

**CITY OF EAST PROVIDENCE
RHODE ISLAND
JOURNAL CHARTER REVIEW COMMISSION
May 8, 2024**

Room 306, City Hall, 145 Taunton Avenue, East Providence, RI 02914

Chairman Marc Furtado called the meeting to order at 6:51 p.m.

Present: Commissioners David Luiz, Valerie Perry, Bruce Rogers, Julie Silva, Michael Sullo, Manuel Vinhateiro, Chairman Marc Furtado.

Absent: Commissioners John Faria and Joseph Tavares

Also in Attendance: Meagan Bellamy, Conley Law Offices, Malcolm Moore, Finance Director

PUBLIC COMMENT & COMMUNICATIONS

None

NEW BUSINESS

- A.** Approval of Minutes
March 27, 2024

A motion to approve the minutes of March 27, 2024, was made by Mr. Vinhateiro, seconded by Mr. Luiz, and unanimously approved.

- B.** Discussion and vote to amend the approved recommendation of City Council and School Committee compensation to factor in cost of living.
(Commissioner Vinhateiro)

Mr. Luiz recuses himself from the discussion and vote as he is a candidate for the School Committee.

A motion to open for the purposes of discussion was made by Mr. Rogers, seconded by Mr. Sullo, and unanimously approved.

Following discussion, ***a motion to approve made by Mr. Sullo, seconded by Mr. Rogers***, passed on a 6-0 vote, with 1 recusal.

Voting Aye: Perry, Rogers, Silva, Sullo, Vinhateiro, Furtado
Recusal: Mr. Luiz

- C.** Discussion and vote on proposed budget amendment presented by the law department.

Malcom Moore, Finance Director, answers questions pertaining to Section IV –
FINANCE

The following recommendations were made:

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

Motion to repeal Sec. 4-3 was made by Mr. Rogers, seconded by Mr. Luiz, and unanimously approved.

Sec. 4-10. - Unexpended appropriations.

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

Sec. 4-13. - Competitive bidding.

(2) All contracts for more than 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 Mayor shall have the power to accept or to reject any or all bids, and to re-advertise, or re-notice, for same; provided, however, that the acceptance of any bid for a contract in excess of 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 Mayor.

Sec. 4-17. - 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 City may authorize the issuance of notes, each of which shall be designated "emergency note" and may be renewed.

ARTICLE V. – BUDGET

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

Add: This fiscal year of the government may be altered to coincide with the fiscal year of the State of Rhode Island.

Sec. 5-5 Revenues anticipated.

Delete 5-5 (4)

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 in~~ the first six (6) months.

Sec. 5-7. - Surplus.

Delete

Sec. 5-8. - Expenditures proposed.

Delete 5-8 (4), (5), (6)

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~~ in the first six (6) months.

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

The **Mayor's** proposed budget and budget message **and the City's finally adopted budget** and all supporting schedules shall each be a public record, posted on the City's website ~~in the office of the City Clerk open to public inspection by anyone. The 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 noticed, 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 **Mayor's proposed** 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~~ **Prior to** 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 or capital expenditure, ~~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,~~ **and such public hearing shall be advertised and or noticed in conformance with** Rhode Island General Laws.

Sec. 5-12. - Adoption of budget.

- (4) If the Mayor vetoes the budget in accordance with Sec. 3-6, the present budget shall continue to be in full Force and effect. The council shall then have fifteen (15) days to pass a budget with four (4) votes which shall not be subject to

further veto and shall become the affected budget immediately upon passage. If, after a veto, the council fails to timely pass a budget with four (4) votes, then the Mayor's proposed budget shall become the effective 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.

- (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 Mayor and City Clerk and filed in the office of the director of finance **and posted on the City's website.** ~~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.~~

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

Delete (b) (c -)

Rename Sec. 5-14 (a) to Sec. 5-14 (1)

Sec. 5-15. - Fund balance and budget act

- (1) Except as explicitly authorized herein, every budget act enacted in any given fiscal year must **shall** allocate at least one percent **and one quarter** (1.25) 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.~~
- (d) The amount between the applicable percentage in subsection (1) and one hundred percent (100%) of the anticipated general fund operating revenues for any fiscal year shall be transferred in any given fiscal year into the Fund Balance; provided, however, that no such payment will be made which would increase the total of the Fund Balance to more than ~~ten~~ **twelve** percent (12%) of only the anticipated general
- (3) 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, **except that funding a synchronization of the City Fiscal Year to coincide with the Rhode Island Fiscal Year may be considered a Capital Project.**

D. Vote to approve substantive changes to the city charter.

E. Vote to transmit approved substantive recommendations to the City Council

A motion to approve the substantive changes to the city charter and transmit them to the City Council was made by Mr. Vinhateiro and seconded by Mr. Luiz. The motion passed unanimously on a roll call vote.

Ayes: Luiz, Perry, Rogers, Silva, Sullo, Vinhateiro, Furtado

On a motion by Mr. Luiz, seconded by Mr. Rogers, the meeting adjourned at 8:32 p.m.

Attest:

Valerie A. Perry
Secretary