~~mayor president~~ and the ~~assistant mayor vice president~~ shall be elected from among the ~~councilmen~~ council members. The ~~mayor president~~ shall receive ~~two hundred fifty (\$250)~~ one thousand (\$1,000.00) dollars annually, in addition to his or her salary as ~~councilman~~ a council member until changed by ordinance, but the amount shall not be increased during the current term of ~~councilmen~~ council members enacting such ordinance. The ~~assistant mayor vice president~~ while performing the duties of the ~~mayor president~~ in the absence or disability of the ~~mayor president~~ shall receive such compensation as the council may by ordinance prescribe not to exceed the amount allowed to the ~~mayor president~~ for such services.

~~Editor's note—~~

~~The annual salary of the mayor is now \$4,500.00.~~

Sec. 2-5. Council to be judge of qualifications of its members; review by courts.

The council shall be the judge of the election and qualifications of its members and for such purposes shall have power to subpoena witnesses and require the production of records, but the decision of the council in any such case shall be subject to review by the courts.

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

Sec. 2-7. Meetings generally; special meetings.

The first meeting of a newly elected council shall be held ~~at noon on the first Monday of the month immediately following the regular~~ on the first Tuesday after the first Monday in December following a City general election. The city clerk shall preside until a president of council is elected. The council shall determine the time and place for holding its regular meetings, and shall meet at least twice each month, except in July and August when it shall meet at least once each month. All meetings of the council shall be open to the public, and citizens shall have a reasonable opportunity to be heard in such manner and subject to such reasonable restrictions as the rules of the council provide in accordance with state law, except the council may upon the affirmative vote of a majority of its members authorize an executive session in accordance with state law. A special meeting of the council shall be called by the city clerk at the request of the president of council or a majority of the members of the council. Notice of a special meeting shall be served upon each member in person or left at his/ or her usual place of residence at least forty-eight (48) hours previous to the time of such meeting. Nothing herein shall prevent the council from holding an emergency meeting, upon an affirmative vote of a majority of the members of the body when the meeting is deemed necessary where the public welfare so requires. If such an emergency meeting is called, a meeting notice and agenda shall be posted as soon as practicable. The purpose of

a special meeting shall be stated in the notice of the meeting and no business shall be transacted at any special meeting other than that which has been stated in the notice.

~~(Amd. No. IV, 11-5-91)~~

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

A majority of the whole number of members of the council shall constitute a quorum 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.

Sec. 2-9. Powers.

~~All~~ The legislative powers of the city ~~and the determination of all matters of policy~~ 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) Appoint and remove the city manager;~~
- (3) Establish ~~other~~ administrative departments and distribute the work of divisions;
- (4) Adopt the budget of the city;
- (5) Authorize the issuance of bonds by a bond ordinance;
- (6) Provide for an independent audit;
- (7) Inquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs;
- (8) 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;

- (9) Grant, suspend or revoke licenses, or, by ordinance, delegate to the ~~city manager~~ 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 ~~city manager~~ 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 aggrieved by the decision of the ~~city manager~~ 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. Appointment of city manager.~~

~~The council shall appoint an officer of the city who shall have the title of city manager and shall have the powers and perform the duties provided in this Charter. No councilman elected under the provisions of this Charter shall receive such appointment during the term for which he shall have been elected, nor within one (1) year after the expiration of his term.~~

~~Sec. 2-11. Term and removal of city manager.~~

~~The council shall appoint the city manager for an indefinite term and may remove him by a majority vote of its members. At least thirty (30) days before such removal shall become effective, the council shall by a majority vote of its members adopt a preliminary resolution stating the reasons for his removal. The manager may reply in writing and may request a public hearing which shall be held not earlier than twenty (20) days nor later than thirty (30) days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the council by majority vote of its members may adopt a final resolution of removal. By the preliminary resolution the council may suspend the manager from duty, but shall in any case cause to be paid him forthwith any unpaid balance of his salary for the next three (3) calendar months following adoption of the preliminary resolution.~~

Annotation—City manager serves at will of council, and council may remove city manager with or without cause. *Reynolds v. Lamb*, 102 R. I. 557, 232 A. 2d 375 (1967).

Sec. 2-12. Council not to interfere in appointments or removals by ~~city manager~~ mayor; council to act through ~~city manager~~ 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 ~~city manager~~ 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 ~~city manager~~ mayor and neither the council nor any member thereof shall give orders to any subordinates of the ~~city manager~~ mayor, either publicly or privately. Any ~~councilman~~ 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 ~~councilman~~ council member.

Sec. 2-13. Creation of new departments or offices; change of duties.

The council by ordinance may create, change, and abolish offices, departments or agencies, other than those established by this Charter.

The council by ordinance may assign additional functions or duties to offices, departments or agencies established by this Charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency.

Sec. 2-14. Probate court.

- (1) The powers and duties of a probate court for the city shall be exercised and performed by a judge of probate.
- (2) The judge of probate shall be an attorney-at-law in good standing who has been admitted to the practice of law in this state. A preference in hiring shall be given to those residents of the city who apply for this position.
- (3) The council by resolution shall appoint a judge of probate to serve for a term of office concurrent with that of the council and until his or her successor is appointed and qualified.
- (4) In the absence, disability or disqualification of the judge of probate so that he or she is unable to perform his or her duties, the city solicitor shall serve as

acting judge of probate and when so serving shall have and exercise all the powers and duties of the judge of probate.

~~{Amend. passed by voters, 11-6-12}~~

Sec. 2-15. Canvassing authority.

There shall be a bipartisan canvassing authority elected by the city council as provided by the constitution and laws of the state. ~~Within sixty (60) days after the effective date of this Charter the city council shall elect three [3] canvassers to serve for two [2], four [4] and six [6] years respectively and shall thereafter, at its first meeting in May of each election year, elect one member to serve for a term of six [6] years. All of the powers and duties now vested in the board of canvassers and registration shall vest in said canvassing authority.~~

Sec. 2-16. City clerk.

- (1) The council shall elect 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 court;
 - (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.

~~{Amend. passed by voters, 11-6-12}~~

Sec. 2-17. City solicitor.

~~The council shall elect an officer of the city who shall have the title of city solicitor. The solicitor shall be an attorney at law in good standing who has been admitted to practice in the state. The city solicitor shall be attorney for the city and legal advisor of the council and of all officers, departments, and agencies and shall perform such other duties as may be prescribed by the council. A preference in hiring shall be given to those residents of the city who apply for this position.~~

~~{Amend. passed by voters, 11-6-12}~~

Sec. 2-18. Planning board.

The council shall provide by ordinance for the appointment of a planning board whose members shall be qualified electors of the city. The planning board shall serve in an advisory capacity to the several officers, departments and agencies of the city and shall make studies of the resources and needs of the city with reference to its growth and development.

Sec. 2-19. Zoning board.

The council shall provide by ordinance for the appointment of a zoning board whose members shall be qualified electors of the city, and an advisor to the board who shall be a competent building contractor. The zoning board shall have power to hear and determine appeals from original actions on requests for building permits and to allow exceptions to or variations from the zoning regulations in certain classes of cases or situations as may be provided by ordinance.

Sec. 2-20. Sinking fund board.

The council shall provide by ordinance for a board to supervise the sinking fund until the funded indebtedness of the city not provided for by serial bonds is fully paid.

Sec. 2-21. Independent audit.

- (1) The council shall cause to be made an annual independent audit of the books, accounts and other evidences of financial transactions of the city to be conducted either by state auditors or a certified public accountant having no personal interest therein. If such audit is made by a private firm of certified public accountants, such firm shall be changed at least every five (5) years. A copy of the audit report shall be filed with the city clerk and shall be a public record.
- (2) If the council shall fail to provide for an independent audit not later than the close of any fiscal year, the proper officers of the state concerned with the municipal audits hereby are authorized to conduct such audit, and the city clerk shall notify the state in writing that such audit is authorized to be conducted under the provisions of this Charter.

Sec. 2-22. Procedure of the council with regard to ordinances.

- (1) *Acts by ordinance.* In addition to such acts of the council as are required by statute or by this Charter to be by ordinance, every act of the council establishing a fine or other penalty or providing for the expenditure of funds or for the contracting of indebtedness, shall be by ordinance. The enacting clause of all ordinances shall be, "The Council of the City of East Providence hereby ordains:"
- (2) *First reading.* Every ordinance shall be introduced in writing, and after passage on first reading, at least three (3) copies of the ordinance, in the form in which it has been passed on first reading, shall be made available to public inspection at the office of the city clerk and there shall be published a notice in a newspaper having a general circulation in the city, describing the ordinance in brief and general terms and stating that the ordinance is available for public inspection at the office of the city clerk, together with the time and place when

and where it will be considered for final passage. Said notice shall be published at least one (1) week prior to the second reading.

- (3) *Second reading and public hearing.* At the time and place so advertised, or at any time and place to which such hearing shall from time to time be adjourned, such ordinance shall be read in full and, after such reading, all persons interested shall be given an opportunity to be heard.
- (4) *Further consideration and final passage.* After such hearing, the council may finally pass such ordinance with or without amendment, except that if it shall make an amendment, it shall not finally pass the ordinance until it shall have caused the amended sections to be published at least once as provided in subsection (2) of this section, together with a notice of the time and place when and where such amended ordinance will be further considered. At the time so advertised or at any time and place to which such meeting shall be adjourned, the amended ordinance shall be read in full and a public hearing thereon shall be held and after such hearing the governing body may finally pass such amended ordinance, or again amend it subject to the same conditions. The second passage of any ordinance pursuant to this Charter shall be final and no further passage shall be required.
- (5) *Publication of ordinances after final passage.* After final passage, there shall be published within three (3) days as in subsection (2) of this section a notice describing the ordinance in brief and general terms and stating that it is available for public inspection in the office of the city clerk.
- (6) *Date when ordinances go into effect.* Every ordinance, unless it shall specify another date, shall become effective at the expiration of twenty (20) days after such publication following final passage.
- (7) *Emergency ordinance.* In an emergency affecting the public peace, health or safety, the council by affirmative vote of two-thirds of its members may adopt without a hearing or second reading an emergency ordinance which shall take effect upon its passage.
- (8) *Roll call.* The vote upon any ordinance shall be by roll call and entered on the record of proceedings. A vote by roll call shall be taken on any other matter at the request of any two (2) members.

~~(Amend. of 11-2-10)~~

ARTICLE III. CITY MANAGER^[2]

~~Sec. 3-1. Qualifications.~~

~~Sec. 3-2. Salary.~~

~~Sec. 3-3. Powers and duties.~~

~~Sec. 3-4. Administrative departments.~~

~~Sec. 3-5. Directors of departments.~~

~~Sec. 3-6. Departmental divisions.~~

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Sec. 3-1. Qualifications.

~~The city manager shall be chosen by the council solely on the basis of executive and administrative qualifications, with special reference to prior experience in, or knowledge of, accepted practice with respect to duties of the office as hereinafter set forth. In addition, the city manager shall be a graduate of an accredited four-year college or university, with a master's degree in public administration, business administration, or a related field. The city manager shall have at least three (3) years of actual experience in a management level position in either the public or private sector. Such experience must include positions with responsibility in any of the following areas: Finance, planning, personnel, public works, public safety, economic development or their equivalent. At the time of appointment, the city manager need not be a resident of the city or state, but during the tenure of office, the city manager shall reside within a fifteen (15) mile radius of the city.~~

~~{Amend. of 11-8-94; Amend. passed by voters, 11-6-12}~~

Sec. 3-2. Salary.

~~The salary of the city manager shall not exceed twelve thousand dollars (\$12,000.00) per year unless changed by ordinance. His salary shall not be increased the first year of his appointment.~~

Editor's note—

The annual salary of the city manager is set from time to time by the council during the budget process.

~~Sec. 3-3. Powers and duties.~~

~~The city manager shall be the chief executive officer and the head of the administrative branch of the city government. The manager may designate by letter filed with the city clerk a qualified administrative officer of the city to perform the duties of the city manager during his temporary absence or disability. In the event of failure of the manager to make such designation, the council may by resolution appoint an officer of the city to perform the duties of the manager until he shall return or his disability shall cease. The manager shall be responsible to the council for the proper administration of all affairs of the city and to that end he shall have power and shall be required to:~~

- ~~(1) Appoint and, when necessary for the good of the service, remove all officers and employees of the city except as otherwise provided by this Charter and except as he may authorize the head of a department or office to appoint and remove subordinates in such department or office, making appointments and promotions in the service of the city according to merit and fitness;~~
- ~~(2) Prepare the budget annually and submit it to the council and be responsible for its administration after adoption;~~
- ~~(3) Prepare and submit to the council as of the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year;~~
- ~~(4) Keep the council advised of the financial condition and future needs of the city and make such recommendations as may seem to him desirable;~~
- ~~(5) Perform such other duties as may be prescribed by this Charter or required of him by the council, not inconsistent with this Charter.~~

ARTICLE III. MAYOR

3-1 Election; Term of Office

There shall be a Mayor who shall be elected at the City general election for a term of two years and until ~~his/her~~ his or her successor is elected and qualified.

The term of the Mayor shall begin on the first Tuesday after the first Monday in December following said general election.

3-2 Qualifications

The Mayor shall be a legal resident of the City for at least four (4) years next preceding ~~his/her~~ his or her election and a qualified elector of the city.

3-3 Compensation

The Mayor shall receive an annual salary of _____ [Fill in] or such other salary that may be prescribed by ordinance; provided that the salary 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.

3-4 Chief Executive and Administrative Officer

The Mayor shall be the Chief Executive and Administrative Officer of the City and shall be responsible for the administration and management of all offices, departments and agencies except as may otherwise be provided by this Charter.

3-5 Powers and Duties

- (1) Appoint, and when necessary for the good of service, remove all officers and employees of the City except as otherwise provided by this Charter and except as ~~he/she~~ he or she may authorize the head of a department or office to appoint 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/her~~ 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/she~~ 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/she~~ 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/her~~ his or her jurisdiction.
- (11) Review all rules and regulations of the various department and administrative offices and only upon ~~his/her~~ his or her approval shall they become effective.
- (12) Perform such other such duties as may be required of ~~him/her~~ 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.

3-6 Passage of Ordinances over Veto

No Ordinance shall take effect without the approval of the Mayor unless

- (1) The Mayor shall fail to sign the ordinance or to return it to the Council within ten (10) consecutive days after its passage; or
- (2) The Council upon immediate reconsideration shall approve the ordinance by the affirmative votes of at least four (4) of its members notwithstanding the disapproval of the Mayor.

3-7 Temporary Absence

In the event of the temporary absence or disability of the Mayor, not exceeding ninety (90) days, the President of the Council shall act as Mayor, for the

time being until the Mayor shall return to ~~his/her~~ his or her duties or until ~~his/her~~ his or her disability shall cease. While serving during the temporary absence of the Mayor, the President of the Council shall not make any appointments or removals other than temporary appointments, until ~~he/she~~ he or she shall have served as Acting Mayor for thirty (30) consecutive days and then only with the consent of the City Council.

3-8 Vacancy

In the event of an absence exceeding ninety (90) days the City Council may declare the office of Mayor vacant.

3-9 Vacancy

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. If the time between the occurrence of such vacancy and the next municipal election is six (6) months or more the City Clerk shall call a special election in the manner prescribed by the State Law to fill such vacancy in the office of Mayor.

Sec. 3-10. City solicitor.

The ~~council~~ 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 solicitor and assistant city solicitor shall be an attorneys-at-law in good standing who ~~has~~ 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.

Sec. 3-411. Administrative departments.

There shall be a department of finance, a department of public works, a department of police, a department of fire and such other departments as may be established by ordinance.

Sec. 3-512. 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 ~~city manager~~ mayor. Two [2] or more departments may be headed by the same individual, the ~~manager~~ mayor may head one or more departments, and directors of departments may also serve as chiefs of divisions.

Sec. 3-613. Departmental divisions.

The work of each department may be distributed among such divisions thereof as may be established by ordinance upon the recommendation of the ~~manager~~ mayor. Pending the passage of an ordinance or ordinances distributing the work of departments under the supervision and control of the ~~manager~~ mayor among specific divisions thereof, the ~~manager~~ mayor may establish temporary divisions.

FOOTNOTE(S):

~~(2)~~

~~Annotation—City manager should be allowed a reasonable amount of time to establish residence within city. However, failure to establish residence within city during entire seven month term of office is grounds for removal notwithstanding oral assurances from members of council that residence within city was not required. Reynolds v. Lamb, 102 R. I. 557, 232 A. 2d 375 (1967). (Back)~~

~~Supreme Court of Rhode Island judges will not answer questions as to legal qualifications of city manager, such questions being posed by city council through the governor. Such opinions would be grossly gratuitous and an inexcusable~~

~~participation by the court in the affairs of the city. Opinion to the Governor, 109 R. I. 289, 284 A. 2d 295 (1971). (Back)~~

ARTICLE IV. DEPARTMENT OF FINANCE

Sec. 4-1. Finance department created; head of department designated; organization.

Sec. 4-2. Director of finance; qualifications.

Sec. 4-3. Director of finance; salary.

Sec. 4-4. Director of finance; powers and duties.

Sec. 4-5. Work programs; allotments.

Sec. 4-6. Filing copy of allotments; director of finance to authorize expenditures; revision of allotments.

Sec. 4-7. Transfer of appropriations.

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- Sec. 4-30. Special debt statement.
- Sec. 4-31. Serial bond requirement.
- Sec. 4-32. Period of usefulness requirement.
- Sec. 4-33. Public sale of bonds.
- Sec. 4-34. Short period of limitations for bond ordinance.
- Sec. 4-35. Payment of bonds and notes.

Sec. 4-1. Finance department created; head of department designated; organization.

- (1) There shall be a department of finance, the duties of which shall include the supervision and direction of all matters pertaining to financial operations, and the head of which shall be the director of finance, who shall be, or be appointed by, the ~~City Manager~~ mayor. The further organization of the department into divisions or offices shall be made by the council, on recommendation of the ~~city manager~~ mayor.
- (2) The department shall be organized into the following divisions or offices: Control and accounts; treasury, assessment; purchasing. The heads of these divisions shall be respectively designated controller, treasurer, assessor and purchasing agent. They shall be appointed by the director of the department, with the approval of the ~~city manager~~ mayor. Those powers, duties and responsibilities of any division enumerated in this Article IV, shall be assigned to the director of finance to be delegated in accordance with Sec. 3-5 11 of this Charter.

~~(Amend. passed by voters, 11-6-12)~~

Sec. 4-2. Director of finance; qualifications.

The director of finance shall have knowledge of municipal accounting and taxation and shall have had experience in budgeting and financial control.

Sec. 4-3. Director of finance; salary.

The director of finance shall receive ~~an annual salary of not to exceed seven thousand (\$7,000) dollars or~~ such salary as may be thereafter determined by ordinance, unless the duties of said office shall be performed by the ~~city manager~~ mayor.

~~**Editor's note—**~~

~~The annual salary of the director of finance is set from time to time by the council during the budget process.~~

Sec. 4-4. Director of finance; powers and duties.

The director of finance shall have charge of the administration of the financial affairs of the city and to that end he or she shall have authority and shall be required, acting through the proper division of the department in each instance, to:

- (1) Compile the current expense estimates for the budget for the ~~city manager~~ mayor;
- (2) Compile the capital estimates for the budget for the ~~city manager~~ mayor;
- (3) Supervise and be responsible for the disbursement of all monies and have control over all expenditures to ensure that budget appropriations are not exceeded;
- (4) Maintain a general accounting system for the city government and each of its offices, departments and agencies; keep books for and exercise financial budgetary control over each office, department and agency; keep separate accounts for the items of appropriation contained in the city budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance; require reports of receipts and disbursements from each receiving and spending agency of the city

government to be made daily or at such intervals as he or she may deem expedient;

- (5) Submit to the council through the ~~city manager~~ mayor a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the city;
- (6) Prepare for the ~~city manager~~ mayor, as of the end of each fiscal year, a complete financial statement and report;
- (7) Supervise and be responsible for the assessment of all property within the corporate limits of the city for taxation, make all special assessments for the city government, prepare tax maps and give such notice of taxes and special assessments as may be required by law;
- (8) Collect all taxes, special assessments, license fees and other revenues of the city or for whose collection the city is responsible and receive all money receivable by the city from the state or federal government, or from any court, or from any office, department or agency of the city;
- (9) Have custody of all public funds belonging to or under the control of the city, or any office, department or agency of the city government, and deposit all funds coming into his or her hands in such depositories as may be designated by resolution of the council, or, if no such resolution be adopted, by the ~~city manager~~ mayor , subject to the requirements of law 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;
- (10) 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;
- (11) Supervise and be responsible for the purchase, storage and distribution of all supplies, materials, equipment and other articles used by any office, department or agency of the city government;
- (12) Approve all proposed expenditures; unless he or she shall certify that there is an unencumbered balance of appropriation and available funds, no appropriation shall be encumbered and no expenditure shall be made.

Sec. 4-5. Work programs; allotments.

Before the beginning of the budget year, the head of each office, department or agency of the city government shall submit to the ~~city manager~~ mayor, when required by him or her, a work program for the year, which program shall show the requested allotments of the appropriations for such office, department or agency, by monthly periods, for the entire budget year. The ~~city manager~~ mayor shall review the requested allotments in the light of the work program of the office, department or agency concerned, and may revise, alter or change such allotments before approving the same. The aggregate of such allotments shall not exceed the total appropriation available to said office, department or agency for the budget year.

Sec. 4-6. Filing copy of allotments; director of finance to authorize expenditures; revision of allotments.

The ~~city manager~~ mayor shall file a copy of the allotments with the director of finance, who shall authorize all expenditures for the offices, departments and agencies to be made from the appropriations on the basis of approval allotments and not otherwise. An approved allotment may be revised during the budget year in the same manner as the original allotment was made. If, at any time during the budget year, the ~~city manager~~ mayor shall ascertain that the available income, plus balances, for the year will be less than the total appropriations, he or she shall reconsider the work programs and allotments of the several offices, departments and agencies and revise the allotments so as to forestall the making of expenditures in excess of the said income.

Sec. 4-7. Transfer of appropriations.

The ~~city manager~~ mayor may at any time transfer any unencumbered appropriation balance or portion thereof between general classifications of expenditures within an office, department or agency. At the request of the ~~city manager~~ mayor and within the last three (3) months of the budget year, the council may by resolution transfer any unencumbered appropriation balance or portion thereof from one office, department or agency to another. No transfer shall be made from the appropriations required by subsections (1), (2), (3), (4), (5), (6), (7), (8), (9) and (12) of article V, section 8 of this Charter.

Sec. 4-8. Accounting supervision and control.

The director of finance shall have power and shall be required, acting through the division of control and accounts to:

- (1) Prescribe the forms of receipts, vouchers, bills or claims to be used by all the offices, departments and agencies of the city government;
- (2) Examine and approve all contracts, orders and other documents by which the city government incurs financial obligations, having previously ascertained that monies have been appropriated and allotted and will be available when the obligations shall become due and payable;
- (3) Audit and approve before payment all bills, invoices, payrolls and other evidences of claims, demands or charges against the city government and with the advice of the city solicitor determine the regularity, legality and correctness of such claims, demands or charges;
- (4) Inspect and audit any accounts or records of financial transactions which may be maintained in any office, department or agency of the city government apart from or subsidiary to the accounts kept in his or her office.

Sec. 4-9. Prohibited contracts and expenditures.

No office, department or agency shall expend any money or incur any liability or enter into any agreement which by its terms involves the expenditure of money during the fiscal year in excess of the amounts appropriated, other than for capital improvements to be financed in whole or in part by the issuance of bonds and the making of contracts and leases approved by the council. Any contract, verbal or written, made in violation of this Charter shall be null and void.

Sec. 4-10. Unexpended appropriations.

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered.

Sec. 4-11. Division of treasury.

The division of the treasury shall collect, have custody of, and pay out the funds, such payments being made only upon order of the controller. This division shall

prepare and send out bills for taxes and other charges and shall keep such books and records as are necessary for recording of all receipts and expenditures, including borrowing transactions, and of monies deposited in banks.

Sec. 4-12. Fees.

All fees received by any officer or employee shall be remitted daily to the department of finance and shall belong to the city government.

Sec. 4-13. Division of assessment.

The division of assessment shall be responsible for the fixing of an assessed valuation for purposes of taxation on all taxable real estate and personal property and for the preparation of an assessment roll and a tax roll for the city in the manner provided by law and ordinance.

Sec. 4-14. Board of assessment review.

- (1) There shall be a board of assessment review which shall consist of three members appointed by the council. The members first appointed shall serve for terms of two [2], four [4] and six [6] years respectively, and thereafter one member shall be appointed in each second year for a term of six [6] years.
- (2) The board of assessment review shall hear and consider the appeal of any property owner concerning the amount of his or her assessed valuation as determined by the city assessor. The assessor shall attend all hearings of the board of review in order to explain his or her valuations, but shall have no vote. The board shall keep an accurate record of its proceedings which shall be available for public inspection. If it shall appear that the valuation of any property has been incorrectly or inequitably assessed, the board shall have power to change the assessment.
- (3) The council shall provide by ordinance for the organization and procedure of the board of assessment review and for the manner of receiving, considering, and disposing of appeals.
- (4) The taking of an appeal to the board of assessment review, or any action thereon, shall not be construed to limit or restrict the right of any taxpayer to apply to a court of competent jurisdiction for relief from any assessed valuation or tax originally determined by the assessor.

Sec. 4-15. Division of purchases.

There shall be established in the department of finance a division of purchases, the head of which shall be the city purchasing agent. The purchasing agent, pursuant to rules and regulations established by ordinance, shall contract for, purchase, store and distribute all supplies, materials and equipment required by any office, department or agency of the city government. The purchasing agent shall also have power and shall be required to:

- (1) Establish and enforce specifications with respect to supplies, materials, and equipment required by the city government;
- (2) Inspect or supervise the inspection of all deliveries of supplies, materials, and equipment, and determine their quality, quantity and conformance with specifications;
- (3) Have charge of such general storerooms and warehouses as the council may provide by ordinance;
- (4) Transfer to or between offices, departments or agencies, supplies, material and equipment, and, subject to the approval of the council, sell surplus, obsolete, or unused supplies.

Sec. 4-16. Competitive bidding.

- (1) Before any purchase of or contract for supplies, materials or equipment or contract for any city improvement, opportunity shall be given for competitive bidding under such rules and regulations, and with such exceptions, as the council may prescribe by ordinance.
- (2) All contracts for more than five hundred (\$500) dollars shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance. No transaction which is essentially a unit shall be divided for the purpose of evading the intent of this section. The ~~city manager~~ mayor shall have the power to accept or to reject any or all bids, and to readvertise for same; provided, however, that the acceptance of any bid for a contract in excess of one hundred thousand (\$100,000) dollars shall be subject to the approval of the city council. Alterations in any contract may be made when authorized by the council upon the written recommendation of the ~~city manager~~ mayor.

~~Editor's note—~~

~~Small purchases are made in accordance with the small purchase regulations referenced and adopted in section 2-246~~

Sec. 4-17. Accounting control of purchases.

All purchases made and contracts executed by the purchasing agent shall be pursuant to a written requisition from the head of the office, department or agency whose appropriation will be charged, and no contract or order shall be issued to any vendor unless and until the controller certifies that there is to the credit of such office, department or agency a sufficient unencumbered appropriation balance to pay for the supplies, materials, equipment or contractual services for which the contract or order is to be issued.

Sec. 4-18. Contracts financed by bonds.

No contract shall be executed for the acquisition of any property or the construction of any improvement or betterment to be financed by the issuance of bonds until the ordinance authorizing the issuance of such bonds shall have taken effect and any contract executed before such day shall be unenforceable in any court of law.

Sec. 4-19. Emergency appropriations.

At any time in any fiscal year, the council may, pursuant to this section, make emergency appropriations to meet a pressing need for public expenditure, for other than a regular or recurring requirement, to protect the public health, safety or welfare. Such appropriation shall be by resolution adopted by the favorable votes of at least four-fifths of the members of the council, and shall be made only upon recommendation of the ~~city manager~~ mayor.

Sec. 4-20. Emergency appropriations borrowing.

In the absence of unappropriated available revenues to meet emergency appropriations under the provisions of article IV, section 19, the council may by resolution authorize the issuance of notes, each of which shall be designated "emergency note" and may be renewed.

Sec. 4-21. Borrowing in anticipation of property taxes.

If necessary the council shall authorize the issuance of any notes which lawfully may be issued by the city in anticipation of taxes an amount not to exceed eighty (80) per centum of the taxes due for that fiscal year, and all revenue from the collection of taxes on real and personal property beginning with the day subsequent to the date on which any such notes are issued shall be reserved for the payment of said notes and shall not be available for any other purpose until such borrowing in anticipation of taxes has been repaid.

Sec. 4-22. Borrowing in anticipation of other revenues.

In any fiscal year, in anticipation of the collection or receipt of other revenues than the property tax of that fiscal year, the council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the city, each of which shall be designated "special revenue note for the year...." (stating the fiscal year). Such notes may be renewed, but all such notes, together with the renewals, shall mature and be paid not later than the end of the fiscal year immediately following the fiscal year in which the original notes shall have been issued.

Sec. 4-23. Notes redeemable prior to maturity.

No notes shall be made payable on demand, but any note may be made subject to redemption prior to maturity on such notice and at such time as may be stated in the note.

Sec. 4-24. Sale of notes; report of sale.

All notes issued pursuant to this article may be sold at not less than par and accrued interest at private sale without previous advertisement by the director of finance.

Sec. 4-25. Payment of notes.

The power and obligation of the city to pay any and all notes hereafter issued by it pursuant to this article shall be unlimited and the city shall levy ad valorem taxes on all the taxable property within the city for the payment of such notes and interest thereon without limitation of rate or amount, subject to the laws of the state. The faith and credit of the city is hereby pledged for the payment of the

principal of and interest on all notes of the city hereafter issued pursuant to this article, whether or not such pledge be stated in the notes.

Sec. 4-26. Borrowing for capital improvements.

The city may borrow money by issuing its negotiable bonds and notes in anticipation of bonds, pledging the credit and property of the city, to finance any capital project which it may lawfully construct or acquire.

Sec. 4-27. Bond ordinance.

- (1) The city shall authorize the issuance of bonds by a "bond ordinance" passed by the affirmative votes of a majority of all the members of its council, as provided by this Charter.
- (2) A bond ordinance shall contain in substance at least the following provisions:
 - (A) An appropriation of a sum of money for a capital project, described in brief and general terms sufficient for reasonable identification;
 - (B) To finance the said appropriation, an authorization of the incurring of indebtedness by the issuance of bonds in a stated amount, pursuant to this Charter;
 - (C) A statement of the estimated maximum cost of the capital project, including any sums theretofore or thereby appropriated;
 - (D) A determination of the period of usefulness of the project, within the limitations of article IV, section 32 of this Charter;
 - (E) A determination of the net debt of the city after issuance of the bonds thereby authorized, together with a declaration that the bonds thereby authorized will be within all debt and other limitations prescribed by the constitution and laws of the state.
- (3) The title of a bond ordinance shall state the amount appropriated for an indicated project and the amount of bonds authorized to finance the appropriation. Bond ordinances shall be cited in bonds and notes by title and date of final passage. A bond ordinance may not combine two or more projects.
- (4) The procedure for passage of a bond ordinance shall be the same as that for other ordinances of the city except that when published after final passage

each bond ordinance shall be accompanied by a notice in substantially the following form:

Notice

The bond ordinance published herewith has been finally passed and the twenty-day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced as provided in the City Charter has begun to run from the date of the first publication of this notice.

	_____ City Clerk
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Sec. 4-28. Referendum on bond ordinance.

No bonds shall be issued pledging the credit of the city unless submitted to a vote of the electors at either a general or special election, and approved by a majority of the electors voting on the question.

Sec. 4-29. Issuance and sale of notes in anticipation of bonds.

In anticipation of the issuance of bonds approved pursuant to article IV, section 28, the council may by resolution authorize the issuance of negotiable notes. Each such note shall be designated "bond anticipation note" and, including renewals, shall mature and be paid not more than fourteen (14) calendar months after the date of issuance of the original note. Unless otherwise provided by ordinance, all bond anticipation notes may be sold by the director of finance at private sale without previous public offering.

Sec. 4-30. Special debt statement.

Five (5) days prior to the date of the second reading of the bond ordinance, the director of finance shall file with the city clerk, who shall post publicly, a statement setting forth (a) the aggregate principal amount of all outstanding bonds and notes of the city; (b) deductions permitted by the constitution and general laws; (c) the amount of the existing net indebtedness; (d) the amount of the net indebtedness after the issuance of the bonds authorized by such bond ordinance; and (e) the aggregate principal amount of bonds and notes which the city may issue, pursuant to law.

Sec. 4-31. Serial bond requirement.

- (1) All bonds issued pursuant to this Charter shall be paid in consecutive annual instalments no one of which shall be more than fifty (50) per centum in excess of the smallest prior instalment.
- (2) The first annual instalment shall be paid not more than one (1) year, or if the bonds are issued to fund notes, not more than two (2) years, after the date of final passage of the bond ordinance by virtue of which they are issued.
- (3) The last annual instalment of each authorized issue of bonds shall be paid not later than the date of expiration of the period of usefulness of the project for the financing of which such bonds are issued as determined in the bond ordinance authorizing the issuance of the bonds.

Sec. 4-32. Period of usefulness requirement.

- (1) Bonds shall mature not later than the expiration of the period of the probable usefulness of the capital project for which they are issued, as determined by certificate of the engineer or architect, approved by the ~~city manager~~ mayor, and stated in the bond ordinance, but the maximum period shall not exceed thirty (30) years.
- (2) The period of usefulness of each project shall be computed from the date of final passage of the bond ordinance by virtue of which the bonds are issued.
- (3) The determination of the council, in the bond ordinance, as to the period of usefulness, shall be conclusive in any action or proceeding involving the validity of the bonds.

Sec. 4-33. Public sale of bonds.

All bonds issued under this Charter shall be sold at public sale upon sealed proposals after at least ten (10) days' notice published at least once in a publication carrying municipal bond notices and devoted primarily to financial news or to the subject of state and municipal bonds, distributed in Rhode Island[,] and at least ten (10) days' notice published at least once in a daily newspaper having a general circulation in the city.

Sec. 4-34. Short period of limitations for bond ordinance.

When twenty (20) days shall have elapsed after the publication after final passage of a bond ordinance as provided by this Charter, (a) any recitals or statements of fact contained in such bond ordinance, or in the preambles or recitals thereof, shall be deemed to be true for the purpose of determining the validity of the bonds thereby authorized and the city and all others interested shall forever thereafter be estopped from denying the same; (b) such bond ordinance shall be conclusively presumed to have been duly and regularly passed by the city and to comply with the provisions of this Charter and of all laws; and (c) the validity of such bond ordinance shall not thereafter be questioned by either a party plaintiff or a party defendant, except in a suit, action or proceeding commenced prior to the expiration of such twenty (20) days.

Sec. 4-35. Payment of bonds and notes.

The power and obligation of the city to pay any and all bonds and notes hereafter issued by it pursuant to this Charter shall be unlimited and the city shall levy ad valorem taxes upon all the taxable property within the city for the payment of such bonds or notes and interest thereon, without limitation of rate or amount, subject to the laws of the state. The faith and credit of the city is hereby pledged for the payment of the principal of and the interest on all bonds and notes of the city hereafter issued pursuant to this Charter, whether or not such pledge be stated in the bonds or notes, or in the bond ordinance authorizing their issuance.

ARTICLE V. BUDGET

Sec. 5-1. Fiscal year; "budget year" defined.

Sec. 5-2. Budget; general statement.

Sec. 5-3. Preparation and submission of budget.

Sec. 5-4. Budget message.

Sec. 5-5. Revenues anticipated.

Sec. 5-6. Anticipated revenues compared with other years.

Sec. 5-7. Surplus.

Sec. 5-8. Expenditures proposed.

Sec. 5-9. Proposed expenditures compared with other years.

Sec. 5-10. Budget to be public record; copies to be prepared for distribution.

Sec. 5-11. Public hearing on budget; insertion of new items; increase or decrease in items of budget.

Sec. 5-12. Adoption of budget.

Sec. 5-13. Adoption, effective date, certification and filing of budget; copies to be available; expenditures to be appropriated; determination of property tax levy.

Sec. 5-14. Cap on maximum tax rate increase.

Sec. 5-15. [Budget reserve fund.]

Sec. 5-1. Fiscal year; "budget year" defined.

The fiscal year of the city government shall begin on the first day of November and shall end on the last day of October of each calendar year unless a uniform fiscal year for all cities and towns shall be established by state law. Such fiscal year may be changed by ordinance so long as any such change remains in compliance with state law. Such fiscal year shall also constitute the budget and accounting year. As used in this Charter, the term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

~~(Amend. passed by voters, 11-6-12)~~

Sec. 5-2. Budget; general statement.

- (1) The budget shall provide a complete financial plan for the budget year. It shall contain in tabular form: (a) a general summary of the principal sources of anticipated revenue with amounts to be raised from each source, and of the principal objects of expenditure with amounts to be expended on each object; (b) detailed estimates of all anticipated revenues applicable to proposed expenditures; and (c) all proposed expenditures.
- (2) The total of such anticipated revenues shall at least equal the total of such proposed expenditures.

Sec. 5-3. Preparation and submission of budget.

The ~~city manager~~ mayor, at least forty-five (45) days prior to the beginning of each budget year, shall submit to the council a budget and an explanatory budget message. For such purpose, at such date as he or she shall determine, he or she, or an officer designated by him or her, shall obtain from the head of each office, department or agency estimates of revenue and expenditure of that office, department or agency, detailed by organization units and character and object of expenditure, and such other supporting data as he or she may request; together with an estimate of all capital projects pending or which such department head believes should be undertaken (a) within the budget year and (b) within the five (5) next succeeding years. In preparing the budget, the ~~city manager~~ mayor shall review the estimates, shall hold hearings thereon and may revise the estimates, as he or she may deem advisable.

Sec. 5-4. Budget message.

- (1) The budget message submitted by the ~~city manager~~ mayor to the council shall be explanatory of the budget, shall contain an outline of the proposed financial policies of the city for the budget year and shall describe in connection therewith the important features of the budget plan. It shall set forth the reasons for salient changes from the previous year in cost and revenue items and shall explain any major changes in financial policy.
- (2) As a part of the budget message, with relation to the proposed expenditures for capital projects stated in the budget, the ~~city manager~~ mayor shall include a statement of pending capital projects and proposed new capital projects, relating the respective amounts proposed to be raised therefor by appropriations in the budget and the respective amounts, if any, proposed to be raised therefor by the issuance of bonds during the budget year.
- (3) The ~~city manager~~ mayor shall also include in the message, or attach thereto, a capital program of proposed capital projects for the five (5) fiscal years next succeeding the budget year, prepared by the planning board, together with his or her comments thereon and any estimates of costs prepared by the department of public works or other office, department or agency. For the use of the planning board in preparing such capital program, copies of the departmental estimates of capital projects, filed with the ~~city manager~~ mayor pursuant to section 3 of this article, shall be filed with the board.

- (4) Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material, in respect to both current operations and capital improvements, as the ~~city manager~~ mayor shall believe useful to the council.

Sec. 5-5. Revenues anticipated.

- (1) Anticipated revenues shall be classified as "amount to be raised by property tax," "miscellaneous revenues" and "surplus." Miscellaneous revenues shall be subclassified by sources and shall be estimated as hereinafter prescribed.
- (2) Miscellaneous revenues shall include anticipated revenues from the collection of taxes other than the general property tax; the amount of state aid to be received; the amount by which the city is expected to benefit from taxes collected by the state; the amounts estimated to be received from services and sales, fines, forfeitures and fees, pension assessments, special assessments and any other special or nonrecurring sources.
- (3) The anticipated revenues and proposed expenditures of each utility or other public service enterprise owned, or operated, by the city, shall be stated in a separate section of the budget (each bearing the name of the utility); and as to each such utility, an anticipated surplus, if legally available for general purposes, shall be stated as an item of miscellaneous revenue in the budget.
- (4) No miscellaneous revenue from any source shall be included as an anticipated revenue in the budget in an amount in excess of the average of the amount actually realized in cash from the same source in the next preceding fiscal year, and that actually realized in the first ten (10) months of the current fiscal year plus that to be received in the remaining two (2) months of the year estimated as accurately as may be, unless the ~~city manager~~ mayor shall determine that the facts clearly warrant the expectation that such excess amount will actually be realized in cash during the budget year and shall certify such determination in writing to the council.
- (5) Revenues from the collection of special assessments on property specially benefited shall not be stated in an amount which is in excess of the amount of the receipts so derived which it is estimated will be held in cash on the first day of the budget year.
- (6) No revenue from a new source not previously stated in the budget shall be included unless the ~~city manager~~ mayor shall determine that the facts clearly

warrant the expectation that such revenue will be actually realized in cash during the budget year in the amount stated and shall certify such determination in writing to the council.

Sec. 5-6. Anticipated revenues compared with other years.

In parallel columns opposite the several items of anticipated revenues there shall be placed the amount of each such item in the budget of the last completed fiscal year, the amounts of such items actually received during the year, the amount of each such item in the budget of the current fiscal year and the amount actually received to the time of preparing the budget plus receipts for the remainder of the current fiscal year estimated as accurately as may be.

Sec. 5-7. Surplus.

Surplus shall include:

- (1) Revenue receipts made available by the lapsing of unencumbered appropriation balances at the beginning of the budget year;
- (2) Receipts from unanticipated miscellaneous revenues for the last completed fiscal year;
- (3) Receipts from anticipated miscellaneous revenues for the last completed fiscal year in excess of the estimates in the budget for that year;
- (4) Receipts during the last completed fiscal year from taxes or liens against which a complete reserve has been established.

Sec. 5-8. Expenditures proposed.

The proposed expenditures shall be itemized in such form and to such extent as shall be provided by law, and in the absence of such provision, by regulations established by ordinance. Separate provision shall be included in the budget for at least:

- (1) Interest, amortization and redemption charges on the public debt for which the faith and credit of the city is pledged;
- (2) Other statutory expenditures;
- (3) The payment of all judgments;

- (4) The amount by which the total receipts of miscellaneous revenues in the last completed fiscal year failed to equal the total of the budget estimates of receipts from miscellaneous revenues in that year;
- (5) An amount equal to the aggregate of all taxes levied for the third fiscal year prior to the budget year which are delinquent and outstanding on the sixtieth day prior to the beginning of the budget year, except to the extent the city may have made provision therefor by reserving the full amount of said delinquent taxes;
- (6) An amount equal to the aggregate of all cancellations, remissions, abatements and refunds of taxes, that have been made during the current fiscal year;
- (7) An amount equal to the aggregate of all special revenue notes which it is estimated will be outstanding at the end of the current fiscal year in anticipation of the collection of revenues other than the property tax;
- (8) An amount equal to the aggregate of all emergency notes which it is estimated will be outstanding at the end of the current fiscal year;
- (9) If the city is required to make up the deficit arising from the operations of utility or other public service enterprises, an amount equal to the deficit from such operations during the last completed fiscal year, separately stated for each utility or other public service enterprise which appears in a separate section of the budget;
- (10) Administration, operation and maintenance of each office, department or agency of the city itemized by character and object of expenditure;
- (11) Contingent expense in an amount not more than three (3) per centum of the total amount pursuant to subsection (10) of this section;
- (12) Expenditures proposed for capital projects.

Sec. 5-9. Proposed expenditures compared with other years.

In parallel columns opposite the several items of proposed expenditures, there shall be placed the amount of each such item in the budget of the last completed fiscal year, the amount of such items actually expended during such year, the amount of each such item in the budget of the current fiscal year and the amount actually expended to the time of preparing the budget plus the expenditures for the remainder of the current fiscal year estimated as accurately as may be.

Sec. 5-10. Budget to be public record; copies to be prepared for distribution.

The budget and budget message and all supporting schedules shall be a public record in the office of the city clerk open to public inspection by anyone. The ~~city manager~~ mayor shall cause sufficient copies of the budget and budget message to be prepared for distribution to interested persons.

Sec. 5-11. Public hearing on budget; insertion of new items; increase or decrease in items of budget.

- (1) At the meeting of the council at which the budget and budget message are submitted, the council shall determine the place and time of the public hearing on the budget, and shall cause to be published a notice of the place and time, not less than seven (7) days after date of publication, at which the council will hold a public hearing.
- (2) At the time and place so advertised, or at any time and place to which such public hearing shall from time to time be adjourned, the council shall hold a public hearing on the budget as submitted, at which all interested persons shall be given an opportunity to be heard, for or against the estimates or any item thereof.
- (3) After the conclusion of such public hearing, the council may insert new items or may increase or decrease the items of the budget, except items in proposed expenditures fixed by law or prescribed by subsections (1), (2), (3), (4), (5), (6), (7), (8) and (9) of section 8 of this article. The council may not vary the titles, descriptions or conditions of administration specified in the budget. Before inserting any additional item or increasing any item of appropriation, it must cause to be published a notice setting forth the nature of the proposed increases and fixing a place and time, not less than five (5) days after publication, at which the council will hold a public hearing thereon.

Sec. 5-12. Adoption of budget.

- (1) After such further hearing, the council may insert the additional item or items, and make the increase or increases, to the amount in each case indicated by the published notice, or to a lesser amount, but where it shall increase the total proposed expenditures, it shall also increase the total anticipated revenue to at least equal such total proposed expenditures.

- (2) The budget shall be adopted by the favorable votes of at least a majority of all the members of the council.
- (3) The budget shall be finally adopted not later than seven (7) days before the end of the current fiscal year. Should the council take no final action on or prior to such day, the budget, as submitted, shall be deemed to have been finally adopted by the council.

Sec. 5-13. Adoption, effective date, certification and filing of budget; copies to be available; expenditures to be appropriated; determination of property tax levy.

- (1) Upon final adoption, the budget shall be in effect for the budget year. A copy of the budget, as finally adopted, shall be certified by the ~~city manager~~ mayor and city clerk and filed in the office of the director of finance. The budget so certified shall be printed, mimeographed or otherwise reproduced and sufficient copies thereof shall be made available for the use of all offices, departments and agencies and for the use of interested persons and civic organizations.
- (2) From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named.
- (3) From the effective date of the budget, the amount stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the city, in the corresponding tax year. A copy of the budget as finally adopted shall be certified by the ~~city manager~~ mayor and filed by him or her with the officer, board, or commission whose duty it shall be to levy such taxes for the corresponding tax year.

Sec. 5-14. Cap on maximum tax rate increase.

- (a) Beginning in fiscal year 2012, the city may not increase its property tax rate by more than three and one-half percent over the prior year's tax rate. In all years when a revaluation is not being implemented, a tax rate is deemed to be 103.5 percent or less of the prior year's tax rate if the tax on a parcel of real property, the value of which is unchanged for purpose of taxation, is no more than 103.5 percent of the prior year's tax on the same parcel of real property. In any year

when a revaluation is being implemented, the tax rate is deemed to be 103.5 percent of the prior year's tax rate upon certification by the department of finance for the city.

- (b) The property tax rate increase may exceed the three and one-half percent increase only upon approval by a supermajority of four of the city council.
- (c) The tax rate may exceed the percentage increase as specified in subsection (a) of this section if one of the following occurs:
 - (1) The city forecasts or experiences a loss in total non-property tax revenues and the loss is certified by the director of finance.
 - (2) The city experiences or anticipates an emergency situation, which causes or will cause the tax rate to exceed this percentage increase specified in subsection (a). Without limiting the generality of the foregoing, an emergency shall be deemed to exist when the city experiences or anticipates health insurance costs, retirement contributions or utility expenditures which exceed the prior fiscal year's health insurance costs, retirement contributions or utility expenditures by a percentage greater than three times the percentage increase as specified in subsection (a) of this section.
 - (3) The city forecasts or experiences debt services expenditures which exceed the prior year's debt service expenditures by an amount greater than the percentage increase as specified in subsection (a) of this section and which are the result of bonded debt issued in a manner consistent with general law or a special act.
 - (4) The city experiences substantial growth in its tax base as the result of major new construction which necessitates either significant infrastructure or school housing expenditures by the city or a significant increase in the need for essential municipal services and such increase in expenditures or demand for services is certified by the director of finance.

~~(Amend. of 11-2-10)~~

Sec. 5-15. [Budget reserve fund.]

- (a) No budget act shall cause the aggregate expenditures enacted in any given fiscal year to exceed ninety nine percent (99%) of the anticipated revenues for such fiscal year as defined in Article V, Sec. 5-5 of this Charter.

- (b) There is hereby established a budget reserve fund. Revenues in this budget reserve fund may be included in the budget, whenever:
- (1) The city forecasts or experiences a loss in total non-property tax revenues and the loss is certified by the director of finance;
 - (2) The city experiences or anticipates an emergency situation, which shall be deemed to exist when the city experiences or anticipates health insurance costs, retirement contributions or utility expenditures which exceed the prior fiscal year's health insurance costs, retirement contributions or utility expenditures by a percentage greater than ten and one-half percent (10.5%);
 - (3) The city forecasts or experiences debt services expenditures net of any state aid reimbursement which exceed the prior year's debt service expenditures by an amount greater than three and one-half percent (3.5%) and which are the result of bonded debt issued in a manner consistent with general law or a special act;
 - (4) The city experiences substantial growth in its tax base as the result of major new construction which necessitates either significant infrastructure or school housing expenditures by the city or a significant increase in the need for essential municipal services and such increase in expenditures or demand for services is certified by the director of finance.

Whenever funds are used, they must be replenished in equal parts over the three (3) succeeding fiscal years to the amount that would have been in the fund had the expenditures not been made from the fund.

- (c) The amount between the applicable percentage in (a) and one hundred percent (100%) of the anticipated revenue for any fiscal year defined in Article V, Sec. 5-5 of this Charter shall be transferred in any given fiscal year into the budget reserve fund; provided, however, that no such payment will be made which would increase the total of the budget reserve fund to more than ten percent (10%) of only the anticipated revenues as set by subsection (a) of this section.
- (d) In the event that the payment to be made into the budget reserve fund would increase the total of the budget reserve fund to more than ten percent (10%) of the anticipated revenues as defined in Article V, Sec. 5-5 of this Charter. In the event that the payment to be made into the budget reserve fund would increase the amount in said account to more than ten percent (10%) of

estimated state general revenues that said amount shall be transferred to a capital fund to be used solely for funding capital projects.

- (e) Capital projects shall not include debt reduction, principal or interest payments on debt, or for any other type of financing arrangement, but shall only be used for payment of direct actual expenses incurred for capital projects.

~~(Amend. passed by voters, 11-6-12)~~

ARTICLE VI. DEPARTMENT OF PUBLIC WORKS

Sec. 6-1. Public works department; organization; appointment of director of public works.

Sec. 6-2. Director of public works; qualifications.

Sec. 6-3. Public works department; powers and duties.

Sec. 6-1. Public works department; organization; appointment of director of public works.

There shall be a department of public works, the head of which shall be the director of public works, who shall be, or be appointed by, the ~~city manager~~ mayor, and who shall be subject to removal by the ~~city manager~~ mayor. The further organization of the department into divisions or offices shall be made by the council, on recommendation of the ~~city manager~~ mayor.

Sec. 6-2. Director of public works; qualifications.

The director of public works shall have a degree in engineering from an approved college or university and shall have had at least three (3) years engineering experience.

Sec. 6-3. Public works department; powers and duties.

The department of public works shall be responsible for the functions and services of the city relating to streets, highways, sidewalks, bridges, watercourses, street lighting, parks and a water supply system; of the sanitary and storm sewers, sewer systems and sewage disposal plants or places; of the collection and disposal

of garbage and other refuse; of the construction, maintenance, repair and operation of all public buildings and properties other than those of the school department belonging to or used by the city; of building, electrical and plumbing inspection; and the issuance of building, electrical and plumbing permits; of weights and measures; and of such other functions as may be prescribed by ordinance.

ARTICLE VII. DEPARTMENT OF POLICE

Sec. 7-1. Police department; organization; appointment of police chief.

Sec. 7-2. Chief of police; qualifications.

Sec. 7-3. Police department; powers and duties.

Sec. 7-1. Police department; organization; appointment of police chief.

There shall be a department of police, the director of which shall be the chief of police, who shall be appointed by the ~~city manager~~ mayor, and who shall be subject to removal by the ~~city manager~~ mayor. The further organization of the department into divisions or offices or grades shall be made by the council, on recommendation of the ~~city manager~~ mayor. All appointments and promotions shall be made by the ~~city manager~~ mayor as provided in article III, section 3, subsection (~~4~~ 5) of this Charter.

Sec. 7-2. Chief of police; qualifications.

The chief of police shall have adequate knowledge of the organization and administration of a police department and shall have had several years' experience in the management and direction of police personnel.

Sec. 7-3. Police department; powers and duties.

(1) The police department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, and enforcement of the laws of the state and the ordinances of the city and rules and regulations in accordance therewith. All

members of the department shall have the same powers and duties as are vested in police officers by the laws of the state and the city ordinances.

- (2) The chief of police, who is in direct command of the police force, shall, subject to the approval of the ~~city manager~~ mayor, make rules and regulations in conformity with the city ordinances, concerning the conduct of all officers and employees thereof. He or she shall assign all subordinates to their respective posts, shifts, details and duties and shall be responsible for their efficiency, discipline and good conduct and for the care and custody of all property used by the department.

ARTICLE VIII. DEPARTMENT OF FIRE

Sec. 8-1. Fire department; organization; appointment of fire chief.

Sec. 8-2. Fire chief; qualifications.

Sec. 8-3. Fire department; powers and duties.

Sec. 8-1. Fire department; organization; appointment of fire chief.

There shall be a department of fire, the director of which shall be the fire chief, who shall be appointed by the ~~city manager~~ mayor, and who shall be subject to removal by the ~~city manager~~ mayor. The further organization of the department into divisions or offices or grades shall be made by the council, on recommendation of the ~~city manager~~ mayor. All appointments and promotions shall be made by the ~~city manager~~ mayor as provided in article III, section 3, subsection (~~4~~ 5) of this Charter.

Sec. 8-2. Fire chief; qualifications.

The fire chief shall have adequate knowledge of the organization and administration of a permanent fire department and shall have had several years' experience in the management and direction of fire department personnel.

Sec. 8-3. Fire department; powers and duties.

- (1) The fire department shall be responsible for the protection of life and property within the city from fire and for the enforcement of all laws, ordinances and regulations relating to fire prevention and fire safety.
- (2) The fire chief shall, subject to the approval of the ~~city manager~~ mayor , make rules and regulations in conformity with the city ordinances concerning the operation of the department and the conduct of all officers and employees thereof. He or she shall assign all subordinates to their respective posts, shifts, details and duties and shall be responsible for their efficiency, discipline and good conduct and for the care and custody of all property used by the department.

ARTICLE IX. PERSONNEL

Sec. 9-1. Appointment and removal of subordinate officers and employees.

Sec. 9-2. Right to organize.

Sec. 9-3. Employee protection.

Sec. 9-1. Appointment and removal of subordinate officers and employees.

- ~~(1) Until such time as a classified civil service system may be established by ordinance, the city manager may appoint or promote, or, subject to appeal as herein provided, may remove, suspend, demote or transfer, and may prescribe the powers and duties of his deputies, clerks, assistants, subordinates or officers serving under his supervision or control.~~
- (2) In the event that any person is suspended, demoted, transferred or discharged, he or she shall be informed in writing of the reasons therefor and he or she may appeal in writing to the ~~city manager~~ mayor, who shall within ten (10) days give the person so suspended, demoted, transferred or discharged the opportunity to be heard, which hearing shall be public at the option of the employee.
- (3) If the former employee is not reinstated to his or her former position by the ~~city manager~~ mayor, such employee may appeal ~~from~~ the decision of the city

~~manager~~ mayor to a hearing board composed of three (3) qualified electors of the city appointed by the city council, and such employee shall have a right of appeal therefrom to a court of competent jurisdiction for a trial de novo in accordance with law.

- (4) At any such hearings it shall be the right of any such person to be represented by counsel who may conduct his or her defense and act for him or her.

Sec. 9-2. Right to organize.

The right of municipal employees to associate together and to join any lawful organizations of their own choosing for the purpose of collective bargaining is recognized by this Charter and shall not be denied by ordinances and resolutions passed in pursuance thereof. ~~The city council is hereby empowered to recognize such organizations, negotiate with them, and sign written agreements either directly or through the city manager, provided that no right whatsoever of employees to strike against the government of the city is herein implied.~~

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.

ARTICLE X. PUBLIC SCHOOLS

Sec. 10-1. School committee.

Sec. 10-2. Qualifications of school committee members.

Sec. 10-3. School committee; powers and duties.

Sec. 10-4. Ratification of collective bargaining agreements.

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 terms of two (2) years.
- (2) Any vacancy in the membership of the school committee shall be filled by the city council until the next regular city election.

~~(Election of 11-3-98; Election of 11-6-12)~~

Sec. 10-2. Qualifications of school committee members.

Members of the school committee shall have the same qualifications and shall be subject to the same restrictions as are provided by this Charter for members of the city council.

Sec. 10-3. School committee; powers and duties.

- (1) The school committee shall elect a ~~chairman~~ chairperson and a clerk from its membership and shall adopt its own rules and order of business.
- (2) The school committee shall determine and control all policies affecting the administration, maintenance and operation of the public schools, and shall have all the powers and be subject to all the duties as prescribed by the laws of the state.
- (3) The school committee shall appoint a superintendent of schools as its chief administrative agent.
- (4) The appointment and removal of all school employees shall be made by the school committee upon recommendation of the superintendent of schools,

except as may be provided otherwise by the laws of the state. Except for the purpose of inquiry, the school committee, as far as is consistent with the laws of the state, shall deal with the administration of the public schools solely through the superintendent of schools.

- (5) The school committee shall submit budget estimates in the same manner as other departments, but the budget estimates and appropriations shall be considered by the council in total only. The allocation of the amounts appropriated shall be determined by the school committee.
- (6) The finance department of the city shall assume all the purchasing functions of the school committee, in accordance with the requisitions of the school committee, and shall purchase and distribute such supplies and materials as are required by the public schools. The costs for such supplies and materials shall be charged against the appropriation for the public schools.
- (7) No member of the school committee shall vote in the matter of any contract, job, work or service or the purchase of any property in which he or she is interested directly or indirectly nor shall he or she take any official action relating thereto. All such transactions shall be by the authority of the school committee with the interested member not voting.
- (8) At the request of the school committee, the city council may direct the department of public works to maintain and care for school buildings and grounds, provided that the costs are charged against the appropriation for the public schools.
- (9) The school committee shall prepare a complete report of its finances and activities at the close of the fiscal year. Such reports shall be included as a separate section in the annual report to the city council by the ~~city manager~~ mayor.
- (10) The meetings of the school committee shall be open and accessible to the public.

Sec. 10-4. Ratification of collective bargaining agreements.

No collective bargaining agreement between the City of East Providence, including school committee and any labor organization, shall become effective unless and until ratified by majority vote of the East Providence City Council.

~~(Res. of 11-15-05)~~

Editor's note—

~~For cases holding invalid Home Rule Charter provisions relative to elections, see Opinion to the House of Representatives, 80 R. I. 288, 96 A. 2d 627 (1953); State ex rel. Flynn V. McCaughey, 81 R. I. 143, 99 A. 2d 482 (1953); Opinion to the Senate, 81 R. I. 258, 101 A. 2d 879 (1954).~~

~~—The General Assembly may adopt different election procedures for cities, but may not delegate powers relative to elections to the cities. Opinion to the Senate, 81 R. I. 254, 102 A. 2d 118 (1954).~~

~~—For present election procedure applicable to the city, see R. I. Public Acts of 1957, ch. 33, as amended by 1958, ch. 8~~

ARTICLE XI. ELECTION PROCEDURE

Sec. 11-1. When provisions of article apply.

Sec. 11-2. Definitions.

Sec. 11-3. General municipal elections.

Sec. 11-4. Primary municipal elections.

Sec. 11-5. Non-partisan ballot.

Sec. 11-6. Declaration of candidacy.

Sec. 11-7. Nomination petition signatures.

~~Sec. 11-8. Nomination petition; form of.~~

~~Sec. 11-9. Nomination petition; preparation and distribution.~~

~~Sec. 11-10. Nomination petition; filing time.~~

~~Sec. 11-11. Consent of candidate.~~

~~Sec. 11-12. Nomination petition; certification.~~

~~Sec. 11-13. Primary election date.~~

Sec. 11-14. Primary election; ~~councilmen~~ council members.

Sec. 11-15. Primary election; school committee.

Sec. 11-16. Certification and publication.

~~Sec. 11-17. General election date.~~

Sec. 11-18. Ballot; form of.

Sec. 11-19. General election; elected candidates.

~~Sec. 11-20. Voting machines; use of paper ballots.~~

Sec. 11-21. Election laws and conduct of elections.

Sec. 11-22. Party designation.

Sec. 11-23. Terms of office.

Sec. 11-24. Terms of office of present elective officials.

Sec. 11-1. When provisions of article apply.

~~The provisions of this article shall apply to and govern the municipal elections in the City of East Providence when the General Assembly of the State of Rhode Island shall enact legislation validating the procedure outlined in this article; otherwise the general laws of the state governing the time and place of holding and the conduct of election[s] shall apply.~~

The State of Rhode Island and Providence Plantation Constitution, Article XIII, entitled, Home Rule for Cities and Town, explicitly reserves the power over elections and election procedures to the general assembly. All election processes and procedures are therefore defined and set forth by the general assembly and preempt any provision herein. The provisions of this article only apply to the extent that they do not conflict with the laws as enacted and as may be amended by the General Assembly.

Sec. 11-2. Definitions.

For the purposes of this Charter, the following terms shall have the meanings indicated, unless different meanings are clearly expressed or required by the context:

- (1) "City" shall mean the City of East Providence.

- (2) "Primary election" shall mean every City of East Providence primary election held to eliminate all candidates in excess of twice the number to be elected to the offices created by this Charter.
- (3) "General election", or "regular election" shall mean every City of East Providence general election, held for the election of candidates to offices under this Charter.
- (4) "Special election" shall mean every City of East Providence special election to fill a vacancy, or an elective meeting at which a question or questions is to be submitted to the voters of the city, under this Charter or other provisions of law.
- (5) "Canvassing authority" shall mean the canvassing authority created by this Charter.
- (6) "Election officials" shall mean and include officials for all municipal elections in the City of East Providence, whether primary, general or special.

Sec. 11-3. General municipal elections.

~~On the first Tuesday after the first Monday in the month of April November in each even numbered year, t~~ The qualified electors of the City of East Providence shall elect a mayor, a council and a school committee as provided by this Charter. Biennially thereafter ~~on the first Tuesday after the first Monday in the month of April November in each even numbered year,~~ the qualified electors of the city shall elect the mayor and such members of the council and school committee as are necessary to fill the offices of those whose terms of office expire that year, and also to fill any vacancies in the above offices which may then exist.

Sec. 11-4. Primary municipal elections.

~~On the first second Tuesday after the first Monday in March September in each even numbered year, t~~ There shall be a primary election in the City of East Providence to nominate two (2) candidates for each office to be filled as provided by this Charter for the office of mayor, councilman council member, and ~~two (2) candidates for the office of school committeeman~~ committee member. Biennially thereafter ~~on the first second Tuesday after the first Monday in March September in each even numbered year,~~ the qualified electors of the City of East Providence shall cast their ballots to nominate such candidates to stand as candidates for the

mayor, the council, and ~~such candidates~~ for the school committee, as are necessary to fill the terms of offices that expire that year, and also to fill new vacancies in the above offices which then may exist.

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.

Sec. 11-6. Declaration of candidacy.

Candidates for nomination in the primary election shall file with the canvassing authority a declaration of their candidacy upon forms prepared and provided by the canvassing authority. ~~Such declaration shall be filed not later than five o'clock P.M. on the first Tuesday in the month of January in every odd year.~~

Sec. 11-7. Nomination petition signatures.

The nomination of all candidates for elective office in the primary election provided for by this Charter shall be by petition. ~~The petition of each candidate for office shall be signed by not less than two hundred (200) electors qualified to vote for the office as provided herein. No voter shall sign petitions for more than one (1) candidate for each office to be filled, and, should he or she do so, his or her signature shall be counted upon only the first petition filed, and shall be voided upon all other petitions.~~

~~Sec. 11-8. Nomination petition; form of.~~

~~The signatures to nomination petitions need not all be affixed to one (1) petition, but to each separate petition there shall be attached an affidavit of the circulator that each signature appended thereto was made in his or her presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number of the street, or other description sufficient to identify the same.~~

~~Sec. 11-9. Nomination petition; preparation and distribution.~~

- ~~(1) Upon receipt of the declarations referred to in article XI, section 6, the canvassing authority shall prepare nomination papers for each candidate who has qualified, clearly marked with his or her name and the nomination he or she seeks.~~
- ~~(2) The canvassing authority shall retain each declaration of candidacy and after two (2) days and within four (4) days of the final day for filing declaration for candidacy shall deliver nomination papers to the proper candidate or to such persons as he or she in writing designates to receive them.~~

~~Sec. 11-10. Nomination petition; filing time.~~

~~Nomination petitions must be assembled and united into one petition and filed with the canvassing authority by the candidates in the primary election not later than five o'clock P.M. on the first Tuesday in February in every odd year.~~

~~Sec. 11-11. Consent of candidate.~~

~~No nomination shall be valid unless the candidate shall file with the canvassing authority, in writing, not later than fifteen (15) days before the day of the primary election, his or her consent accepting the nomination, agreeing not to withdraw and, if nominated, to qualify to be a candidate in the general city election.~~

~~Sec. 11-12. Nomination petition; certification.~~

~~The canvassing authority shall check the signatures on the nomination petitions filed with it, and shall certify those candidates who have the required number of signatures, as candidates in the primary election, not later than five o'clock P.M. on the third Tuesday in the month of February in every odd year.~~

~~Sec. 11-13. Primary election date.~~

~~On the first Tuesday in March, 1955, there shall be a primary election to nominate candidates who will stand in the general city election as candidates for the office of councilman council member, and candidates who will stand for the office of school committeeman committee member. Biennially thereafter, on the first Tuesday in March, the qualified electors of the city shall cast their ballots to~~

~~nominate such candidates who will stand in the general city election for the office of councilman council member and such candidates who will stand for the office of school committeeman committee member, as are necessary to fill the terms of office that expire that year, and also to fill vacancies in the above offices when they may exist.~~

Sec. 11-14. Primary election; ~~councilmen~~ council members.

At the first and all subsequent primary elections, the two (2) candidates for each respective office receiving the highest number of votes shall be deemed and declared to be the candidates for that office.

Sec. 11-15. Primary election; school committee.

At the first and all subsequent primary elections, the two (2) candidates for each office on the school committee receiving the highest number of votes shall be deemed and declared to be the candidates for that office.

Sec. 11-16. Certification and publication.

The canvassing authority shall certify a list of candidates and shall cause to be published in one or more of the newspapers published or having general circulation in the City of East Providence, the names, residences and offices to which nominated, of the candidates who have duly filed the above described petitions and acceptances.

~~Sec. 11-17. General election date.~~

~~On the first Tuesday of April, 1955, the qualified electors of the city shall elect the members of the council and the members of the school committee, and biennially thereafter, on the first Tuesday in the month of April, the qualified electors of the city shall elect such members of the council and school committee as are necessary to fill the offices of those whose terms of office expire that year and also to fill any vacancies in the above offices which may then exist.~~

Sec. 11-18. Ballot; form of.

The names of the candidates in any primary, general or special city election shall be arranged alphabetically upon the ballot under the title of the office to be filled. The ballot shall be without party marks or designation. The name ~~and~~ residence of each candidate shall be given. ~~At the right of each name shall be a square within which the voter shall place a cross to designate his or her choice.~~

Sec. 11-19. General election; elected candidates.

At any city election, the candidates for each office receiving the highest number of votes shall be deemed and declared elected to such office for the term as provided herein.

~~Sec. 11-20. Voting machines; use of paper ballots.~~

~~(1) Voting machines, which shall have been approved by the state board of elections, shall be used in every city primary, general and special election, unless the number of candidates shall be such as to make the use of voting machines impossible. If paper ballots are used, specimen ballots and official ballots for use in all city elections shall be prepared by the canvassing authority at the expense of the city. When voting machines are used at any city election, then the listing of candidates shall be substantially the same as set forth herein, except that names of candidates for a particular office may be printed opposite and to the right of the names of the office they seek, arranged alphabetically.~~

~~(2) The provisions of chapter 318 of the General Laws, as amended, entitled "Voting Machines", shall apply to each and every city primary, general and special election, excepting those provisions which are inconsistent with this Charter.~~

Sec. 11-21. Election laws and conduct of elections.

The provisions of the laws of the State of Rhode Island pertaining to elections and related matters, including the rights and qualifications of voters; the registration of voters; the board of canvassers and registration and the registering, listing and returning lists of voters, and proof of their qualifications to vote; canvassing the rights and correcting the list of voters; elective meetings; the hours of opening and closing the polls; voting machines; absentee voting; crimes;

penalties and forfeitures under the election laws; and any and all other provisions of the laws of the State of Rhode Island relating to the qualification of electors, registration, the manner of voting, the duties of election officials and all other particulars in respect to preparation for, conducting and management of elections, shall govern every city primary, general and special election, so far as they may be applicable, excepting those provisions which are inconsistent with the election procedure set forth in this article, ~~when said election procedure shall be validated, in whole or in part, by the General Assembly of the State of Rhode Island.~~

Sec. 11-22. Party designation.

Whenever in said election laws and related matters, reference is made to any political party, or reference is made to voting machines as being prepared for voting purposes in accordance with political party designation, or any reference of whatever kind and designation is made in said election laws and related matters to any political party or political designation, each and every such reference to a political party shall be held to be eliminated from said election laws in accordance with the provisions of this Charter, providing for the use of non-partisan ballot; and the canvassing authority shall appoint election officials from lists submitted by the candidates, giving representation to all candidates insofar as possible.

Sec. 11-23. 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 ~~day in May~~ Tuesday after the first Monday in December next following a ~~City~~ general election, or as soon thereafter as may be, and shall serve until their successors are elected and qualified.

~~**Sec. 11-24. Terms of office of present elective officials.**~~

~~The terms of office of all members of the school committee, members of the town council, and all other elective officers now holding office in the Town of East Providence, shall terminate on May 1, 1955, or when their successors are elected or appointed and duly qualified.~~

Editor's note—

~~The most recently established wards in the city are in Part II, Revised Ordinances, § 2-16.~~

Sec. 12-1. Number of wards.

The city shall consist of four [4] wards.

Sec. 12-2. Ward 1.

Ward 1 shall consist of all that part of the city bounded and described as follows:

- ~~(a) Beginning at a point in the Seekonk River where the boundary lines of the cities of Providence, Pawtucket and East Providence intersect,~~
- ~~(b) thence running in a general easterly direction along the boundary line between the cities of East Providence and Pawtucket to a point where said boundary line intersects the state boundary line between Rhode Island and Massachusetts,~~
- ~~(c) thence in a general southerly direction along the state boundary line to a point where the centerline of Taunton Avenue intersects the state boundary line,~~
- ~~(d) thence in a general westerly direction along the centerline of Taunton Avenue to the centerline of North Broadway at Six Corners,~~
- ~~(e) thence in a general northwesterly direction from the centerline of North Broadway along the centerline of Waterman Avenue to a point on the boundary line between the cities of Providence and East Providence in the Seekonk River where the centerline of Waterman Avenue intersects the boundary line between the said cities at Red Bridge, formerly known as Central Bridge,~~
- ~~(f) thence in a general northerly direction along the boundary line between the cities of Providence and East Providence in the Seekonk River to the point and place of beginning.~~

Beginning at a point of intersection of the East Providence-Pawtucket boundary line; thence easterly along the East Providence-Pawtucket boundary line to the Rhode Island-Massachusetts boundary line; thence southerly and southeasterly along the Rhode Island-Massachusetts boundary line to Taunton

Avenue; thence southwesterly along Taunton Avenue to Waterman Avenue; thence northwesterly along Waterman Avenue to James Street; thence northerly along James Street to Central Avenue; thence westerly along Central Avenue to Curtis Street; thence northerly and westerly on Curtis Street and westerly on Curtis Street extended to the Providence-East Providence boundary line; thence northerly on the Providence-East Providence boundary line to the point and place of beginning.

Sec. 12-3. Ward 2.

Ward 2 shall consist of all that part of the city bounded and described as follows:

- ~~(a) Beginning at a point on the boundary line between the cities of Providence and East Providence in the Seekonk River where the centerline of Waterman Avenue intersects the boundary line between the said cities at Red Bridge, formerly known as Central Bridge,~~
- ~~(b) thence running in a general southeasterly direction along the centerline of Waterman Avenue to the centerline of North Broadway at Six Corners,~~
- ~~(c) thence in a general easterly direction from the centerline of North Broadway along the centerline of Taunton Avenue to a point where the centerline of Taunton Avenue intersects the state boundary line between Rhode Island and Massachusetts,~~
- ~~(d) thence in a general southeasterly direction along the state boundary line to a point where the centerline of Warren Avenue intersects the state boundary line,~~
- ~~(e) thence in a general southwesterly and northwesterly direction along the centerline of Warren Avenue, crossing the intersection of Broadway and South Broadway at Ingraham's Corners,~~
- ~~(f) thence continuing in a general northwesterly direction along the centerline of Warren Avenue to a point on the boundary line between the cities of Providence and East Providence in the Seekonk River where the extension of the centerline of Warren Avenue intersects the boundary line between the said cities at the site of the old Washington Bridge,~~

~~(g) thence in a general northeasterly direction along the boundary line between the said cities in the Seekonk River to the point and place of beginning.~~

Beginning at a point of intersection of the East Providence-Providence boundary line; thence easterly on Curtis Street extended and easterly and southerly on Curtis Street to Central Avenue; thence easterly on Central Avenue to James Street; thence southerly on James Street to Waterman Avenue; thence southeasterly on Waterman Avenue to Taunton Avenue; thence northeasterly on Taunton Avenue to the Rhode Island-Massachusetts boundary line; thence southerly along the Rhode Island-Massachusetts boundary line to Warren Avenue; thence westerly on Warren Avenue to Pawtucket Avenue; thence southerly on Pawtucket Avenue to Intervale Avenue; thence westerly on Intervale Avenue to Windhurst Avenue; thence southwesterly on Windhurst Avenue to Brightridge Avenue; thence northwesterly on Brightridge Avenue to Bliss Street; thence westerly on Bliss Street to Chestnut Street; thence southerly on Chestnut Street to Belmont Avenue; thence westerly on Belmont Avenue to South Broadway; thence southerly on South Broadway to Veterans Memorial Parkway; thence northwesterly on Veterans memorial Parkway to its intersection with Watchemoket Cove; thence southwesterly through Watchemoket Cove to the East Providence-Providence boundary line in the Providence River; thence northerly along the Providence-East Providence boundary line to the point and place of beginning.

Sec. 12-4. Ward 3.

Ward 3 shall consist of all that part of the city bounded and described as follows:

~~(a) Beginning at a point on the boundary line between the cities of Providence and East Providence in the Seekonk River where the extension of the centerline of Warren Avenue intersects the boundary line between the said cities at the site of the old Washington Bridge,~~

- ~~(b) thence running in a general southeasterly direction along the centerline of Warren Avenue, crossing the intersection of Broadway and South Broadway at Ingraham's Corners,~~
- ~~(c) thence continuing in a general southeasterly and northeasterly direction along the centerline of Warren Avenue to a point where the centerline of Warren Avenue intersects the state boundary line between Rhode Island and Massachusetts,~~
- ~~(d) thence in a general southeasterly direction along the state boundary line to a point where the centerline of River Road intersects the state boundary line,~~
- ~~(e) thence in a general westerly direction along a straight line to a point on the centerline of Wheeler Avenue at the easterly termination of Wheeler Avenue,~~
- ~~(f) thence in a general westerly direction along the centerline of Wheeler Avenue to a point where said line intersects the centerline of Pawtucket Avenue,~~
- ~~(g) thence continuing in a general westerly direction along the extension of the centerline of Wheeler Avenue to a point where the extension of said line intersects the boundary line between the cities of Providence and East Providence in the Providence River,~~
- ~~(h) thence in a general northwesterly and northeasterly direction along said boundary line in the Providence River and Seekonk River to the point and place of beginning.~~

Beginning at a point of intersection of the East Providence-Providence boundary line and Watchemoket Cove; thence northeasterly through Watchemoket Cove to its intersection with Veterans Memorial Parkway; thence southeasterly on Veterans Memorial Parkway to South Broadway; thence northerly on South Broadway to Belmont Avenue; thence easterly on Belmont Avenue to Chestnut Street; thence northerly on Chestnut Street to Bliss Street; thence easterly on Bliss Street to Brightridge Avenue; thence southeasterly on Brightridge Avenue to Windhurst Avenue; thence northeasterly on Windhurst Avenue to Intervale Avenue; thence easterly on Intervale Avenue to Pawtucket Avenue; thence northerly on Pawtucket Avenue to Warren Avenue; thence easterly along Warren Avenue to the Rhode

Island-Massachusetts boundary line; thence southerly along the Rhode Island-Massachusetts boundary line to River Road; thence westerly on River road to Wampanoag Trail; thence southerly on Wampanoag Trail to Old Barrington Road; thence continuing southerly on Old Barrington Road to Forbes Street; thence westerly and southerly on Forbes Street to Willet Avenue; thence westerly on Willet Avenue to its intersection with the eastern shore of Willet Pond; thence northerly along the eastern shore of Willet Pond to a line extended northerly to the former New York New Haven and Hartford Railroad; thence northerly along that line (boundary line between 2002 US Census Block 440070105024004 and 440070105025004) to the former New York New Haven and Hartford Railroad; thence westerly along the former New York New Haven and Hartford Railroad to Pawtucket Avenue; thence southerly on Pawtucket Avenue to Bullocks Point Avenue; thence southerly on Bullocks Point Avenue to its intersection with the East Bay Bike path; thence southeasterly on the East Bay Bike Path to its intersection with Providence Avenue extended; thence southerly on Providence Avenue extended and Providence Avenue to East Knowlton Street; thence westerly on East Knowlton Street to Knowlton Street; thence westerly on Knowlton Street and Knowlton Street extended to its intersection with the East Providence-Providence boundary line; thence northerly along the Providence-East Providence boundary line to the point and place of beginning.

Sec. 12-5. Ward 4.

Ward 4 shall consist of all that part of the city bounded and described as follows:

- ~~(a) Beginning at a point on the state boundary line between Rhode Island and Massachusetts where the centerline of River Road intersects the state boundary line,~~
- ~~(b) thence running in a general southeasterly direction along the state boundary line to a point where the boundary line between the City of East Providence and the Town of Barrington intersects the state boundary line,~~
- ~~(c) thence in a general southwesterly and westerly direction along the boundary line between said city and town to Bullock's Cove, and in a general southerly and southwesterly direction along said boundary line to~~

~~a point where said boundary line intersects the boundary line of the City of Warwick in the Providence River,~~

- ~~(d) thence in a general northwesterly direction along the boundary line between the City of East Providence and the cities of Warwick, Cranston and Providence to a point in the Providence River where said boundary line intersects the extension of the centerline of Wheeler Avenue,~~
- ~~(e) thence in a general easterly direction along the extension of the centerline of Wheeler Avenue to a point where said line intersects the centerline of Pawtucket Avenue,~~
- ~~(f) thence continuing in a general easterly direction along the centerline of Wheeler Avenue to a point at the easterly termination of Wheeler Avenue,~~
- ~~(g) thence in a general easterly direction along a straight line from the easterly termination of the centerline of Wheeler Avenue to the point and place of beginning.~~

Beginning at a point of intersection of the Rhode Island-Massachusetts border and River Road; thence westerly along River Road to Wampanoag Trail; thence southerly on Wampanoag Trail to Old Barrington Road; thence continuing southerly on Old Barrington Road to Forbes Street; thence westerly and southerly on Forbes Street to Willet Avenue; thence westerly on Willet Avenue to its intersection with the eastern shore of Willet Pond; thence northerly along the eastern shore of Willet Pond to a line extended northerly to the former New York New Haven and Hartford Railroad; thence northerly along that line (boundary line between 2002 US Census Block 440070105024004 and 440070105025004) to the New York New Haven and Hartford Railroad; thence westerly along the former New York New Haven and Hartford Railroad to Pawtucket Avenue; thence southerly on Pawtucket Avenue to Bullocks Point Avenue; thence southerly on Bullocks Point Avenue to its intersection with the East Bay Bike Path; thence southeasterly on the East Bay Bike Path to its intersection with Providence Avenue extended; thence southerly on Providence Avenue extended and Providence Avenue to East Knowlton Street; thence westerly on East Knowlton Street to Knowlton Street; thence westerly on Knowlton Street and Knowlton Street extended to its intersection with the East Providence-Providence boundary line; thence southerly along the Providence-East Providence boundary line to its intersection with the East Providence-Barrington boundary line; thence easterly and northeasterly along

the East Providence-Barrington boundary line to the Rhode Island-Massachusetts boundary line; thence northwesterly along the Rhode Island-Massachusetts boundary line to the point and place of beginning.

Sec. 12-6. Ward rearrangement.

It shall be the duty of the council within one (1) year after each decennial census commencing with the year 1960 to review, and if necessary to alter, the ward lines in such manner that the wards shall comprise compact and contiguous territory, contain as nearly as possible an equal number of inhabitants, and have well defined boundaries.

FOOTNOTE(S):

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~~**Editor's note**— The wards of the city have been changed from time to time. See Subpart B of this Part. Related Special Acts and in Part II, Revised Ordinances, § 2-16. (Back)~~

ARTICLE XIII. GENERAL PROVISIONS

Sec. 13-1. Printing, publication and distribution of Charter and ordinances.

Sec. 13-2. Rules and regulations not to be effective until filed with clerk; exceptions.

Sec. 13-3. Membership of boards, etc., not to be composed entirely of members of some political party.

~~Sec. 13-4. Persons holding state, etc., civil office not eligible to hold office or employment in city; exceptions.~~

Sec. 13-5. Persons in employ of city not to hold elective office.

Sec. 13-6. Officers or employees not to be financially interested in city contracts, etc.

Sec. 13-7. Contracts, etc., entered into contrary to section 13-6 to be void, etc.; penalty for violation of section 13-6.

Sec. 13-8. Certain officers and employees to devote full time to their duties; council may grant exemption from section.

Sec. 13-9. Bond of officers and employees.

Sec. 13-10. Inspection of records and accounts by citizens.

Sec. 13-11. Amendments to Charter generally; adoption of new Charter.

Sec. 13-12. How proposed new Charter or amendments to Charter may appear on ballot.

Sec. 13-13. Laws, etc., inconsistent with Charter to be superseded.

Sec. 13-14. Conflict of specific Charter provisions with general provisions.

Sec. 13-15. Effect of declaring section or part of Charter invalid; when state election procedures to apply.

Sec. 13-16. Revision and codification of ordinances.

Sec. 13-17. Construction of words "Town of East Providence."

Sec. 13-18. Reserved.

Sec. 13-19. Council may provide penalties for violation of ordinance.

Sec. 13-1. Printing, publication and distribution of Charter and ordinances.

The council may provide for the printing, publication and distribution of the Charter and ordinances of the city and may require that a reasonable charge be made for copies thereof.

Sec. 13-2. Rules and regulations not to be effective until filed with clerk; exceptions.

No rule or regulation made by any department or agency, except one which relates to its internal organization or management, shall be effective until it is filed in the office of the city clerk.

Sec. 13-3. Membership of boards, etc., not to be composed entirely of members of ~~some~~ same political party.

The membership of any board or commission shall not be composed entirely of members of the same political party, and any minority member shall be a bona fide member of his or her party.

~~Sec. 13-4. Persons holding state, etc., civil office not eligible to hold office or employment in city; exceptions.~~

~~No person shall be eligible to hold any office or employment in the city government who is a member of the General Assembly or who holds any other civil office, either in the state or federal government, except that of notary public or member of the National Guard or military reserve.~~

Sec. 13-5. Persons in employ of city not to hold elective office.

No employee of the city shall hold an elective office in the city government while he or she is in the employ of the city.

Sec. 13-6. Officers or employees not to be financially interested in city contracts, etc.

No officer or employee of the city government shall be financially interested directly or indirectly in the profits of any contract, job, work or service to be performed for the city or in the sale to the city of any land, property, materials, supplies or equipment, other than as the beneficiary of a patent or copyright or as a minority stockholder with ownership of not exceeding five (5) per centum of such stock outstanding.

Sec. 13-7. Contracts, etc., entered into contrary to section 13-6 to be void, etc.; penalty for violation of section 13-6.

Any contract, agreement or obligation entered into contrary to the provisions of section 6 of this article shall be void, and no person shall have any claim or demand whatever against the city thereunder. Any city officer or employee found guilty of a wilful violation of said provisions shall forfeit his or her office or position.

Sec. 13-8. Certain officers and employees to devote full time to their duties; council may grant exemption from section.

All persons holding office or employment in the city government, other than an elective office, shall be required to engage in the actual work of their offices or employments during regular business hours to the extent that their services may be necessary for the full and complete discharge of their duties. The council, upon recommendation of the ~~city manager~~ mayor, shall determine which officers and employees of the city shall not be required to devote their full time to the duties of their respective offices.

Sec. 13-9. Bond of officers and employees.

Each officer or employee of the city who has possession of or control over any funds of the city shall give bond for the faithful performance of his or her duties in such sum as may be fixed and with sureties to be approved by the council, and the premiums thereon shall be paid by the city.

Sec. 13-10. Inspection of records and accounts by citizens.

All records and accounts of every department and agency of the city shall be open to inspection by any citizen at all reasonable times and under reasonable regulations established by the ~~city manager~~ mayor, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish and except such records as are required by the laws of the state to be kept confidential.

Sec. 13-11. Amendments to Charter generally; adoption of new Charter.

This Charter may be amended at any time or a new Charter adopted in the manner provided by the constitution. Should two or more amendments adopted at the same elections have conflicting provisions, the one receiving the largest affirmative vote shall prevail. The sections of any amendments in addition to this Charter shall be numbered by the city clerk and inserted in their appropriate places or added to the Charter.

Sec. 13-12. How proposed new Charter or amendments to Charter may appear on ballot.

It shall not be necessary for the full text of a Charter or amendments to a Charter to be printed upon the ballot. Any digest or description thereof or any question or statement which substantially expresses the purpose or identifies the subject matter to be voted upon shall be sufficient. When any question is to be submitted to the voters, the council shall approve the statement of the question as it shall appear upon the ballot.

Sec. 13-13. Laws, etc., inconsistent with Charter to be superseded.

Upon the effective date of this Charter all laws and ordinances or parts thereof inconsistent with its provisions shall be superseded insofar as they relate to the municipality.

Sec. 13-14. Conflict of specific Charter provisions with general provisions.

To the extent that any specific provision contained in this Charter conflicts with any provision expressed in general terms, the specific provision shall prevail.

Sec. 13-15. Effect of declaring section or part of Charter invalid; when state election procedures to apply.

If any section or part of a section of this Charter shall be held invalid by a court of competent jurisdiction such holding shall not affect the remainder of this Charter, nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply; and if any section or part of section concerned with election procedures shall be held invalid by such court, the pertinent election procedures set forth in the laws of the State of Rhode Island shall apply.

Sec. 13-16. Revision and codification of ordinances.

The council, within two (2) years following the effective date of this Charter and every tenth year thereafter, shall cause to be prepared a revision or codification of

the ordinances of the city which are appropriate for continuation as local laws of the city. Such revision or codification shall be prepared under the supervision of the city solicitor, but the council may authorize the solicitor to contract for the services of persons or organizations experienced in the revision and codification of ordinances and statutes.

Sec. 13-17. Construction of words "Town of East Providence."

Whenever in any law or resolution of the General Assembly or in any record, instrument or proceeding the words "Town of East Providence" appear, they shall hereafter be construed to mean City of East Providence.

Sec. 13-18. Reserved.

~~Editor's note—~~

~~Voters passed at an election held on Nov. 6, 2012 to remove § 13-18, which pertained to office to be vacant if officer ceases to be city resident, from the Charter.~~

Sec. 13-19. Council may provide penalties for violation of ordinance.

The council may provide reasonable penalties for the violation of any ordinance.

~~ARTICLE XIV. SUCCESSION IN GOVERNMENT~~

~~Sec. 14-1. Continuation of government agencies.~~

~~Sec. 14-2. Continuation of present officers.~~

~~Sec. 14-3. Continuation of present employee rights.~~

~~Sec. 14-4. Transfer of records and property.~~

~~Sec. 14-5. Continuation of contracts and public improvements.~~

~~Sec. 14-6. Pending actions and proceedings.~~

~~Sec. 14-7. Continuation of ordinances.~~

~~Sec. 14-8. Continuation of tax obligation.~~

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~~Sec. 14-1. Continuation of government agencies.~~

~~All offices, departments, agencies, commissions or boards abolished or changed by this Charter, whether elective or appointive, shall continue in the performance of their powers, duties and functions until their successors have been established to perform the respective powers, duties and functions provided by this Charter.~~

~~Sec. 14-2. Continuation of present officers.~~

~~Any person holding an office or position in the administrative service of the town at the time this Charter takes effect shall retain such office or position and continue in the performance of his duties until provision shall have been made in accordance with this Charter for the performance of such duties or the discontinuance of such office or position.~~

~~Sec. 14-3. Continuation of present employee rights.~~

~~Any employee in the police or fire or other services of the municipality who has rights established by law or ordinance relative to his position shall continue to be entitled to all such rights and privileges therein contained. The procedure relative to retention of his position shall become that specified in article IX, section 1, provided that any present pension or retirement rights or any tenure of office heretofore guaranteed by law or ordinance to any employee of the municipality shall not be abridged or diminished by the adoption of this Charter.~~

~~Sec. 14-4. Transfer of records and property.~~

~~All records, property and equipment whatsoever of any office, department or agency or part thereof, all the powers and duties of which are assigned to any other office, department or agency by this Charter, shall be transferred and delivered to the office, department or agency to which such powers and duties are so assigned. If part of the powers and duties of any office, department or agency or part thereof is by this Charter assigned to another office, department or agency, all records, property and equipment relating exclusively thereto shall be transferred and~~

delivered to the office, department or agency to which such powers and duties are so assigned.

~~Sec. 14-5. Continuation of contracts and public improvements.~~

~~All contracts entered into by the town, or for its benefit, prior to the effective date of this Charter shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or ordinances existing at the time this Charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws and ordinances.~~

~~Sec. 14-6. Pending actions and proceedings.~~

~~No action or proceeding, civil or criminal, pending at the time when this Charter shall take effect, brought by or against the town or any office, department, agency or officer thereof, shall be affected or abated by the adoption of this Charter or by anything therein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any office, department, agency or officer party thereto may by or under this Charter be assigned or transferred to another office, department, agency or officer, but in that event the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Charter.~~

~~Sec. 14-7. Continuation of ordinances.~~

~~All existing ordinances, resolutions and other acts of the town council which are not inconsistent herewith shall remain in effect until amended or repealed by the city council.~~

~~Sec. 14-8. Continuation of tax obligation.~~

~~All taxes levied or assessed by the town prior to the effective date of this Charter, which have not been collected by the town shall be collected, with any penalties thereon, by the city government hereby established.~~

ARTICLE XV. INAUGURATION OF NEW CHARTER GOVERNMENT

~~Sec. 15-1. When Charter shall be in effect for certain purposes.~~

~~Sec. 15-2. Nomination and election generally of first officers to serve under Charter.~~

~~Sec. 15-3. Powers and duties of town clerk and board of canvassers and registration relative to first elections, etc., under Charter.~~

~~Sec. 15-4. First election and terms of city councilors and new school committee; election of successors.~~

~~Sec. 15-5. Termination of terms of town council and old school committee upon effective date of Charter.~~

~~Sec. 15-6. Appointment of city manager; council to exercise powers of manager during interim period.~~

~~Sec. 15-7. Changes or transfers in appropriations existing when Charter takes effect.~~

~~Sec. 15-8. Special election for city council and new school committee.~~

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~~Sec. 15-1. When Charter shall be in effect for certain purposes.~~

~~For the purposes of nominating and electing the elective officers of the city and public schools, this Charter shall be in effect from and after its approval by the electors. For all other purposes this Charter shall be in effect from and after the first Monday following the certification by the canvassing authority of the first officers elected under this Charter.~~

~~Sec. 15-2. Nomination and election generally of first officers to serve under Charter.~~

~~Immediately upon the approval and adoption of this Charter by the electors of the town, the town council shall have full power and authority, consistent with the laws of the state, to provide by ordinance for the nomination and election of officers and for the holding and conduct of primaries and elections for the nomination and election of the first officers of the city to serve under this Charter.~~

~~Sec. 15-3. Powers and duties of town clerk and board of canvassers and registration relative to first elections, etc., under Charter.~~

~~For purposes relating to the first nomination and elections following the adoption of this Charter, the town clerk shall have the powers and duties of the city clerk as herein provided, and the board of canvassers and registration of the town shall have the powers and duties of the canvassing authority of the city.~~

~~Sec. 15-4. First election and terms of city councilors and new school committee; election of successors.~~

~~The first election of city councilors and school committee members under this Charter shall be held on the first Tuesday in April next following its approval by the electors of the town or within one hundred twenty (120) days after the special election procedure has been approved by the General Assembly. At this election five (5) members of the school committee shall be elected. The three (3) candidates receiving the greatest number of votes at said election shall serve for terms of four (4) years, and the remaining candidates having a sufficient number of votes for their election shall serve for terms of two (2) years. Thereafter their successors shall be elected as the terms of the respective members shall expire.~~

~~Sec. 15-5. Termination of terms of town council and old school committee upon effective date of Charter.~~

~~The terms of office of the town council and school committee shall cease and terminate upon the effective date of this Charter and the terms of the city council and new school committee shall begin on the same date.~~

~~Sec. 15-6. Appointment of city manager; council to exercise powers of manager during interim period.~~

~~The city council shall appoint a city manager as soon as possible and for the interim period the council shall have and exercise the powers and duties which are vested in the manager by this Charter.~~

~~Sec. 15-7. Changes or transfers in appropriations existing when Charter takes effect.~~

~~The city council shall have authority to make any changes or transfers in appropriations existing when this Charter takes effect which may be required for the operation of the city government under the provisions of this Charter.~~

~~Sec. 15-8. Special election for city council and new school committee.~~

~~Upon the approval of this Charter the town council shall forthwith institute such procedures as may be necessary to provide for a special election for the purpose of electing the members of the city council and the school committee to serve hereunder.~~

This amendment shall take effect upon its approval in the manner provided for in Article XIII Section 8 of the Constitution of the State of Rhode Island.