

DEPARTMENT OF CITY CLERK

CITY HALL

SEPTEMBER 3, 1974

The Committee on Finance meets this day in Committee Room "A", City Hall, at 1:00 o'clock P.M.

Present: Chairman Lynch and Councilmen Beatini, Darigan and Bradshaw. Subsequently, Councilman McKiernan joins the meeting.

Also present is City Solicitor Mascia and Assistant City Solicitor Stephen Napolitano.

Chairman Lynch reads the following communication, dated August 30, 1974, over the signatures of Councilmen Francis J. Darigan, Jr., William G. Bradshaw and Donald E. McKiernan, addressed to City Clerk Vincent Vespia:

"Pursuant to Rule 22, Rules of the Council, adopted on January 4, 1971 by the Providence City Council, we, the undersigned members of the Finance Committee, hereby request that you call a meeting and notify all members of the Finance Committee that a special meeting of that body will be held in Meeting Room "A" at Providence City Hall on Tuesday, September 3, 1974, at 1:00 p.m.

General purpose of the meeting shall be to discuss the Laird Tax Evaluation report."

Chairman Lynch requests Councilman Darigan inform the members the reason for the call of this meeting, as by procedure, the Chairman of Committees call the meetings.

COUNCILMAN DARIGAN: I would like to talk about the Laird report since we do not know a lot about it. We do not know the true facts. I would like to get the consensus of opinion of the Committee members. To bring facts to life, to benefit ourselves as the Finance Committee of the City Council.

There has been feet dragging by the Tax Assessor if he received the tax revaluation report. According to the Mayor, it appears nothing has been done on it by now.

CHAIRMAN LYNCH: It seems to me you might have been dragging your feet bringing it up now instead of at prior times.

COUNCILMAN DARIGAN: We have to know if we have wasted \$500,000 on a report that will not be incarnated. The Tax Assessor has been extremely uncooperative.

CHAIRMAN LYNCH: On what basis through this Committee do you have on this objective

COUNCILMAN DARIGAN: This Committee has the duty and the obligation to deal with all finances of the City, and to conduct an investigation to look into the Laird report.

CHAIRMAN LYNCH: We have not received a mandate from the City Council.

CITY SOLICITOR MASCIA reads Section 2.6 of the City Charter as follows -

"The council, or any committee thereof duly authorized by the council to do so, shall have power from time to time to conduct an investigation or investigations into the financial transactions or conduct of any office or department of the city government and it may require the mayor or any department head to furnish from time to time such information as shall be desired by the council. Except insofar as is necessary in the performance of the duties of his office no member of the council, however, shall interfere in any

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way with the actual administration of any administrative department or division of the city government, nor shall any such member or members interfere in any way in connection with the appointment or promotion of any of the personnel of the city government, or attempt to obtain the removal of any such personnel except through the mayor for cause."

The purpose of this section - what they had in mind when they adopted it, is once in a while a cuckoo-clock is elected into the City Council and they want to investigate different departments. The law states you have to have the authority of the full Council.

I suggest - if you want to go into this - I think you should have a Resolution introduced into the City Council - have full approval of the City Council - authorizing this Committee to take this matter under investigation.

I advise you that at this meeting, everything can be discussed - you do not have the power to subpoena anything.

COUNCILMAN DARIGAN: Under General Enabling Legislation, which formed this Committee, as an official of the City Council we are delegated to protect the funds of the City by the General Laws of 1956, 45-5-14, as amended, which is as follows:

"Subpoena of witnesses. - Every town council, city council, school committee, or any committee of any of said bodies, may, by their respective presiding officers, issue subpoenas to witnesses to testify in any matter pending before them; may administer oaths to such witnesses, may compel their attendance, and may punish them for nonattendance by fine not exceeding twenty dollars (\$20.00)."

CITY SOLICITOR MASCIA: That is provided you have the authorization of the full Council. This is a legal issue, if you feel I am in error, have it brought into the Courts. The purpose of this legislation is quite clear. They don't want everyone investigating everyone in the government. (He refers to former Councilman Kelly of the Seventh Ward when he requested an investigation and the manner in which it was done.)

COUNCILMAN DARIGAN: This can be under investigation by a Committee of the City Council.

CITY SOLICITOR MASCIA: I disagree. You are putting up a smoke screen for this administration. I am a lawyer and I took an oath. That is a legal opinion. Under the Charter I am the man that has to issue the subpoena and under this cause I will not issue a subpoena.

At this point Chairman Lynch reads again for the members, the General Law Councilman Darigan cited, and informs the members this matter is not pending before the City Council.

COUNCILMAN DARIGAN; It is because we gave the action to have the tax study. We authorized the expenditure for this study and therefore we can ask for the records. Any matter pending before this Committee is pending before the City Council.

CITY SOLICITOR MASCIA: If the full Council approves it.

COUNCILMAN BRADSHAW: Do you have an objection to our looking at these raw tax records.

CITY SOLICITOR MASCIA: The full body of the City Council must approve it. Present a Resolution before the next Council meeting authorizing the Finance Committee to look at the Laird report.

At this point the following motion is presented -

On motion of Councilman Darigan, seconded by Councilman Bradshaw, it is requested the meeting be opened to the public.

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The Chair requests all those in favor signify by saying "Aye" - Councilman and Bradshaw. The Chair requests those not in favor, signify by saying "No" - Chairman Lynch and Councilman Beatini.

The motion does Not carry.

At this time, the Committee members decided to wait a period of time for the presence of Councilman McKiernan.

Councilman McKiernan, at 1;30 o'clock P.M., joins the meeting.

Councilman McKiernan informs the members that Councilman Pisaturo is in the outer office and requests to be present as a member of the City Council.

The members agree to allow Councilman Pisaturo to join the meeting.

Councilman Darigan informs Councilman McKiernan that he was defeated in a motion to allow the public to attend this meeting.

On motion of Councilman McKiernan, seconded by Councilman Darigan, it is voted that the request previously made to open the meeting to the public be reconsidered.

The Chair calls for a vote to which there are three "Ayes" to reconsider the motion to open the meeting to the public and two "Noes".

The matter is therefore reconsidered.

On motion of Councilman McKiernan, seconded by Councilman Darigan, it is voted that this meeting be opened to the Public.

The Chair calls for a vote and there are three "Ayes" to the motion and two "Noes".

The meeting is thereupon open to the public and they are invited in at this time.

CHAIRMAN LYNCH calls the meeting to order and reviews the reason for the meeting held this day.

COUNCILMAN DARIGAN: I move that you, Chairman Lynch, be replaced as Chairman by Councilman Bradshaw in order to assure complete non-partiality to the proceedings.

CHAIRMAN LYNCH: This is highly irregular and never been done before. I see no reason for this.

COUNCILMAN DARIGAN: Councilman Bradshaw as a minority member will be above every suspicion. I think for those purposes, Councilman Bradshaw should be Chairman and I so move.

COUNCILMAN MCKIERNAN seconds the motion.

CHAIRMAN LYNCH: I know of no provision of the City Council which replaces the Chairman of the Committee.

COUNCILMAN DARIGAN: You were elected by the City Council.

CHAIRMAN LYNCH: And I am Chairman until the time set forth in my appointment as such.

CITY SOLICITOR MASCIA: I agree with the Chairman.

COUNCILMAN DARIGAN: Show me in the Charter where it cannot be done.

CITY SOLICITOR MASCIA: The burden of proof is upon me. You show me in the Charter and I will abide by the ruling and will abide by the Charter.

COUNCILMAN DARIGAN: It doesn't prohibit or otherwise, there is nothing in the Charter to prohibit or uphold.

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CITY SOLICITOR MASCIA: He is the duly elected Chairman, until I am shown otherwise, he is the Chairman.

COUNCILMAN DARIGAN: Will you voluntarily relinquish the Chair.

CHAIRMAN LYNCH: I will not. I feel this is an unreasonable request as I am Chairman and have been appointed so. There are three representatives of the major contenders in this Committee and Councilman Bradshaw is also favoring one, the Republic candidate.

(Discussion ensues as to who is backing who for Mayor)

CHAIRMAN LYNCH: I see no reason for introducing politics in this. We are sitting as members of the Finance Committee and politics should not be brought into the question.

CITY SOLICITOR MASCIA: This is a political move by Darigan and McKiernan and Bradshaw in order to dishonor His Honor the Mayor, it is a real stupid thing - and there is another candidate here - Pisaturo.

The motion to unseat Chairman Lynch is declared illegal by the City Solicitor.

COUNCILMAN DARIGAN: Roberts rules of order are the authority for any meeting to be held.

CHAIRMAN LYNCH: We operate on the rules of the City Council.

COUNCILMAN DARIGAN: You are refusing to act on this motion.

CHAIRMAN LYNCH: Yes.

COUNCILMAN BEATINI: I did not think it was a political move at all, but to discuss the finance businedd, that is what we are here for. Where is it a political move? The Chairman has conducted every meeting we have had in the last four years and he has not taken sides.

CHAIRMAN LYNCH: You question Beatini's sincerity in acting toward the people of the City of Providence. It is highly irregular that you called a special meeting of this committee. You requested me to call the meeting and I said it was improper in as much as we had a meeting last Tuesday, everyone received notices, but only three Councilmen were present - Councilmen Beatini, Bradshaw and myself.

COUNCILMAN DARIGAN: We should get on with this discussion. I also feel all meetings should be open to the public.

CHAIRMAN LYNCH: Today is a succession of circus atmosphere to be brought into City Hall.

COUNCILMAN DARIGAN: I want the Assistant Clerk to note we feel there has been an error in the ruling by the City Solicitor in which the Chairman did not get off the Chair when a motion was made and which was seconded by a Councilman.

MCKIERNAN in looking at the Rules of the City Council, states there is nothing there, but appointments of Committees, nothing about the operation of the City Council meetings.

The Clerk reads Rule 22 which states:

All Committees of the City Council, whether standing or special, shall have power to elect its own Chairman and Vice-Chairman, and in default of such election, the Members first named on a Committee shall be Chairman and Vice-Chairman respectively thereof, and in case of their resignation or inability, the other Members, in the order in which they are named, shall so act. The Vice-Chairman shall act as Chairman in the absence of the Chairman.

The City Clerk shall be the Clerk of all Committees of the City Council. He shall cause a record of all Committee's Proceedings to be kept in a suitable book provided by the City for that purpose. All Committee meetings shall be called, for the transaction of Committee business, by the respective Chairman of said Committee by notice to the City Clerk who shall notify the Members in writing. The City Clerk shall call a meeting of any Committee when a majority of the members of said Committee request, in writing, such a meeting.

COUNCILMAN MCKIERNAN: If the Committee has the power to elect, it can replace the Chairman.

CITY SOLICITOR MASCIA: The entire Council votes on the Committee. You do not have the entire Council here and you cannot move to eject him. He was voted upon as Chairman by the entire Council. We can remove him by the entire City Council. The first named member is Chairman and the second is Vice-Chairman.

At this point Councilman Darigan request City Solicitor Mascia inform Councilman McKiernan of what has transpired at this meeting before he attended.

CITY SOLICITOR MASCIA: You stated you wanted the records of the Laird report and I stated it was my opinion this is a political halaballu, presented by you as a candidate for Mayor. Out of this committee there are three representatives for men running for Mayor, McKiernan for Brown, Bradshaw for Cianci and Darigan for himself.

COUNCILMAN DARIGAN: This is not what I asked you to explain.

CITY SOLICITOR MASCIA: What are you looking for, you asked me to speak.

COUNCILMAN DARIGAN: I make a motion to subpoena Mr. Sheehan to compel him to appear before the Committee and produce his records.

CITY SOLICITOR MASCIA: Under the charter he cannot be subpoenaed by a Committee, I have to abide by a legal meeting. This must be authorized by the full City Council.

(He again reads Section 2.6 of the Charter)

The history of this chapter is that it was written for cuckoo clock people who might want to become members of the City Council and mess up the whole function of the Council.

COUNCILMAN DARIGAN: Pursuant to conversation, there is nothing in the Ordinance or General Laws regarding the subpoena of witnesses or any body that would prohibit anyone to subpoena taxes.

CHAIRMAN LYNCH: It authorizes the Council, we are only a Committee.

COUNCILMAN DARIGAN: Things are held up in the Tax Assessor's Department. We have a legitimate right to conduct an investigation into the conduct. It is covered in the last paragraph - (he reads the last paragraph of the General Laws he cited once again.)

We have power to conduct an investigation. Your ruling is a partisan political attempt to block information from the public.

CITY SOLICITOR MASCIA: I am going by the laws, that is my interpretation.

CHAIRMAN LYNCH: We have not been duly authorized by the City Council to conduct an investigation of any department. It stated specifically in the charter - (reads that portion of the charter)

We have not been duly authorized, he reads a portion of the General Laws presented by Mr. Darigan.

I submit this is not pending before the City Council. Any action

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was taken three years ago. It is an administrative matter and we would be stepping on the laws of the City administration and trying to impose our will upon a highly competent City Assessor.

COUNCILMAN DARIGAN: I disagree with you, the laws are drawn here and nothing will be done no matter if we have a majority vote of this meeting.

I make a motion to issue a subpoena to City Assessor Sheehan to appear before this body at 3:00 o'clock P.M., September 4, 1974 and to also prepare to bring with him, or give access to this Committee, the raw data of the Laird Tax Revaluation Report. Since it is physically impossible to bring them here, we will go to his office. Any data, correspondence, tapes, material or adenda of the Laird report.

COUNCILMAN BRADSHAW: We should say Tax Assessor or his duly authorized representative.

CITY SOLICITOR MASCIA: I will not subpoena him. I have the authority to issue subpoenas as the City Solicitor and whether or not you vote on it, I will not issue it. I suggest you bring me before the Courts to take me out of office as the City Solicitor.

COUNCILMAN BEATINI: Sheehan has given us his answer, how can we as a body insult him and down him.

CITY SOLICITOR MASCIA: I believe this is out of order.

CHAIRMAN LYNCH: There is a legal question as to whether or not the motion is out of order, We can vote upon the motion and have the decision as to the legality questioned after the meeting.

COUNCILMAN MCKIERNAN: This is nothing personal on Sheehan, it is a conflict. Laird says it is ready, Sheehan says it is not. If this report has been held back for political purposes, it means some have been paying higher and other lower.

CHAIRMAN LYNCH: You are questioning his integrity when you say it has been held back.

COUNCILMAN MCKIERNAN: I am not, Why have certain people who have stated what will happen in the report, if it is not ready, how do they know.

CITY SOLICITOR MASCIA: A revaluation is a re-assessment of your position in which you look at the picture and you turn it around and look again. There are no certain facts, that comes in December 1974. I think this meeting is out of order and I will object to it. I will not abide by the request to issue a subpoena. Bring me to Court and have me ejected as the City Solicitor.

CHAIRMAN LYNCH: I think the point I would like to make is that everyone is talking about the Laird Company, the corporation was hired strictly as Consultants and to be specific for the City Assessor. The Laird Company's report is not final until the City Assessor's Office checks it over. That is the final ruling. Sheehan has stated it is not anywhere near completion and it is not political. Sheehan says he is hoping by the end of January or the first part of February, he will have them complete and mail them to each of the property owners and there will be a series of hearings between

aggrieved property owners and those not in accordance with the new assessment. After that is resolved, the City Assessor will certify the tax rolls for the upcoming year. The people can appeal any decision after July 1st to - I believe - August 15th to the Board of Tax Assessment Review and beyond that they have course to go to the Courts.

COUNCILMAN DARIGAN: Is the real personal home owners ready yet?

CHAIRMAN LYNCH: In no way is the report complete.

COUNCILMAN DARIGAN: Then what has he been doing?

CHAIRMAN LYNCH: He has had three men working constantly on it and they stated that some of these interpretations just slow down the process.

COUNCILMAN DARIGAN: This is the information we want. What he has been doing since last May, we should have a full hearing from Sheehan to let him tell us his side of the story so he can say what happened and we can see the documents. If we in the City Government cannot see it, who can see it. We have a right to see what this thing holds so far.

We have a right to do everything in our power to insure the fact that all the finances of our City are conducted in proper order. We have not passes any inuendos, we are here talking common sense and talking like gentlemen.

COUNCILMAN BEATINI: Everyting he (Mr. Darigan) says I agree. All public records of the City of Providence are open, but that is not a public record, it has not been compiled yet.

CITY SOLICITOR MASCIA: Darigan, you have been a Councilman and I was one when the Laird report was presented and concluded and when did you ask to see it, in the last week of the campaign. That is a witch hunter, a glorified phoney.

COUNCILMAN McKIERNAN: If he failed to ask as I did, it was because the Mayor said it was almost complete. It is held for political purposes. Someone is lying, I want to know who is lying.

At this time Councilman Darigan's motion is seconded by Councilman McKiernan.

CHAIRMAN LYNCH: This is highly irregular with the fact this is brought up in the waning weeks of the primary campaign. We are all members of the City Council.

This report has been public knowledge to the Council for a long period of time and when we engaged the Laird Company and they occupied space they used for the investigation and it seems strange to me that you Gentlemen have waited until the waning weeks of compaign. There is no conclusion but that this is a political move.

Chairman Lynch puts the motion before the members. All those in favor of Councilman Darigan's motion vote "Aye" - three. (Councilmen Darigan, McKiernan, and Bradshaw). All those voting "No" - two (Chairman Lynch and Councilman Beatini)

The motion is carried.

COUNCILMAN BRADSHAW: I would like to review the status. We are an adjuocate of the City Council and acting on their behalf. We did engage the Company to come up with raw data to be used by the City Assessor. It would seem to me that we as a Committee who took those

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first steps, would have the right to look at this raw data which was bought from the Laird Associates. To look at it for our own purposes. It need not be given publicity. It is a question of what we would do for the information. It could well be within his prerogative to say there is not a single assessment I will back up, or all of it is good, or he may apply a 10% reduction, etc. I think we as a Committee representing the Council have a right to take a look at this raw data because we are the agents of the Council and are buying it for them.

I am concerned because when at the Board of Contract and Supply last February, the Mayor said "I received the Laird data, I am concerned because it says it will mean sizable raises in the City. South Providence is over assessed, many sections of the City will have to bear this additional load". He said to me, "you people on the East Side will have a sizable increase in assessments, Mount Pleasant and Washington Park also".

We have a right to this information.

CHAIRMAN LYNCH: I was not a member of the Board of Contract and Supply at that time. You have your own thought on the matter, we abide by the Charter of the City of Providence and I stated we don't have a investigative power of any administrative agencies of the City without the mandate of the City Council.

There is a Resolution to be presented Thursday by Councilman Pisaturo, if it is adopted, then we have the power of it. On the basis of the City Charter and the Public Laws of the State of Rhode Island; I don't think the Committee on Finance has any right to investigate any department in the City.

COUNCILMAN BRADSHAW: I feel we have the right.

The following motion is again made -

On motion of Councilman Darigan, seconded by Councilman McKiernan, it is voted to request the Clerk of this Committee to transmit to the City Solicitor an official request that he subpoena to command City Assessor Sheehan and the records of the Laird Revaluation, or corresponding records to appear before this Committee at 3:00 o'clock P.M. September 4, 1974 in Committee Room "A", and should this request be denied, the Committee requests a written legal opinion on the matter from the City Solicitor.

He states this is to be drawn today and served on Mr. Sheehan in time for the meeting tomorrow.

CITY SOLICITOR MASCIA: I will not issue a subpoena.

COUNCILMAN MCKIERNAN: When we direct the City Solicitor to draw a subpoena, he has to draw it.

CHAIRMAN LYNCH brings out the fact that Councilmen Darigan and McKiernan did not see fit to attend the last two regularly scheduled meetings of this Committee, but impose upon us for two meetings in two days.

ADJOURNMENT. On motion of Councilman Beatini, seconded by Councilman McKiernan, the meeting adjourns at 2:15 o'clock P.M.

Copied *JL*
Compaired *M.S.*

Rose M. Mendonca
Assistant Clerk