

(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).

SPECIAL ORDINANCE COMMITTEE

A Special meeting of the Ordinance Committee was held on Thursday, June 18, 2020 via ZOOM.

CALL MEETING TO ORDER:

The meeting was called to order at 6:00 P.M. by the Chair.

Present: Councilmember Kenneth J. Hopkins
Councilmember Lammis J. Vargas
Councilmember Paul J. McAuley
Councilmember Edward J. Brady
Councilmember Christopher G. Paplauskas, Vice-Chair
Council Vice-President Michael W. Favicchio, Chair
Council President Michael J Farina

Also Present: Councilmember Steven A. Stycos
Councilmember John P. Donegan
Daniel Parrillo, Director of Administration
John Psilopoulos, Deputy Director of Administration
Christopher Rawson, City Solicitor
Robert Strom, Director of Finance
Leanne Zarrella, City Clerk
Rosalba Zanni, Assistant City Clerk/Clerk of Committees
Heather Finger, Stenographer

PUBLIC HEARINGS:

None.

NEW BUSINESS:

Chair stated that Director Strom has asked that the Resolution amending the section of the Charter in regards to the Rainy Day Fund and also the Resolution amending the property tax levy cap be taken out of order.

On motion by Councilmember Hopkins, seconded by Councilmember Paplauskas, it was voted to take those two Resolutions first on the agenda. Motion passed unanimously.

- **Resolution Proposing Amendment to Sec. 6.20 of the Cranston Home Rule Charter and Directing the Secretary of State to Place on the Ballot the Following as a Referendum Question (Rainy Day Fund). Sponsored by Councilmembers Paplauskas and Hopkins.**

On motion by Councilmember Paplauskas, seconded by Councilmember Hopkins, it was voted to recommend approval of this Resolution and place on the 2020 Ballot.

Under Discussion:

Steven Frias, Chair of Charter Review Commission, appeared to speak and stated that most states have a budget reserve and the concept is to maintain and reserve funds to be used for emergencies. The 5% number was recommended to the Commission by the Mayor. The remainder of the amendment allows the City of going below 5%. This would be reviewed positively by the rating agencies. This is a way of protecting the City.

Director Strom stated that based on what Mr. Frias stated, he reached out to Moody's, one of the City's rating agencies and, basically, they like to see communities having 5-15% in a reserve. Right now, we are slightly over 6%. Basically, 7.2% is A-1 rated. His and the Administration's opinion is that this proposal and Resolution is reasonable.

Councilmember Stycos asked what level the Rainy Day Fund has been at. Director Strom stated that he believes it was down to approximately \$10 million when Mayor Fung took Office and it has been built up to approximately \$20 million.

Mr. Frias stated that the Rainy Day Fund was created in 1959 and the next Administration, in the 1960's started spending it and in the 1990's there were constant issues, then during the O'Leary Administration, it was at \$10 million to a negative deficit. It was built back up by the current City Council at \$20 million and now it is at \$18 million.

Chair asked what the composition of the undesignated fund balance consists of. Director Strom stated that, basically, it is equity section of the financial statement.

Councilmember Hopkins thanked the Charter Review Commission Chair for all the work on these Charter revisions and the information he has provided. He also thanked the members of the Commission for all their work.

Nick Lima, Registrar, appeared to speak and gave a schedule and process that these Resolutions have to go through to get on the November Ballot once they leave the City Council. He stated that the final form of the Resolutions will be voted on at the Board of Canvassers meeting.

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

- **Resolution Proposing Amendment to Sec. 6.21 of the Cranston Home Rule Charter and Directing the Secretary of State to Place on the Ballot the Following as a Referendum Question (Property Tax Levy Cap). Sponsored by Councilmembers Paplauskas and Hopkins.**

On motion by Councilmember Hopkins, seconded by Councilmember Vargas, it was voted to recommend approval of this Resolution and place on the 2020 Ballot.

Under Discussion:

Mr. Frias stated that this basically is based on State Law that is in place. The concept of this is to move this to a 3% at the State level. The reason that 3% was selected is because that is the rate of inflation. This helps promote stability and avoids significant tax increases in one year.

Council President Farina stated that this is a good government measure and he thanked the members of the Charter Review Commission for all the work they did.

Director Strom agreed with Mr. Frias and stated that we have never hit the 3% in the twelve years he has been with the City and with the cap of 3%, it gives future City Council and Administrations leeway.

Councilmember Stycos stated that he worries about this proposal. He indicated that in the 1970's, inflation was 10%. He does not think it is a good idea to limit the City's ability to tax below the 4%.

Mr. Frias stated that he believes there was a tax increase above 3% during 2009 or 2010 during an emergency and cut in State Aid. As to why going from 4 to 3%, he believes people will accept tax increases that are small as long as it is consistent with rate of inflation.

Chair asked if this will have any positive impact on our bond rating. Director Strom stated that they do like management to take an active role in whether it is 3% or 4%. They feel that the City is being run well and that is a feather in our cap.

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

- **Ordinance 6-20-01S In Amendment of Title 8 of the Code of the City of Cranston, 2005, Entitled "Health and Safety" (Plastic Bag Reduction). Sponsored by Councilmember Hopkins.**

On motion by Councilmember Brady, seconded by Councilmember Hopkins, it was voted to recommend approval of this Ordinance.

Under Discussion:

Councilmember Hopkins stated that the intent of this is due to the COVID situation and businesses have been shut down and they are just starting to get back on their feet and do not want to put any more burden on them. At this point, economically, he asked that we give them a year to go to paper bags next year. Many businesses agree with this law, but need time to implement this.

Councilmember Paplauskas stated that this is very important to him and the environment, but when this was passed, no one saw this pandemic coming and the businesses need time to get back on their feet.

Councilmember Donegan stated that he fully agrees with the intent of this. He is not sure how much of this issue is due to COVID. This was passed fifteen months ago. If the Administration had done some sort of information outreach to the businesses, it would not be a problem today. He asked that a Council Member make a motion to amend this Ordinance to add the following language in line #44: "Section 2. Notice. The Mayor or the appointed office or offices designated by the City to enforce Chapter 8.12.040 shall send notice to all businesses which are reasonably assumed to be impacted by Chapter 8.12.040 no later than 90 days prior to the enforcement date containing a copy of Chapter 8.12.040, and any other relevant information".

On motion by Council President Farina, seconded by Councilmember Vargas, it was voted to amend this Ordinance as stated by Councilmember Donegan.

Under Discussion:

Councilmember Brady indicated that Councilmember Donegan did take funding out of the Economic Development Budget for Marketing.

Councilmember Paplauskas agreed with the amendment made. He stated that it is a good amendment and we definitely have to get the word out to the businesses.

Councilmember Hopkins stated that he is concerned about funding and need to discuss who we are going to target and the cost to the City.

Chair echoed the same concern in regards to the cost.

Roll call was taken on motion to amend this Ordinance and motion passed unanimously.

On motion by Council President Farina, seconded by Councilmember McAuley, it was voted to recommend approval of this Ordinance as amended.

Under Discussion:

Councilmember Donegan asked Councilmember Hopkins what the rationale is behind a year and not six months. Councilmember Hopkins stated that there are a lot of businesses that are still not even open yet. He still thinks that there are too many businesses that are going to need a year to get back on their feet. He does not think six months is going to be enough.

Chair echoed the statements made by Councilmember Hopkins.

No one appeared to speak from the public.

Roll call was taken on motion to recommend approval of this Ordinance as amended and motion passed unanimously.

- **Resolution Proposing Amendment to Sec. 2.03 of the Cranston Home Rule Charter and Directing the Secretary of State to Place on the Referred to 6/18/2020 Ordinance Committee Ballot the Following as a Referendum Question (Ward Redistricting). Sponsored by Councilmembers Paplauskas and Hopkins.**

On motion by Councilmember Paplauskas, seconded by Councilmember Brady, it was voted to recommend approval of the above Resolution and place on the 2020 Ballot.

Under Discussion:

Mr. Frias stated that this would prevent gerrymandering.

Nick Lima, Registrar, appeared to speak and stated that this is good government measure.

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

- **Resolution Proposing Amendment to Sec. 2.09 of the Cranston Home Rule Charter and Directing the Secretary of State to Place on The Ballot the Following as a Referendum Question (City Campaign Contribution Reporting. Sponsored by Councilmember Paplauskas.**

On motion by Council President Farina, seconded by Councilmember Hopkins, it was voted to recommend approval of the above Resolution and place on the 2022 Ballot.

Under Discussion:

Mr. Frias stated that this question will be placed on the 2022 Ballot in order to keep this year's Ballot from being too lengthy.

Nick Lima, Registrar, appeared to speak.

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

- **Resolution Proposing Amendment to Sec. 3.07 of the Cranston Home Rule Charter and Directing the Secretary of State to Place on the Ballot the Following as a Referendum Question (City Council Meetings). Sponsored by Councilmember Paplauskas.**

No one appeared to speak from the public.

On motion by Councilmember Hopkins, seconded by Councilmember McAuley, it was voted to recommend approval of the above Resolution and place on the 2022 Ballot. Motion passed unanimously.

- **Resolution Proposing Amendment to Sec. 6.10 of the Cranston Home Rule Charter and Directing the Secretary of State to Place on the Ballot the Following as a Referendum Question (Mayor’s Line Item Veto). Sponsored by Councilmembers Paplauskas and Hopkins.**

On motion by Council President Farina, seconded by Councilmember Paplauskas, it was voted to recommend approval of the above Resolution and place on the 2020 Ballot.

Under Discussion:

Mr. Frias stated that this is a substantive amendment and is also consistent with the prior Charter Review Commission recommendation.

Roll call was taken on motion to recommend approval of this Resolution and motion passed on a vote of 4-2. The following being recorded as voting “aye”: Councilmembers Hopkins, Vargas, Paplauskas and Council Vice-President Favicchio -4. The following being recorded as voting “nay”: Councilmembers McAuley and Brady -2. Council President Farina was not present for roll call vote.

- **Resolution Proposing Amendment to Sec. 6.20 of the Cranston Home Rule Charter and Directing the Secretary of State to Place on the Ballot the Following as a Referendum Question (Rainy Day Fund). Sponsored by Councilmembers Paplauskas and Hopkins.**

Discussed and voted on earlier in the meeting.

- **Resolution Proposing Amendment to Sec. 6.21 of the Cranston Home Rule Charter and Directing the Secretary of State to Place on the Ballot the Following as a Referendum Question (Property Tax Levy Cap). Sponsored by Councilmembers Paplauskas and Hopkins.**

Discussed and voted on earlier in the meeting.

- **Resolution Proposing Amendment to Sec. 8.01 of the Cranston Home Rule Charter and Directing the Secretary of State to Place on the Ballot the Following as a Referendum Question (City Solicitor Residency).**

On motion by Councilmember McAuley, seconded by Councilmember Vargas, it was voted to recommend approval of the above Resolution and place on the 2022 Ballot.

Under Discussion:

Mr. Frias stated that this would be eliminating residency requirement for Solicitor and would be for the 2022 Ballot.

Councilmember Stycos stated that when the Mayor spoke regarding his, he stated that there is a State Law stating that it was currently illegal under State Law. Mr. Frias stated that he looked at the State Law and that refers to employees of the municipality and he does not think Solicitors fall under this State Law.

Chair stated that he feels this is a little unclear. He asked Mr. Frias if this applies to our Judges. Mr. Frias stated, no.

Councilmember Paplauskas stated that he is conflicted on this.

Councilmember Brady stated that he also is conflicted on this and he will vote no this evening. There are a lot of good attorneys in Cranston.

Roll call was taken on motion to recommend approval of this Resolution and motion failed on a tie vote. The following being recorded as voting “aye”: Councilmembers Hopkins, Vargas and Paplauskas -3. The following being recorded as voting “nay”: Councilmembers McAuley, Brady and Council Vice-President Favicchio -3. Council President Farina was not present for roll call vote.

- **Resolution Proposing Amendment to Sec. 13.07 of the Cranston Home Rule Charter and Directing the Secretary of State to Place on the Ballot the Following as a Referendum Question (Citizens Guide to the Land Development Process). Sponsored by Councilmember Paplauskas.**

On motion by Councilmember Hopkins, seconded by Councilmember McAuley, it was voted to recommend approval of the above Resolution and place on the 2022 Ballot.

Under Discussion:

Mr. Frias stated that this is a technical amendment for the 2022 Ballot.

Councilmember Hopkins asked to be added as co-sponsor.

Councilmember Donegan stated that this is a good idea, but this probably is better suited as an Ordinance.

Councilmember McAuley thanked Mr. Frias and the Charter Review Commission Members for all their hard work and it is greatly appreciated.

Robert Murray, Esq., appeared to speak and stated that his only point that he raised to the Commission was whether this belongs in the City Charter. It would be appropriate for an Ordinance.

On motion by Councilmember Paplauskas, seconded by Councilmember Hopkins, it was voted to table this Resolution for three months in case it will be brought back. Motion passed unanimously.

Clerk indicated that Council President Farina had technical difficulties and was disconnected from the meeting and is having problems logging back on but wishes to vote in favor of the Resolution regarding the residency requirement for Solicitor.

Councilmember Brady questioned if this is legal. Solicitor stated that under Roberts Rules, there needs to be a motion to reconsider before the meeting is adjourned and Council President Farina would need to log back into the meeting so a motion to reconsider can be taken for him to vote.

Council President Farina rejoined the meeting.

Chair asked for a motion to reconsider as suggested by the Solicitor.

Council President Farina asked if this Resolution could be forwarded to the City Council without approval of this Committee or reconvene the meeting due to the technology issue he had.

On motion by Council President Farina, seconded by Councilmember McAuley, it was voted to forward this Resolution to the full City Council without a recommendation due to the technology issue.
Under Discussion:

Solicitor indicated that this is a 2022 Ballot question.

Council President Farina motioned to forward this Resolution to the next Ordinance Committee meeting. No one seconded the motion.

Council President Farina stated that he would also be in favor of forwarding this Resolution to the full City Council for secondary debate.

On motion by Council President Farina, seconded by Councilmember McAuley, it was voted to reconsider and continue “Resolution Proposing Amendment to Sec. 8.01 of the Cranston Home Rule Charter and Directing the Secretary of State to Place on the Ballot the Following as a Referendum Question (City Solicitor Residency)” to the next Ordinance Committee meeting on July 16, 2020. Motion passed unanimously.

The meeting adjourned at 8:00 P.M.

Respectfully submitted,

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