

CHARTER REVIEW COMMISSION

A meeting of the Charter Review Commission was held on Wednesday, February 19, 2020 in the Council Chambers, 869 Park Ave., Cranston, Rhode Island.

1. Call the meeting to order:

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

Present: Michael Lepizzera, Esq., Dan DosSantos; Katie Nee, Esq.; Matthew Pallini; Edward Coccio; Robert Santurri, Jr.; Joseph Agresti; Matthew Reilly, Esq.; Steven Frias, Chair, Ellen O'Hara, Vice-Chair.

Absent: Evan Kirshenbaum, Esq.

2. Approval of the minutes of the last meeting:

On motion by Mr. Santurri, seconded by Ms. O'Hara, it was voted to dispense with the reading of the minutes of the last meeting and they stand approved as recorded. Motion passed unanimously.

3. Public Comment:

Nick Lima, City Registrar, appeared to speak regarding proposed change to Campaign Finance reporting requirement proposal. He stated that he made this suggestion to the Administration. He thinks this is a good amendment. For the past decade or so, anyone can go online and view the reports. It makes no sense having this in the Charter. In looking through at archives for past ballot questions, and in doing so, he came across old voter information handbooks. When this Commission first convened, he brought up the issue of not putting too many questions on the ballot for this November General Election. You do not want too many ballot questions because it is a lot for people to read when going to the polls on Election Day. also, multiple page ballots can significantly add jams in voting machines, which is somewhat of a concern. He suggested prioritizing items for 2020 and other items can be placed on the 2022 Election.

4. Discussion and Possible Vote on Changes to the City Charter

- A. Amendment to Chapter 2.03 to extend the term of City Council members from 2 to 4 years (Amendment sponsored by Mr. DosSantos).**

B. Amendment to Chapter 2.04 to extend the term of School Committee members from 2 to 4 years (Amendment sponsored by Mr. DosSantos).

Mr. DosSantos stated that the goal of these two proposals is to extend City Council, as well as the School Committee, terms from two-year terms to four-year terms with a maximum of eight years. He stated that four-year terms will cause the official to be more long-term. He feels if this is done for the City Council, it would be appropriate to do for the School Committee as well. The terms would be staggered. The At-Large would run with the Mayor and the others would run off years cycle. It would be more beneficial for the City if people were here four years instead of two.

Mr. DosSantos motioned to approve this proposal. Mr. Reilly seconded the motion.

Under Discussion:

Mr. Santurri stated that the way it works now is you can be elected to five two-year terms consecutively and you have to get off the City Council and you can get back on the Council after the second four-year term and would be eligible to run again. Mr. DosSantos stated that with two four-year terms, the person would not be eligible to run again.

Mr. Lepizzera stated that, in reading the amendment, it needs to be clarified to state this.

Chair stated that if this passes, there would need to be clarification that the person is limited to two four-year terms.

Ms. O'Hara noted that not only does the School Committee and City Council have two-year terms, but the General Assembly has two-year terms as well as the House of Representatives in Congress. She believes the two-year terms have two fold purposes: 1) two-year terms was created to enhance accountability of the elected officials to the voters; 2) to give timely access to either support them for another term or vote the official out of office based on performance.

Mr. Reilly stated that doing it four years, you actually have three years to work for the people. The two-year term, you spend one year governing and one year working for the people.

Mr. Agresti stated that, from personal experience, it would be easier to switch them out after a two year period. Having it every two years, you need to be there with the people doing the people's work. If you change it to four years, the person can slack two years. From personal experience in working with Councilmember Paplauskas in Ward 5, he campaigns all the time, election year or not and also having tree lighting in Knightsville and Meshanticut Park cleanup.

Mr. Santurri opposed to this amendment. He stated that he does not see any need for changing this.

Chair opposed to this amendment and stated that he does not see any compelling reasons to change from a two-year term to a four-year term.

Roll call was taken on motion to approve this amendment and motion failed on a vote of 2-8. The following being recorded as voting “aye”: Mr. DosSantos and Mr. Reilly -2. The following being recorded as voting “nay”: Mr. Frias, Ms. O’Hara, Mr. Lepizzera, Ms. Nee, Mr. Pallini, Mr. Santurri and Mr. Agresti -8.

C. Amendment to Chapter 2.09 to repeal the requirement that campaign finance reports be filed with the Board of Canvassers (Amendment sponsored by Mr. Reilly).

Mr. Reilly stated that this is what City Registrar Lima discussed earlier in the meeting. The State Board of Elections handles this and with today’s technology, all this information is available through click of a button. Given the election cycle that we are in, he would suggest that this be put off until the 2022 Election, but he thinks this is necessary to be updated.

On motion by Mr. Reilly, seconded by Mr. Lepizzera, it was voted to approve this amendment.

Under Discussion:

Mr. Lepizzera stated that Section 2.09 compels the City Clerk to cause copies of such reports be secured from the State Board and be maintained by her. If this is not being done and the City Clerk is not being required to do that, it should be removed.

No one expressed opposition to the amendment.

Roll call was taken on motion to approve this amendment and motion passed on a vote of 10-0. The following being recorded as voting “aye”: Mr. Frias, Ms. O’Hara, Mr. Lepizzera, Mr. DosSantos, Ms. Nee, Mr. Pallini, Mr. Coccio, Mr. Santurri, Mr. Agresti and Mr. Reilly -10.

D. Amendment to Chapter 3.07 related to permitting electronic notice of City Council meetings (Amendment sponsored by Mr. Reilly).

Mr. Reilly stated that this amendment is updating with the times and technological functions.

No one expressed opposition to the amendment.

On motion by Mr. Reilly, seconded by Ms. Nee, it was voted to approve this amendment. Motion passed on a vote of 10-0. The following being recorded as voting “aye”: Mr. Frias, Ms. O’Hara, Mr. Lepizzera, Mr. DosSantos, Ms. Nee, Mr. Pallini, Mr. Coccio, Mr. Santurri, Mr. Agresti and Mr. Reilly -10.

E. Amendment proposing a new Chapter 6.20 related to maintaining the Rainy Day Fund (Amendment sponsored by Chair Frias and Mr. Reilly).

Chair stated that when he was appointed to this Commission, one of the first things he stated to the Mayor was that he wanted to come up with a proposal to protect the Rainy Day Fund and maintain our fiscal stability. Chair discussed how most states are required to maintain a budget reserve or Rainy Day Fund for emergencies. He also explained that the depletion of the City's \$10 million Rainy Day Fund about two decades ago caused the City's financial crisis and the City's credit rating to go to junk bond. The Chair stated he hopes that this amendment requiring the Rainy Day Fund to be at least 5 percent of the budget could help prevent that from occurring again.

Mr. Reilly agreed with the Chair. He also stated that this is not just something that needs to be looked at, but is imperative.

On motion by Chair Frias, seconded by Mr. Lepizzera, it was voted to approve this amendment.

Under Discussion:

Mr. Santurri asked if anyone knows what the current percentage is of the Rainy Day Fund. Chair stated \$18.3 million, which is the equivalent of 6.4 percent of the operating budget.

Mr. Agresti stated that if there is a disaster and the percentage went down below 5 percent. He asked how we bring it back up. Chair stated that he did not address this in the Charter because he would want to give flexibility to our elected officials to deal with it. He presumed they would need to bring it back up to 5 percent the next fiscal year due to the credit rating agencies.

No one expressed opposition to the amendment.

Roll call was taken on motion to approve this amendment and motion passed on a vote of 10-0. The following being recorded as voting "aye": Mr. Frias, Ms. O'Hara, Mr. Lepizzera, Mr. DosSantos, Ms. Nee, Mr. Pallini, Mr. Coccio, Mr. Santurri, Mr. Agresti and Mr. Reilly -10.

F. Amendment proposing a new Chapter 6.21 related to establishing a property tax levy cap on increases greater than 3 percent (Amendment sponsored by Chair Frias and Mr. Reilly).

Chair stated that he looked at the Massachusetts approach of implementing a 2.5 percent tax cap, but instead decided to propose this amendment, which closely follows on the current Rhode Island State law which limits property tax increases to 4 percent except by a vote of super majority on the City Council and under certain conditions. The Chair explained that this amendment creates a 3 percent tax cap but otherwise mirrors state law. The 3 percent level was chosen because it is consistent with the historic rate of inflation and the level of tax increases Cranston has experienced over the past decade. The Chair stated he hoped this amendment would reduce the burden on taxpayers over time.

Mr. Reilly stated that this is the more diplomatic approach. He had expressed to the Chair more stringent requirements when it comes time to a tax increase by basically handcuffing each Administration from raising taxes on our citizens without certain parameters being put in place, however, with the Chair's expertise, he sees this as a more diplomatic approach and supports doing this to maintain our fiscal stability.

On motion by Chair Frias, seconded by Mr. DosSantos, it was voted to approve this amendment.

Under Discussion:

Ms. Nee stated that she is opposed to this amendment because the State structure of 4 percent is adequate.

Ms. O'Hara stated that her first time on the City Council in the late 1990s and early 2000s coincided with the financial crisis, which was a disaster. She welcomed the amendment because it was very structured and she believes it will protect the citizens from any misdeeds from City Council or Executives when it does happen.

Mr. Santurri stated that although it is well thought out, he is opposed to this amendment.

Mr. Agresti stated that he is in favor of this amendment and this sends a message to businesses that want to come to Cranston. It also sends a message to the residents who are on a fixed income.

Roll call was taken on motion to approve this amendment and motion passed on a vote of 7-3. The following being recorded as voting "aye": Mr. Frias, Ms. O'Hara, Mr. Lepizzera, Mr. DosSantos, Mr. Coccio, Mr. Agresti and Mr. Reilly -7. The following being recorded as voting "nay": Ms. Nee, Mr. Pallini and Mr. Santurri -3.

G. Amendment to Chapter 8.01 eliminating residency requirement for the city solicitor (Amendment sponsored by Mr. Reilly).

Mr. Reilly stated that current language is arbitrary and capricious requirement. We should be choosing best qualified candidate for the job no matter where they live.

On motion by Mr. Reilly, seconded by Mr. DosSantos, it was voted to approve this amendment.

Under Discussion:

Chair questioned if this could go on the 2022 ballot. Mr. Reilly stated, yes.

Mr. Agresti asked if there could language in the amendment to state that the person be a Rhode Island resident. Chair stated that to practice law in Rhode Island, the person would have to be a member of the Rhode Island Bar. There could language to state that the City Solicitor shall be a Rhode Island attorney. Chair also stated that if the sponsor is not opposed, we could table this for now and redraft the language to make it more clear for the voter.

Mr. Coccio asked if there is a residency requirement for City employees. Chair stated that under State Law, you can't require any municipal employee to be a resident of the municipality that they work for.

On motion by Chair Frias, seconded by Mr. DosSantos, it was voted to table this amendment to the next meeting. Motion passed on a vote of 10-0. The following being recorded as voting "aye": Mr. Frias, Ms. O'Hara, Mr. Lepizzera, Mr. DosSantos, Ms. Nee, Mr. Pallini, Mr. Coccio, Mr. Santurri, Mr. Agresti and Mr. Reilly -10.

H. Discussion as to other changes to Chapters 6 through 10 of the City Charter

No discussion.

6. Scheduling of Additional Meetings:

Chair stated that he will forward the Commission members a copy of the last Commission's report for their review.

Chair stated that he would like to schedule the next meeting three weeks from now.

The next meeting was scheduled for Wednesday, March 18, 2020 at 6 p.m.

7. Adjournment

The meeting adjourned at 7:30 P.M.

Respectfully submitted,

/s/ Rosalba Zanni
Assistant City Clerk/Clerk of Committees