

DEPARTMENT OF CITY CLERK

CITY HALL

MARCH 31, 1986

The Committee on Ordinances meets this day, in the Department of City Clerk, City Hall at 5:00 o'clock p.m.

Present: Councilman Thomas M. Glavin, Chairman, Councilwomen Fagnoli, Brassil and Councilmen Farmer and Annaldo.

Also present are Laurence K. Flynn, Chairman Board of Canvassers, Frank Mastrati, Jr., Assistant City Solicitor and Michael R. Clement, Assistant Clerk.

RELATIVE TO AN ORDINANCE IN AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF PROVIDENCE.

On motion of Councilman Annaldo, and seconded by Councilwoman Brassil, it is voted to recommend indefinite postponement, because of the new Ordinance pending before the above named committee.

RELATIVE TO AN ORDINANCE IN AMENDMENT OF CHAPTER 1982-11, EFFECTIVE MARCH 14, 1982, ENTITLED: "AN ORDINANCE APPORTIONING THE FIFTEEN WARDS IN THE CITY OF PROVIDENCE IN ACCORDANCE WITH SECTION 204 OF THE PROVIDENCE HOME RULE CHARTER OF 1980 AS APPROVED BY THE ELECTORS OF THE CITY OF PROVIDENCE AT THE GENERAL ELECTION HELD NOVEMBER 4, 1980, AS AMENDED."

After a lengthy discussion on the above, which is on tape and filed in the City Clerk's Department, it was voted to recommend approval to the City Council and also let the record show that the legal opinion, requested at the last meeting held March 27, 1986, has been received and accepted by the Ordinance committee. See legal opinion below:

March 31, 1986

Councilman Thomas M. Glavin  
Chairman, Committee on Ordinances  
c/o Office of the City Clerk  
City Hall  
Providence, Rhode Island 02903

Dear Councilman Glavin:

Please be advised that this communication is in response to your request dated March 28, 1986 requesting that our department look into the legality of "An ordinance in amendment of chapter 1982-11, effective March 14, 1982, entitled: 'An Ordinance Apportioning the Fifteen Wards in the City of Providence in Accordance with Section 204 of the Providence Home Rule Charter of 1980 as Approved by the Electors of the City of Providence at the General Election Held November 4, 1980, as Amended'" prior to your next meeting. One must examine several different documents in order to arrive at a conclusion regarding the legality of this ordinance. The first item in the Providence Home Rule Charter, specifically Section 204 entitled "Wards and ward boundaries." The applicable section of the charter states as follows:

"The city shall be divided into fifteen (15) wards, the boundaries of which shall be drawn pursuant to the provisions of this section.

- (a) The city council shall, following each federal decennial census, enact an ordinance providing for the establishment of the boundary lines of the fifteen (15) wards of the city, said boundary lines to be established following the federal census of 1980, and to be revised as necessary to conform to the criteria set forth in subsection (b) of this section, following the federal census of 1990 and each census thereafter.

It is the opinion of this writer that pursuant to Section 204, specifically the language that states "and to be revised as necessary to conform to the criteria in subsection (b)," that this ordinance is in legal form and properly before this committee. The council can amend the ward "boundaries" periodically in order that said boundaries and ordinances conform to Section 204.

In examining the lines themselves and whether they meet the criteria of Section 204 and applicable state law, it is our opinion that they do. When drawing ward boundaries, one must follow the criteria enumerated in the Providence Home Rule Charter, Section 204(c), "The committee on ward boundaries and the city council shall insure that said boundaries are drawn in accordance with the following criteria: (1) Equality of ward populations so far as practicable; (2) Compactness and contiguousness of the territory of each ward; (3) The use of natural boundaries, and the inclusion of recognized neighborhoods within wards without arbitrary divisions thereof, so far as practicable."

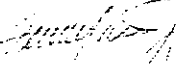
After researching and examining the ordinance, the writer feels that it meets the compactness and contiguousness of the territory of each ward and the City in general and that it uses recognized neighborhoods within this particular ward. More importantly, it equalizes the district and ward populations of this ward.

The principle of Reynolds v. Sims, 377 U.S. 533, 84 S. Ct. 1362, which is the broad principle to be applied is that districting not violate the one person, one vote concept. The writer believes that this ordinance is valid because it falls within that concept.

In closing, it is my opinion that the ordinance is valid and properly before this committee.

Very truly yours,

  
EDWARD C. CLIFTON  
CITY SOLICITOR

  
FRANK MASTRATI, JR.  
Assistant City Solicitor

Voting Aye Councilwomen Fargnoli, Brassil and Councilman Annaldo, Voting Nay was Councilman Farmer.

RELATIVE TO AN ORDINANCE REGULATING SECURITY ALARM SYSTEMS WITHIN THE CITY OF PROVIDENCE.

On motion of Councilman Annaldo, and seconded by Councilwoman Brassil, it is voted to continue the above Ordinance for further study.

RELATIVE TO PETITION OF STEVEN A. MAIORISI TO CHANGE FROM AN R-4 MULTIPLE DWELLING ZONE TO A C-4 HEAVY COMMERCIAL ZONE, APPROXIMATELY ONE-HALF OF LOT 528 ON CITY ASSESSOR'S PLAT 30, LOCATED ALONG 9 ARCH STREET.

PETITION OF MAROL REALTY, INC., OF 946 EDDY STREET, TO CHANGE FROM A C-4 HEAVY COMMERCIAL ZONE TO AN M-1 GENERAL INDUSTRIAL ZONE THAT PORTION OF LOT 153 AS SET OUT AND DELINEATED ON CITY ASSESSOR'S PLAT 47 THAT IS PRESENTLY ZONED C-4.

On motion of Councilman Farmer and seconded by Councilman Annaldo, it is voted to continue the said petition and that the Chairman is hereby requested to schedule a public hearing on the above matters.

Adjournment taken at 5:40 o'clock p.m.

*Michael R. Clement*  
ASSISTANT CLERK

Copied

*SAC*

Compared

*APJ*