

(The following is not a verbatim transcript of comments or discussion that occurred during the meeting, but rather a summarization intended for general informational purposes. All motions and votes are the official records).

ORDINANCE COMMITTEE

Regular meeting of the Ordinance Committee was held on Thursday, July 12, 2012 in the Council Chambers, City Hall, Cranston, Rhode Island.

CALL MEETING TO ORDER:

The meeting was called to order at 6:05 P.M. by the Chair.

Present: Councilman Paul H. Archetto, Chair
Councilman Steven A. Stycos, Vice-Chair
Councilman James E. Donahue
Councilwoman Maria A. Bucci

Absent: Council Vice-President Emilio L. Navarro
Council President Anthony J. Lupino

Also Present: Gerald Cordy, Director of Administration
Evan Kirshenbaum, Assistant City Solicitor
Carlos Lopez, Director of Constituent and Government Affairs
Robert Strom, Director of Finance
Steve Woerner, City Council Internal Auditor
Patrick Quinlan, City Council Legal Counsel
Maria Medeiros Wall, City Clerk
Rosalba Zanni, Assistant City Clerk/Clerk of Committees
Heather Finger, Stenographer

MINUTES OF THE LAST MEETING:

On motion by Councilman Donahue, seconded by Councilman Stycos, it was voted to dispense with the reading of the minutes of the last meeting and they stand approved as recorded. Motion passed unanimously.

CORRESPONDENCE:

OLD BUSINESS:

3-12-1 Ordinance in amendment of Title 10, Chapter 28 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles and Traffic" (Overnight Parking Permits). (Cont. 4/12/2012 & 5/17/2012) [[click here to view](#)]

Councilman Stycos stated that he met with Mr. Cordy and one of the concerns he raised regarding this Ordinance is it might cause loss of revenue because overnight parking tickets would go down. They both agreed to research this more as to Providence's experience with this and research it in Cranston if this was implemented.

Mr. Cordy stated that there is still more research that needs to be done and also need to look at to see if there is any cost associated to implementing this.

On motion by Councilman Stycos, seconded by Councilman Archetto, it was voted to continue this Ordinance to next month's meeting. Motion passed unanimously.

PUBLIC HEARINGS/NEW BUSINESS:

Resolution proposing amendment to Sec. 10.02 of the Cranston Home Rule Charter and directing the Secretary of State to place on the ballot the following as a Referendum question (Director of Public Works/Non-Engineer). [\[click here to view\]](#)

On motion by Councilwoman Bucci, seconded by Councilman Stycos, it was voted to recommend approval of this Resolution.

Under Discussion:

Councilman Stycos stated that during the Budget process, it was mentioned by the Administration that at the salary set now for the Public Works Director is not attracting any candidates. With the slow construction and the bad economy and the City already has an Engineer on staff, this is the reason for taking this qualification out.

Councilwoman Bucci stated that right now, we have an Acting Director. She questioned why not have that person remain Acting and when construction picks up, we would still have this requirement in the Charter.

Mr. Cordy stated that the City is trying to fill this position with a licensed professional engineer and during the Budget hearing, the City Council raised the rate of the existing position with an Engineering Certification. It has been the intention of the Administration all along to hire a Public Works Director. He has a concern of how this Ordinance is drafted. The Administration is not opposed to dropping the Charter requirement. The Administration suggests addressing in this Resolution the fact that it strongly encourages that the Charter require at least a Civil Engineering Degree.

On motion by Councilman Donahue, seconded by Councilman Archetto, it was voted to amend this Resolution as follows: line 29, after "shall", add "possess a four year Degree in Civil Engineering". Motion passed unanimously.

On motion by Councilman Donahue, seconded by Councilman Archetto, it was voted to recommend approval of the above Resolution as amended.

Under Discussion:

Councilman Archetto stated that although he understands this intent, but the City Council is putting the cart before the horse. During the Budget process, the City Council increased the salary and now making the requirements. He does not think this Resolution has enough teeth to it.

Councilwoman Bucci agreed with Councilman Archetto.

Solicitor Kirshenbaum stated that the City bids out through Board of Contract and Purchase on a lot of the larger projects in the City. Circumstances where we would use Engineers are road to bridges, which the City bids out and Public Works Wastewater Treatment Plant area.

Roll call was taken on motion to recommend approval of the above Resolution as amended and motion passed on a vote of 3-1. The following being recorded as voting “aye”: Councilmen Stycos, Donahue and Councilwoman Bucci -3. The following being recorded as voting “nay”: councilman Archetto -1.

Resolution proposing amendment to Section 14.01 of the Cranston Home Rule Charter and directing the Secretary of State to place on the ballot the following as a Referendum question (Director of Personnel – Abolish Position). [[click here to view](#)]

On motion by Councilman Donahue, seconded by Councilman Stycos, it was voted to recommend approval of the above Resolution.

Under Discussion:

Councilman Stycos asked Mr. Quinlan who drafted this Resolution and to explain this Resolution.

Mr. Quinlan stated that there will still be a Division of Personnel. He just deleted the “Personnel Director” throughout the Section of the Charter. Councilman Stycos stated that this keeps the functions of the Personnel Department. it would be up to the Mayor on how the duties are administered.

Councilman Stycos stated that the current Personnel Director is suing the City over this move. Mr. Quinlan cautioned that discussion should not continue, since this is in litigation.

Councilman Archetto stated that if this Resolution is passed and the position is eliminated, he asked who would take over those duties, such as processing applications and testing. Solicitor Kirshenbaum stated that during the Budget process, it was discussed where the School Department and the City would share those functions.

Councilman Archetto stated that if this Resolution is passed, we would be opening a can of worms. During the Budget, the City Council voted to defund the Personnel Director’s position. There was no move to abolish anything.

Councilman Donahue stated that if this Resolution is passed by the City Council and by the voters, it would give the Mayor greater flexibility on how he chooses to administer the City money.

Roll call was taken on motion to recommend approval of the above Resolution and motion passed on a vote of 3-1. The following being recorded as voting “aye”: Councilmen Stycos, Donahue and Councilwoman Bucci -3. The following being recorded as voting “nay”: councilman Archetto -1.

Resolution authorizing the City to agree to a loan of a City vehicle to the City of Warwick with respect to property, specifically a Senior Center Transvan. [\[click here to view\]](#)

On motion by Councilman Stycos, seconded by Councilwoman Bucci, it was voted to recommend approval of the above Resolution.

Under Discussion:

Councilman Archetto asked how many Transvans the City of Cranston has. Mr. Cordy stated that he does not have the exact number, but we have two spares we use now incase one breaks down. Councilman Archetto asked how long this loan is for. Mr. Cordy stated that it is open end. The City of Warwick has one ordered and they expect delivery in September. They are assuming all maintenance, repairs, insurance and operating costs for this vehicle.

Roll call was taken on motion to recommend approval of the above Resolution and motion passed unanimously.

Report from Administration regarding Rodent Control issues in the City and procedures for code violations.

Councilman Archetto stated that he has received a large number of calls from constituents regarding this problem and this is a major concern and it is affecting other communities. Mr. Lopez stated that the City has been aggressively targeting the areas that are called in. We are working with the Code Enforcement Department and they are citing problem areas, specifically the ones that leave trash out or anything that provides shelter to the rodents. A second employee has been assigned to help the Rodent Control Officer. Major contributor to this problem is the unusually warm Winter. He has found the City to be extraordinarily responsive to this situation. One of the issues is how to educate the residents of the City on how to prevent this problem.

Councilman Stycos asked how the Inspections Office is enforcing the rule on how trash is to be disposed. Mr. Lopez stated that the Inspector will go out and if the resident is home they will be advised if they are in violation. If they cannot make contact with the resident, they try to reach out to the property owner and a letter is sent to the property owner notifying them that they are in violation. If those efforts are not successful, it is followed up with a fine.

Councilman Archetto stated that his Ward's trash pickup is Tuesdays and he drove around his Ward on Monday evening and was amazed at the number of trash cans without covers, at least 50%. We need to enforce the Ordinance. He also noticed a lot of wood piles, sheds and bird feeders. We need to be vigilant about this and cite the ones who are in violation. Mr. Lopez stated that Ward 3, similar to Ward 1, has a high population of transient renters. Ultimately, it is the landlord that is responsible. When the Inspectors go out to the home, it is the renters they deal with and not the landlord. The renters just don't care.

MISCELLANEOUS BUSINESS:

Joe Rhodes, 109 Caporal St., appeared to speak regarding the rodent issue and stated that he purchases new trash cans every year. He treats the cans and keeps them covered. He asked if there is anything the State can do to help the City with this problem. He has four children and is concerned about the rodents carrying diseases.

Robert Pelletier, 120 Hope Rd., appeared to speak and stated that the people who are in violation need to be cited, if not, the people will not learn. The City should provide heavy duty bins with lids. This would help the problem.

The meeting adjourned at 7:05 P.M.

Respectfully submitted,



Rosalba Zanni
Assistant City Clerk/Clerk of Committees

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THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL
IN AMENDMENT OF TITLE 10, CHAPTER 28 OF THE CODE OF THE CITY
OF CRANSTON, 2005, ENTITLED "VEHICLES AND TRAFFIC"
(Overnight Parking Permits)

Passed:

Anthony J. Lupino, Council President

Approved:

Allan Fung, Mayor

It is ordained by the City Council of the City of Cranston as follows:

Section 1. Chapter 10.28, entitled " STOPPING, STANDING, AND PARKING GENERALLY" is hereby amended by adding thereto the following:

10.28.091- Overnight Parking Pilot Program

A. Residents of Cranston may obtain a Residential Parking Permit from the Cranston Police Department. Residents of Cranston may obtain a 1 year Residential Parking Permit for a fee of one hundred dollars (\$100), which would allow on-street parking to holders of the permit, so long as the holders of the permit do not violate other citywide parking restrictions, any other parking ordinance(s), or any restriction including within this chapter.

B. Residency within the City of Cranston must be proven when applying for the Residential Parking Permit. Residency within the City may be proven through a copy of a deed, utility bill, tax bill, rent receipt or other accurate means of proving residency in Cranston. Should an applicant submit a fraudulent address or fraudulent registration, the permit shall be voided without refund, and a fine shall be assessed against the original applicant in the amount of two hundred and fifty dollars (\$250). The application for the Residential Parking Permit must include an affidavit attesting that information included for this part of the submission is true and accurate.

C. ly vehicles registered in Rhode Island may be issued a Residential Parking Permit. Applicants must submit proof that their vehicle is registered in the State of Rhode Island. All outstanding parking tickets must be paid. Furthermore, all outstanding vehicle taxes must be paid and up to date. The application for the Residential Parking

46 Permit must include an affidavit attesting that information included for this part of the
47 submission is true and accurate.

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49 D.Special Rules for other vehicles and circumstances

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51 1. No commercial vehicles are eligible for Residential Parking Permit(s). Only
52 standard issued passenger plates, such as but not limited to, veterans plates, prisoner of
53 war plates, purple heart plates, Boston Red Sox plates, Patriots Plates, and handicapped
54 plates.

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56 2. Leased cars may be issued a Residential Parking Permit if the leased car is
57 principally garaged in Cranston. The owner of the vehicle applying for a Residential
58 Parking Permit must, in addition to complying with the registration and residency
59 requirements of this chapter, submit a copy of the lease agreement with the application.

60

61 3. Rental Cars may be issued a Residential Parking permit if said rental car is being
62 used by a resident of Cranston if the resident's primary automobile is unavailable do to
63 an accident, repair work, or other unforeseen event. The maximum duration that a rental
64 car may be issued a Residential Parking Permit is sixty (60) days.

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66 4. Residents of dorms on a college or university campus within the City of Cranston
67 may not be issued a Residential Parking Permit

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69 5. Residents which reside in a complex or dwelling that contain more than five (5)
70 units, including but not limited to condominiums and apartments, may not obtain a
71 Residential Parking Permit.

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73 E. Payment of the one hundred dollar (\$100) fee is due when the application
74 is submitted to the City. Payment shall be made through cash or money order, and shall
75 be made payable to the City of Cranston. The Residential Parking Permit will expire one
76 year from the date of issuance by the City.

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78 F.se and Restrictions of the Residential Parking Permit

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80 1. Residential Parking Permits allow holders to lawfully park overnight on streets.
81 This does not allow holders of the permit to overcome any other parking restriction or
82 ordinance in the City including, but not limited to, current designated no parking areas,
83 no parking in crosswalks, no parking in front of fire hydrants, parking bans for snow
84 removal or other City maintenance or any other parking ban found within the Cranston
85 Municipal Code.

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87 2. A Residential Parking Permit may not be transferred to another automobile or
88 another person.

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90 3. There is a strict limit of two (2) Residential Parking Permits per address.

91 4. If a Resident moves to another area of Cranston, different from the address to
 92 which the Residential Parking Permit was used, the holder of the permit must update their
 93 information with the City. There will be no additional cost for updating this information.
 94

95 5. Should a resident move out of the City of Cranston permanently, the holder of the
 96 permit must notify the City of Cranston of the change of address. The Residential
 97 Parking Permit shall be voided if the holder permanently moves to a different
 98 municipality.
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100
 101 **Section 2.** Chapter 10.28, entitled " STOPPING, STANDING, AND PARKING
 102 GENERALLY" is hereby amended by adding thereto the following:
 103

104 **10.28.90- All Night Parking Prohibited**
 105

106 It shall be unlawful for the operator of any vehicle to park the same on any street
 107 for a period of time longer than two hours between the hours of 1:00 a.m. and 7:00 a.m.
 108 of any day unless the operator of the vehicle has obtained a Residential Parking Permit
 109 pursuant to 10.28.090.
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111 **Section 3.** This Ordinance shall take effect upon its final adoption.
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 114 Positive Endorsement Negative Endorsement (attach reasons)
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 118 Christopher Rawson, City Solicitor Christopher Rawson, City Solicitor
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120 Date Date
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 123 Sponsored by: Councilman Stycos
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 126 Referred to Ordinance Committee April 12, 2012
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1 THE CITY OF CRANSTON

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3 **RESOLUTION OF THE CITY COUNCIL**
4 **PROPOSING AMENDMENT TO SEC. 10.02 OF THE CRANSTON HOME RULE**
5 **CHARTER AND DIRECTING THE SECRETARY OF STATE TO PLACE ON THE**
6 **BALLOT THE FOLLOWING AS A REFERENDUM QUESTION**
7 **(Director of Public Works/Non-Engineer)**

8
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10 **No.**

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13 *Passed:*

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Anthony J. Lupino Council President

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19 *Resolved that*

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22 **SECTION 1.** That Section 10.02 of the Home Rule Charter of the City of Cranston be
23 amended to change the job description of the director of public works in order to allow non-
24 engineers to hold the position.

25
26 **Section 10.02- Director of public works**

27 The director of public works shall be the head of the department ~~and ex officio city~~
28 ~~engineer.~~ The director of public works **shall possess a four (4) year degree in civil engineering*
29 ~~shall be an engineer licensed to practice his profession in the State of Rhode Island and~~ **and*
30 shall have had at least five years' experience in highway or public works administration. The
31 director of public works shall be appointed and removed by the mayor as provided in section
32 5.02. The director of public works shall have and exercise except as otherwise provided in this
33 Charter all the powers and duties conferred or imposed on surveyors of highways and city
34 engineers by the laws of the state together with all the powers and duties hitherto conferred or
35 imposed on the commissioner of public works or which may hereafter be conferred or imposed
36 on the director of public works by ordinance. Subject to the supervision and control of the mayor
37 the director of public works shall be in the direct command of the department of public works
38 and responsible for the efficiency of all its divisions and other units. The director of public works
39 shall appoint and remove, subject to the provisions of chapter 14, all other officers and
40 employees of the department.

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43 **SECTION 2.** That the City Clerk and the Cranston Board of Canvassers forward
44 certified copies of this resolution to the Secretary of State, with a notice that the above question
45 be placed on the ballot at the November 6, 2012 general election, pursuant to the provisions of
46 Sec. 8 of Article XIII of the Constitution of the State of Rhode Island.

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SECTION 3. That the City Clerk cause the proposed amendments to be advertised four times during the thirty days prior to the date of the election, and that sufficient copies of the proposed amendment be made available in the city clerk's office for all persons desiring a copy thereof.

SECTION 4. Subject to the approval of these proposed amendments by the electors of the City of Cranston at the aforesaid election, the Cranston City Council does hereby memorialize the General Assembly to act favorably on the validation of the above amendment to the Cranston Home Rule Charter.

Recommendation from Ordinance Committee
Referred to Ordinance Committee July 12, 2012

1 THE CITY OF CRANSTON
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3 **RESOLUTION OF THE CITY COUNCIL**
4 **PROPOSING AMENDMENT TO SEC. 14.01 OF THE CRANSTON HOME RULE**
5 **CHARTER AND DIRECTING THE SECRETARY OF STATE TO PLACE ON THE**
6 **BALLOT THE FOLLOWING AS A REFERENDUM QUESTION**
7 **(Director of Personnel- Abolish Position)**
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10 No.

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12 *Passed:*

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Anthony J. Lupino Council President
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17 *Resolved that*

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20 **SECTION 1.** That Section 14.01 of the Home Rule Charter of the City of Cranston be
21 amended to abolish the position of Personnel Director.

22
23 **14.01- Department of personnel.**

24
25 The department of personnel shall consist of ~~the director of personnel,~~ such other
26 employees as may be authorized by ordinance, the personnel appeal board and the employee
27 retirement board.
28

29 **Section 2.** That Section 14.02 of the Home Rule Charter of the City of Cranston be
30 amended to abolish the position of the Personnel Director.

31
32 **Sec. 14.02 - Director of personnel.**

33
34 ~~The director of personnel shall be a person trained and skilled in personnel administration~~
35 ~~with knowledge of and interest in public personnel administration. The director of personnel~~
36 ~~shall be appointed by the mayor as hereinafter provided and shall be a member of the classified~~
37 ~~service. The first mayor under this Charter immediately upon taking office and thereafter the~~
38 ~~mayor whenever a vacancy shall occur in the office of the director of personnel shall appoint an~~
39 ~~examining committee of three persons to examine the qualifications of all applicants for the~~
40 ~~position of director of personnel. At least two members of the examining committee shall be~~
41 ~~public personnel administrators or public personnel specialists of recognized standing who need~~
42 ~~not be residents of the City of Cranston. The mayor shall give wide publicity to the appointment~~
43 ~~of the committee, the position to be filled and the time and place at which an open competitive~~
44 ~~examination shall be held by the examining committee. Such examination shall include among~~
45 ~~other things consideration of the training and experience of all candidates and competition shall~~
46 ~~not be limited to residents of the City of Cranston or the State of Rhode Island. Upon its~~

47 ~~conclusion the examining committee shall certify to the mayor the names of the three candidates~~
48 ~~rated highest if there be that many passing the examination and if not all the candidates passing~~
49 ~~the examination in the order of their rank in the examination. The mayor shall then appoint one~~
50 ~~of the persons so certified to be director of personnel. The compensation and expenses of the~~
51 ~~members of the examining committee shall be an obligation of the city and paid upon the~~
52 ~~requisition of the mayor.~~

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54 **Section 3.** That Section 14.05 of the Home Rule Charter of the City of Cranston be
55 amended to abolish the position of the Personnel Director.

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57 **Section 14.05- Rules and regulations.**
58

59 It shall be the duty of the ~~director of personnel~~ personnel administration to prepare and submit to
60 the council from time to time rules and regulations relative to personnel administration which
61 may be in addition to or amendment of the rules and regulations in force at the effective date of
62 this Charter. Such proposed rules shall become effective on approval by the council after public
63 hearing. Notice of such hearing shall be given by posting in the city hall and other municipal
64 buildings and by publication once as a paid advertisement in a newspaper of general circulation
65 in the city at least seven days prior to the date of such hearing. These rules and regulations shall
66 not be inconsistent with the provisions of this Charter and shall include but not be limited to:

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68 (a)
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70 Construction and amendment from time to time of the classification plan and pay plan for all
71 positions in the service of the city, except the certified personnel of the school committee.

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73 (b)
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75 Standards of age, sex, physical fitness, education and morals to be required of all applicants for
76 positions or classes of positions in the classified service.

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78 (c)
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80 Time of holding and methods of advertising and conducting open competitive examinations, the
81 type and content of such examinations and their grading including the conditions on which not
82 more than ten points on a scale of one hundred of additional credit may be allowed to any person
83 who has served in time of war in the army, navy, marine corps, air force or coast guard of the
84 United States and has been honorably discharged therefrom.

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86 (d)
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88 Noncompetitive tests for unskilled labor positions.

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95 (e)
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97 Maintenance, consolidation and cancellation of eligible lists and methods for certifying eligibles
98 for appointment.
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100 (f)
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102 Promotions and the application of service ratings thereto.
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104 (g)
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106 Probationary periods of employment.
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108 (h)
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110 Administration of classification plan and pay plan.
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112 (i)
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114 Work schedules, holidays, vacations, sick leaves and other leaves of absence, overtime pay,
115 layoffs and reinstatements.
116
117 (j)
118
119 Procedure on appeal from disciplinary action and from the administration of the classification
120 plan and pay plan.
121
122 (k)
123
124 Plans for resolving the grievances of employees and for establishing sound relations between
125 employer and employee.
126

127 **Section 4.** That Section 14.06 of the Home Rule Charter of the City of Cranston be
128 amended to abolish the position of the Personnel Director.
129

130 **Sec. 14.06 - Further duties of the director of personnel.**
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132 It shall further be the duty of the ~~director of personnel~~ personnel administration acting in
133 accordance with the terms of this chapter and of the rules and regulations adopted as above
134 provided to:
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(a)

Conduct open competitive examinations of all original appointments in the classified service except in the case of unskilled laborers and whenever the ~~director of personnel~~ personnel administration shall determine in accordance with the said rules and regulations that the same is practicable, for promotions, and to give wide publicity through the channels appropriate to each case to all announcements of competitive examination; provided, that in formulating examinations the ~~director of personnel~~ personnel administration shall consult with all officers having power of appointment as to their personnel requirements.

(b)

Maintain eligible lists based on such examinations for each class of position in the classified service to which original appointments are to be made and whenever a vacancy in such a position is to be filled to certify to the appointing officer the names of the three persons standing highest on the list applicable to the position in the order of their standing, provided that if there are fewer than three names on any such list, the ~~director of personnel~~ personnel administration shall announce and conduct an examination for that class of position of which at least ten days notice shall be given by publication in a newspaper of general circulation in the city and if after such examination there remain fewer than three names on the eligible list for the position the ~~director of personnel~~ personnel administration shall certify all the names thereon in the order of their standing.

(c)

Enter into agreement subject to the approval of the council with other public personnel departments or agencies in the State of Rhode Island for the joint administration of competitive examinations and the joint use of eligible lists.

(d)

Authorize in writing for a period not exceeding three months a temporary appointment without examination to a position of a seasonal or transitory character but only when there is no qualified person on an eligible list reasonably applicable to the position to be filled who desires such appointment and no such appointment shall be renewed.

(e)

Authorize in writing a provisional appointment to a position for which there is no eligible list but no such appointment shall be for a longer period than three months and no such appointment shall be renewed. It shall be the duty of the ~~director~~ administration to continue the ~~director's~~ administration's efforts to establish an eligible list for the position and when such a list has been established the provisional appointment shall terminate. No credit shall be allowed on any examination for experience gained in a provisional appointment.

- 185 (f)
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187 Prepare and recommend to the council a classification plan, a pay plan, and amendments thereto,
188 covering all positions in the classified service.
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- 190 (g)
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192 Supervise the maintenance by the heads of all departments, offices and agencies of the city of
193 such personnel records and service ratings as may be prescribed by the rules and regulations
194 approved by the council.
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- 196 (h)
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198 Maintain a roster of all positions in the classified service which shall specify as to each employee
199 the class title of the position held; the salary or pay; any changes in class title, salary or pay; and
200 such other data as may be deemed useful or significant.
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- 202 (i)
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204 Examine all payrolls on which the names of persons in the classified service appear and no
205 payment of salary or wages shall be made to such persons by virtue of any payroll unless it bears
206 the certificate of the ~~director of personnel~~ personnel administration that such persons have been
207 appointed and are being employed in accordance with the provisions of this chapter and the rules
208 and regulations of the department of personnel, that such persons are credited with pay at the
209 rates determined by the pay plan and that the ordinances of the city and the rules and regulations
210 of the department of personnel including those relating to overtime, vacations and sick leaves
211 have been observed.
212
- 213 (j)
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215 Investigate the operation and effect of the personnel provisions of this Charter and the rules and
216 regulations adopted thereunder and report at least annually his findings and recommendations to
217 the mayor and council.
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- 219 (k)
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221 Serve as secretary of the employee retirement board and be responsible for the maintenance of its
222 records.
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- 224 (l)
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226 Perform such other duties as may be assigned to him by ordinance.
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232 **Section 5.** That Section 14.07 of the Home Rule Charter of the City of Cranston be
233 amended to abolish the position of the Personnel Director.
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235 **Sec. 14.07 - The classified service.**
236

237 All original appointments in the classified service shall be made from eligible lists
238 certified by the ~~director of personnel~~ personnel administration except as provided in subsections
239 (d) and (e) of section 14.06. Appointments to higher positions in the classified service shall be
240 made as provided in section 14.08. All original appointments shall be made for a probationary
241 period the conditions of which shall be determined by the rules and regulations of the
242 department, provided that no probationary period shall exceed one year. Members of the
243 classified service shall be subject to such disciplinary action including removal as may be
244 ordered by the officer having the power of appointment to the position held by the person to be
245 disciplined, as limited by the right of appeal hereinafter provided. Prior to the end of the
246 probationary period of any employee, the employee's service may be terminated by such officer
247 with the approval of the ~~personnel director~~ personnel administration if they are of the opinion
248 that the employee does not possess the qualifications required by the position. Upon the
249 conclusion of the probationary period no member of the classified service shall be suspended for
250 more than ten days, reduced in rank or pay or removed except after notice in writing of the
251 grounds of the proposed action and an opportunity to be heard thereon by the personnel appeal
252 board. If within five days after the receipt of such notice the employee shall in writing addressed
253 to the personnel appeal board request a hearing the board shall fix a time and place for such
254 hearing to be held not earlier than five nor later than ten days after receipt of such request and
255 notify the employee thereof. The hearing may be public at the option of the employee and the
256 employee may be represented by counsel or by some other person of the employee's own
257 choosing. The personnel appeal board may sustain, reverse or modify the disciplinary action
258 appealed from and may order the restoration of pay lost during the pendency of the appeal.
259

260 **Section 6.** That Section 14.08 of the Home Rule Charter of the City of Cranston be
261 amended to abolish the position of the Personnel Director.
262

263 **Sec. 14.08 - Promotions.**
264

265 Vacancies in higher positions in the classified service shall be filled as far as practicable
266 by promotion from a lower class of position upon the basis of competitive examinations
267 including a consideration of service ratings, provided that in case the ~~Director of Personnel~~
268 personnel administration with the approval of the Mayor directs any such position may be filled
269 on the basis of competitive examination open not only to members of the classified service but to
270 persons not in service of the City. All examinations for the purpose of filling higher positions in
271 the classified service shall be conducted by the ~~Director of Personnel~~ personnel administration in
272 accordance with the rules and regulations of the department and the ~~Director of Personnel~~
273 personnel administration shall certify to the appointing authority a list of candidates rated highest
274 if there be that many passing the examination in the order of their rank in the examination and all
275 appointments shall be made in the order of the persons so certified be approved?
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SECTION 7. That the City Clerk and the Cranston Board of Canvassers forward certified copies of this resolution to the Secretary of State, with a notice that the above question be placed on the ballot at the November 6, 2012 general election, pursuant to the provisions of Sec. 8 of Article XIII of the Constitution of the State of Rhode Island.

SECTION 8. That the City Clerk cause the proposed amendments to be advertised four times during the thirty days prior to the date of the election, and that sufficient copies of the proposed amendment be made available in the city clerk's office for all persons desiring a copy thereof.

SECTION 9. Subject to the approval of these proposed amendments by the electors of the City of Cranston at the aforesaid election, the Cranston City Council does hereby memorialize the General Assembly to act favorably on the validation of the above amendment to the Cranston Home Rule Charter.

Recommendation from Ordinance Committee
Referred to Ordinance Committee July 12, 2012

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THE CITY OF CRANSTON

RESOLUTION OF THE CITY COUNCIL
AUTHORIZING THE CITY TO AGREE TO A LOAN OF A CITY VEHICLE TO
THE CITY OF WARWICK WITH RESPECT TO PROPERTY, SPECIFICALLY
A SENIOR CENTER TRANSVAN

No.

Passed:

Anthony J. Lupino, Council President

It is ordained by the City Council of the City of Cranston as follows:

SECTION 1. The Mayor of the City of Cranston desires to enter into a Loan Agreement with the City of Warwick with respect to City property, specifically loaning a Senior Center Transvan to the City of Warwick. The City Council of the City of Cranston hereby authorizes, approves, confirms, and ratifies the aforementioned and attached Loan Agreement.

SECTION 2. This Resolution shall take effect upon its final adoption.

Sponsored by

Referred to Ordinance Committee July 12, 2012

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LOAN AGREEMENT

WHEREAS, the City of Warwick is being loaned a City of Cranston vehicle, specifically, a 2003 Ford/Terra Transit 16 + 2 Passenger Diesel Bus. VIN # 1FDXE45F63HA17987.

THEREFORE, the parties agree as follows:

1. The City of Cranston grants permission and use of its said vehicle.
2. The City of Warwick agrees to conduct its operation of said vehicle in a reasonable manner and further, to hold harmless and indemnify the City of Cranston, its agents, servants, or employees for any and all liability for damages of any kind whatsoever by reason of its negligence or any other liability in tort related to said vehicle. In addition, the City of Warwick agrees to compensate the City of Cranston in connection with any damages caused by the City of Warwick's use of said vehicle, and expressly agrees to hold harmless the City of Cranston, its agents, servants, or employees for any and all liability in damages of any kind whatsoever by reason of its negligence or other liability in tort in connection with the use of this vehicle.
3. The City of Warwick agrees to obtain motor vehicle insurance, procure its own gas, and make all necessary repairs and/or maintenance related to the aforementioned vehicle.
4. This Agreement may be unilaterally terminated at any time by the City of Cranston.

City of Cranston

City of Warwick

Title Date

Title Date