

ARTICLE II. CITY COUNCIL

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

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

Sec. 2-3. Salary Compensation.

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

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

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~~ such additional compensation annually, as determined by ordinance in addition to his or her salary compensation 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 determined~~ by ordinance ~~prescribe~~ not to exceed the amount allowed to the ~~mayor president~~ for such services.

Date of passage by the East Providence Charter Review Commission 4-6-17

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

Date of passage by the East Providence Charter Review Commission 4-27-17

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 January following a City general election.

Date of passage by the East Providence Charter Review Commission 5-17-17

Sec. 2-9 Powers.

(7) Inquire into the conduct of any office, department or agency of the city and make investigation as to municipal affairs and, for such purposes, the council may subpoena witnesses and require the production of records if a super majority of at least four (4) council members passes a resolution which shall state, with sufficient particularity, the legitimate public purpose for the issuance of any such subpoena and the scope of said subpoena.

Date of passage by the East Providence Charter Review Commission 6-15-17

~~**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.~~

Date of passage by the East Providence Charter Review Commission 6-8-17

Sec. 2-14. Probate Court.

Sec. 2-14. entitled “Probate court.” is hereby deleted in its entirety.

Date of passage by the East Providence Charter Review Commission 5-4-17

Sec. 2-15. Canvassing authority.

There shall be a bipartisan canvassing authority ~~elected~~ whose members shall be appointed by the city council and nominated by the Mayor as provided by the constitution and laws of the state.

Date of passage by the East Providence Charter Review Commission 5-4-17

Sec. 2-16. City clerk.

(1) The ~~council~~ Mayor shall appoint ~~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.

Date of passage by the East Providence Charter Review Commission 4-20-17

Sec. 2-16. City clerk.

(2) (C) All records of the probate and municipal courts;

Date of passage by the East Providence Charter Review Commission 5-4-17

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 consist of seven (7) members to be appointed by the Mayor, subject to council approval, at least one (1) member to be a resident of each ward in 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.

Date of passage by the East Providence Charter Review Commission 5-4-17

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 consist of five (5) members and two (2) alternates to be appointed by the Mayor, subject to council approval, at least one (1) standing member to be a resident of each ward in the city. Alternates shall not reside in the same ward. 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.

Date of passage by the East Providence Charter Review Commission 5-4-17

~~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.~~

Date of passage by the East Providence Charter Review Commission 4-20-17

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~~ four 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.

Date of passage by the East Providence Charter Review Commission 4-27-17

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~~ January following said general election.

Date of passage by the East Providence Charter Review Commission 5-17-17

Sec. 3-3. Compensation

The Mayor shall receive ~~an~~ such annual salary compensation ~~of _____ [Fill in] or such other salary that may be prescribed~~ as determined by ordinance; provided that the ~~salary~~ salary compensation of the Mayor shall not be changed after the filing of nomination papers for the office or during the term of office for which the Mayor was elected.

Date of passage by the East Providence Charter Review Commission 4-6-17

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, promote and remove subordinates in such department or office;

Date of passage by the East Providence Charter Review Commission 6-8-17

3-5 Powers and Duties

(1) (a) The mayor shall appoint all heads of departments except as otherwise provided by this charter. Said department heads shall serve at the pleasure of the mayor. All such appointments constitute unclassified employment positions with indefinite terms subject to removal by the mayor without cause;

(b) Appoint, and when necessary for the good of service, remove all other officers and employees of the City except as otherwise provided by this Charter and except as ~~he/she~~ he or she may authorize the head of a department or office to appoint and remove subordinates in such department or office;

Date of passage by the East Providence Charter Review Commission 6-15-17

Sec. 3-5 Powers and Duties.

(14) Inquire into the conduct of any councilmember and, only for such purposes, the mayor may subpoena witnesses and require the production of records by an executive order which shall state, with sufficient particularity, the legitimate public purpose for the issuance of any such subpoena and the scope of said subpoena.

Date of passage by the East Providence Charter Review Commission 6-15-17

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 Mayor returns it to the Council within ten (10) consecutive days after its passage with a message of disapproval and veto and the Council upon immediate reconsideration no later than its next regularly scheduled meeting shall approve the ordinance by the affirmative votes of at least four (4) of its members notwithstanding the disapproval and veto of the Mayor.

3-7 Temporary Absence

In the event of the temporary absence of 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. Any removal made must be for cause. While serving as Acting Mayor under the provisions of this section the President of the City Council may not sit on said Council. If the Mayor returns to office during this period the President of the Council shall return to his or her seat and position on the 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. While serving as Acting Mayor under the provisions of this section the Acting Mayor may not sit on said Council. Any removal made by the Acting Mayor must be for cause. If the time between the occurrence of such vacancy and the next municipal election is six (6) months or more the City Clerk shall call a special election in the manner prescribed by the State Law to fill such vacancy in the office of Mayor. After said election the Acting Mayor shall return to his or her seat and position on the Council unless he or she has been elected Mayor in which case a vacancy on the Council is thereby created to be filled as prescribed in Article 2 Sec. 2-6.

Date of passage by the East Providence Charter Review Commission 4-27-17

Sec. 3-~~6~~13. Departmental divisions.

~~The work of each department may be distributed among such divisions thereof as may be established by ordinance upon the recommendation at the direction 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.~~

Date of passage by the East Providence Charter Review Commission 6-8-17

ARTICLE IV. DEPARTMENT OF FINANCE

~~Sec. 4-11. Division of treasury.~~

~~Sec. 4-13. Division of assessment.~~

~~Sec. 4-15. Division of purchases.~~

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 mayor. ~~The further organization of the department into divisions or offices shall be made by the council, on recommendation of the 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 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. 3-11 of this Charter. Any further organization of the department into divisions or offices shall be made by the council, on recommendation of the mayor.~~

Date of passage by the East Providence Charter Review Commission 6-1-17

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, and subject to the 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.~~
- (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.~~

Date of passage by the East Providence Charter Review Commission 6-8-17

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

~~(1) 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;~~

Date of passage by the East Providence Charter Review Commission 5-17-17

Sec. 4-14. Board of assessment review.

(1) There shall be a board of assessment review whose members shall be qualified electors of the city. The board of assessment review which shall consist of ~~three~~ five 5 members appointed by the Mayor, subject to council approval, at least one (1) member to be a resident of each ward in the city. 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. Two (2) additional members shall be appointed for terms of office to conclude in the first and second years thereafter in which there are no members whose terms expire respectively. Thereafter one (1) member shall be appointed in each year, with the exception of the year in which no member's term expires, for a term of six [6] years from the date of expiration of the term for which his or her predecessor was appointed, except that a person appointed to fill a vacancy occurring prior to the expiration of such term shall be appointed for the remainder of the term. Each member of the board shall hold office until his or her successor is appointed and qualified.

Date of passage by the East Providence Charter Review Commission 5-4-17

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. 4-11. 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. 4-13. 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. 4-15. 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.~~

Date of passage by the East Providence Charter Review Commission 6-1-17

Sec. 4-16 (2) Competitive Bidding

All contracts for more than ~~five hundred (\$500) dollars~~ an amount to be determined by ordinance 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)~~ fifty thousand (\$50,000.00) 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.

Date of passage by the East Providence Charter Review Commission 6-1-17

Sec. 4-17. Accounting control of purchases.

All purchases made and contracts executed by the ~~purchasing agent~~ finance department 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~~ an officer of the city 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.

Date of passage by the East Providence Charter Review Commission 6-1-17

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.

Date of passage by the East Providence Charter Review Commission 5-17-17

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~~ to the general public in at least one other manner as set by ordinance.

Date of passage by the East Providence Charter Review Commission 5-17-17

ARTICLE V. BUDGET

Sec. 5-5. Revenues anticipated.

- (1) Anticipated revenues shall be classified as "amount to be raised by property tax," "state aid," "federal aid," "miscellaneous revenues" and "surplus." Miscellaneous revenues shall be sub-classified by sources and shall be estimated as hereinafter prescribed.

Date of passage by the East Providence Charter Review Commission 5-17-17

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.~~~~

The State of Rhode Island, by and through its general assembly, has set forth laws controlling the process and procedures for municipal taxation. All property taxation processes and procedures are therefore defined and set forth by the general assembly and preempt any provision herein. The property taxation provisions of this charter only apply to the extent that they do not conflict with the laws as enacted and as may be amended by the general assembly.

Date of passage by the East Providence Charter Review Commission 6-1-17

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

- (e) The city's annual budget shall include an appropriation equal to one point seven five percent (1.75%) of the city's general fund operating budget for capital projects. 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.

Date of passage by the East Providence Charter Review Commission 5-25-17

ARTICLE V. BUDGET

Sec. 5-15. ~~[Budget reserve fund.]~~ Fund Balance and Budget Act

Sec. 5-15. ~~[Budget reserve fund.]~~ Fund Balance and Budget Act

- ~~(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) Except as explicitly authorized herein, every budget act enacted in any given fiscal year must allocate at least one percent (1%) of anticipated general fund operating revenues for any given fiscal year to the Fund Balance.

- a. Any given fiscal year budget act's aggregate expenditures may only exceed ninety nine percent (99%) of anticipated general fund operating revenues if the Fund Balance is greater than twelve percent (12%) of the prior fiscal year general fund operating revenues.

- (2) There is hereby established a Fund Balance. Said Fund Balance is funded with monies that are not otherwise allocated within any given fiscal year budget act.

- a. The Fund Balance shall be segregated into two (2) parts, the restricted Fund Balance and the unrestricted Fund Balance.
- b. The restricted Fund Balance shall take funding priority over the unrestricted Fund Balance. No funds may be allocated to the unrestricted Fund Balance until the restricted Fund Balance is equal to at least seven percent (7%) of the general fund operating revenues.
- c. The restricted Fund Balance must be kept in reserve and will not be included in the general fund operating budget, unless:
 - i. The city forecasts or experiences a loss in total ~~non-property tax~~ revenues and the loss is certified by the director of finance;
 - ii. 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%);
 - iii. 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;
 - iv. 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.~~

(3) The city's annual general fund operating budget shall include an appropriation of at least one point seven five percent (1.75%) of the city's general fund operating budget revenues for capital projects. 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.

(4) For the purpose of this section, general fund operating revenues is defined as the city and school budget, less the state aid and federal aid restricted to the school budget.

Date of passage by the East Providence Charter Review Commission 6-15-17

ARTICLE VI. DEPARTMENT OF PUBLIC WORKS

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.~~

Date of passage by the East Providence Charter Review Commission 6-8-17

ARTICLE VII. DEPARTMENT OF POLICE

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 35, subsection (1) of this Charter.~~

Date of passage by the East Providence Charter Review Commission 6-8-17

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-, including five (5) years of experience above the rank of sergeant.

Date of passage by the East Providence Charter Review Commission 6-8-17

ARTICLE VIII. DEPARTMENT OF FIRE

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 35, subsection (1) of this Charter.~~

Date of passage by the East Providence Charter Review Commission 6-8-17

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, ~~including five (5) years of experience at the rank of captain or above.~~

Date of passage by the East Providence Charter Review Commission 6-8-1

ARTICLE IX. PERSONNEL

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

(2) In the event that any ~~person~~ employees, excepting department heads, 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.

Date of passage by the East Providence Charter Review Commission 6-15-17

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

(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. The hearing board shall consist of five (5) members appointed by the Mayor, subject to council approval, at least one (1) member to be a resident of each ward in the city.

Date of passage by the East Providence Charter Review Commission 5-4-17

Sec. 9-3. Employee protection.

(4) The City of East Providence, in accordance with all applicable state or federal laws as either may be amended from time to time, shall not unlawfully harass or discriminate against any employee or applicant for employment.

Date of passage by the East Providence Charter Review Commission 6-8-17

ARTICLE X. PUBLIC SCHOOLS

Sec. 10-1. School committee.

(1) There shall be a school committee consisting of five (5) members. One (1) member shall be elected from the city at large, and one (1) member shall be elected from each of the four (4) wards of the city at the regular city elections to serve for terms of two (2) years or until a majority of the newly elected school committee have qualified and have taken office.

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

Date of passage by the East Providence Charter Review Commission 5-25-17

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

(4) The processes and procedures for appointment and or removal of all school employees shall be made are set forth by the general assembly and preempt any provision herein. The provisions of this section only apply to the extent that they do not conflict with state laws as enacted and as may be amended by the general assembly. 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.

Date of passage by the East Providence Charter Review Commission 6-8-17

ARTICLE XI. ELECTION PROCEDURE

Article XI of the Charter of the City of East Providence is hereby amended by adding the following section hereto in its entirety.

Sec. 11-25. Recall.

Recall is authorized in the case of a mayor, council member, or school committee member who has been indicted or informed against for a felony, convicted of a misdemeanor, or against whom a finding of probable cause of violation of the code of ethics has been made by the ethics commission or who has committed a willful violation of any provision of the charter as determined by a preponderance of the evidence by the ethics commission or a state court of competent jurisdiction. Recall shall not, however be instituted at any time during the last nine (9) months of an individual's term of office. Such a recall may be instituted by filing with the canvassing authority an application for issuance of a recall petition against said mayor, council member, or school committee member which is signed by duly qualified electors equal to three percent (3%) of the total number of votes cast at the last preceding general election for that office.

The canvassing authority shall within seven (7) days from the date of the filing of such petition examine it and shall from the voters registered determine the sufficiency thereof. If, upon verification by the canvassing authority the application is determined to contain signatures of the required number of electors, the canvassing authority shall, forthwith, issue a recall petition.

Within ninety (90) days of said issuance, a written petition demanding the removal of the mayor, or a member of the city council or a member of the school committee shall be filed with the canvassing authority. When removal of the mayor, or a member of the city council at large or a member of the school committee at large is sought said petition shall contain the signatures of duly qualified electors constituting twenty percent (20%) of the total number of votes cast in the last preceding general election for said office provided, however, when recall of the mayor, a council member at large or a school committee member at large is sought no less than twenty percent (20%) of the total signatures required may be from any one ward. When removal of any other member of the city council or school committee member is sought, said petition shall contain the signatures of duly qualified electors constituting twenty percent (20%) of the total

number of votes cast in the last preceding general election for said office of the ward from which such member was elected.

The signatures to the application and to the recall petition need not all be on one (1) sheet of paper, but each such application and petition must contain an identical statement naming the person to be recalled, the office held by said person, and the grounds for such recall set forth in a statement of one hundred (100) words or less approved by the canvassing authority. Each signatory must set forth his or her signature and printed name as it appears on the voting list, and his or her place of residence. The person witnessing the signatures of each elector on said petition must sign a statement under oath on said sheet attesting that the signatures thereon are genuine and were signed in his or her presence. If the requisite number of signatures are not obtained within said ninety (90) day period, the recall effort shall terminate.

The canvassing authority shall within ten (10) days from the date of the filing of such petition examine it and shall from the voters registered determine the sufficiency thereof and certify the results to the city council forthwith.

If the examination shows that the petition contains the requisite number of signatures, the city council shall order and fix, forthwith, a date for holding an election, which date shall not be less than sixty (60) nor more than ninety (90) days from the date that the canvassing authority certified the petition as sufficient.

Each ballot at such election shall have printed thereon the grounds for removing said office holder and the following question: "Shall (name of person) be removed from the office of (name of office)?" Immediately following such question, there shall be printed on the ballot the following two (2) propositions in this order:
"Yes"

"No"

In any such election, if a majority of the votes cast on the question of removal is affirmative, the person whose removal is sought shall thereupon be deemed removed from office as of certification of the results by the canvassing authority.

At such time the office shall be immediately declared vacant and shall be filled in accordance with the charter of the city. The person so removed shall not be eligible to fill the unexpired portion of the term of office.

The city council may, through ordinance, make other and further regulations for carrying out the provisions of this section not inconsistent herewith.

Date of passage by the East Providence Charter Review Commission 5-11-17

ARTICLE XII. WARDS

Sections 12-2, 12-3, 12-4 and 12-5 are hereby deleted in their entirety.

Date of passage by the East Providence Charter Review Commission 4-27-17

Article 16. COURTS

Sec. 16-1 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 and an associate judge of probate shall be attorneys-at-law in good standing who have 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 these positions.
- (3) The Mayor, subject to council approval, ~~council by resolution~~ shall appoint a judge of probate and an associate judge of probate each to serve for a term of office concurrent with that of the council and until their respective successors are 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 associate judge of probate 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.

Sec. 16-2 Municipal court.

- (1) The powers and duties of a municipal court for the city shall be exercised and performed by a municipal court judge.

- (2) The municipal court judge and an associate municipal court judge shall be attorneys-at-law in good standing who have 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 these positions.
- (3) The Mayor, subject to council approval, shall appoint a municipal court judge and an associate municipal court judge each to serve for a term of office concurrent with that of the council and until their respective successors are appointed and qualified.
- (4) In the absence, disability or disqualification of the municipal court judge so that he or she is unable to perform his or her duties, the associate municipal court judge shall serve as acting municipal court judge and when so serving shall have and exercise all the powers and duties of the municipal court judge.

Date of passage by the East Providence Charter Review Commission 5-4-17

ARTICLE XVII. DEPARTMENT OF INFORMATION TECHNOLOGY

Sec. 1. Information Technology department; organization; appointment of Director of Information Technology.

Sec. 2. Director of Information Technology; qualifications.

Sec. 3. Information Technology department; powers and duties.

Sec. 1. Information Technology department; organization; appointment of Director of Information Technology.

There shall be a department of information technology, the director of which shall be the Director of Information Technology, who shall be appointed by the mayor, and who shall be subject to removal by the mayor.

Sec. 2. Director of Information Technology; qualifications.

The Director of Information Technology shall have a minimum of a Bachelor's Degree from an approved college or university and shall have had a minimum of five (5) years managerial experience in an Information Technology Department.

Sec. 3. Information Technology Department; powers and duties.

The Information Technology Department shall be responsible for all the technology needs of the City of East Providence and work in conjunction with all

city departments including the school department to utilize the latest in technology to provide strong customer service to the residents of East Providence and efficiency to all city departments.

Date of passage by the East Providence Charter Review Commission 6-15-17