



City of East Providence.

DEPARTMENT OF PLANNING

CITY HALL

145 TAUNTON AVENUE

EAST PROVIDENCE, RHODE ISLAND 02914-4505

OFFICE OF THE DIRECTOR

October 11, 2011

Secretary
Federal Energy Regulatory Commission (FERC)
888 First Street, N.E.
Washington, D.C. 20426

Re: Application for Preliminary Permit – Hunts Mill Hydropower Project

Dear Secretary:

The City of East Providence (Rhode Island) is pleased to submit the attached, completed application for preliminary permit pursuant to 18 CFR 4.30 for hydropower development at the Hunts Mill Dam on the Ten Mile River in East Providence, RI.

Pursuant to 18 CFR 4.32, a listing of the names and mailing addresses is provided in Attachment 1 for every county, city, and town with population of 5,000 or greater within 15 miles of the proposed project; every irrigation district, drainage district or similar purpose political subdivision; and any affected Indian tribes. Each of these entities has been notified of this application. All parties identified on the FERC regional service list including State and Federal government agencies and other local stakeholder groups not identified on the FERC list that would likely be interested in or affected by the application have also been notified. A complete copy of the notification mailing list is provided as an attachment.

Sincerely,

Jeanne M. Boyle, Planning Director

ATTESTATION
Section 4.32(a)(4)(i)

This (application, etc.) is executed in the

State of: Rhode Island
County of: Providence
By: The City of East Providence, Rhode Island
(Name) Jeanne M. Boyle, Director of Planning
(Address) 145 Taunton Avenue, East Providence, RI 02914

being duly sworn, depose(s) and say(s) that the contents of this (application, etc.) are true to the best of (his or her) knowledge or belief. The undersigned applicant(s) has (have) signed the (application, etc.) this 11th day of October, 2011.

Jeanne M. Boyle
(Applicant(s))

By: The City of East Providence, Rhode Island

Subscribed and sworn to before me, a [Notary Public, or title of other official authorized by the state to notarize documents, as appropriate] of the State of Rhode Island this 11 day of ~~September~~ October, 2011.

/SEAL/

Leslie Shattuck-Moore



ATTACHMENT 1
Section 4.32(a)(2) Information

(i) Counties in which project is located:

Providence County

(ii) City, town, or similar local political subdivision

(A) In which project is located:

City of East Providence, Rhode Island

(B) Population of 5,000 and within 15 miles of the project:

<i>Municipality</i>	<i>Street Address:</i>	<i>City:</i>	<i>State:</i>	<i>Zip:</i>
City of Attleboro	77 Park Street	Attleboro	MA	02703
City of Taunton	15 Summer Street	Taunton	MA	02780
Town of Berkley	1 North Main Street	Berkley	MA	02779
Town of Dighton	979 Somerset Avenue	Dighton	MA	02715
Town of Foxborough	40 South Street	Foxborough	MA	02035
Town of Mansfield	6 Park Row	Mansfield	MA	02048
Town of North Attleboro	43 South Washington Street	North Attleboro	MA	02760
Town of Norton	70 East Main Street	Norton	MA	02766
Town of Plainville	142 South Street	Plainville	MA	02762
Town of Rehoboth	148 Peck Street	Rehoboth	MA	02769
Town of Seekonk	100 Peck Street	Seekonk	MA	02771
Town of Somerset	140 Wood Street	Somerset	MA	02726
Town of Swansea	81 Main Street	Swansea	MA	02777
Town of Wrentham	79 South Street, Rm. 213	Wrentham	MA	02093
Town of Freetown	3 North Main Street	Assonet	MA	02702
City of Fall River	1 Government Center	Fall River	MA	02722
City of Central Falls	580 Broad Street	Central Falls	RI	02863
City of Cranston	869 Park Avenue	Cranston	RI	02910
City of East Providence	145 Tauton Avenue	East Providence	RI	02914
City of Pawtucket	137 Roosevelt Avenue	Pawtucket	RI	02860
City of Providence	25 Dorrance Street	Providence	RI	02903
City of Warwick	3275 Post Road	Warwick	RI	02886
City of West Warwick	1170 Main Street	West Warwick	RI	02893
City of Woonsocket	169 Main Street	Woonsocket	RI	02895
Town of Barrington	283 County Rd.	Barrington	RI	02806
Town of Bristol	10 Court Street	Bristol	RI	02809
Town of Cumberland	45 Broad Street	Cumberland	RI	02864
Town of Johnston	1385 Hartford Avenue	Johnston	RI	02919
Town of Lincoln	P.O. Box 100	Lincoln	RI	02865
Town of North Smithfield	One Main Street	North Smithfield	RI	02876
Town of Scituate	195 Danielson Pike	No. Scituate	RI	02857
Town of Smithfield	64 Farnum Pike	Smithfield	RI	02917
Town of Warren	514 Main Street	Warren	RI	02885

<i>Municipality</i>	<i>Street Address:</i>	<i>City:</i>	<i>State:</i>	<i>Zip:</i>
Town of Portsmouth	2200 East Main Rd.	Portsmouth	RI	02871
Town of Tiverton	343 Highland Road	Tiverton	RI	02878
Town of Coventry	1670 Flat River Rd.	Coventry	RI	02816
East Greenwich	125 Main Street	East Greenwich	RI	02818
Town of North Kingston	80 Boston Neck Rd	North Kingston	RI	02852
Town of North Providence	2000 Smith Street	North Providence	RI	02911

(iii) Irrigation and drainage districts

None

(iv) Other political subdivisions with interest:

None

ATTACHMENT 2
LAND DESCRIPTION

Non-Public Land States

The Hunts Mill Dam and associated features as well as property adjacent to the dam are currently owned by the project proponent, The City of East Providence.

The project would be located entirely in the State of Rhode Island which is a non-public land state.

ATTACHMENT 3 DISTRIBUTION LIST

The following entities were notified of the filing of this permit application. This list includes parties identified by the FERC for the region as well as other local stakeholder groups that may be interested in or affected by the application.

Organization Name	Address1	Address2	City	State	Zip Code
Advisory Council On Historic Preservation	Old Post Office Building	1100 Pennsylvania Ave NW	Washington	DC	20004
American Canoe Association		108 Hanover St	Fredricksburg	VA	22401
American Rivers	1101 14th Street NW	Suite 1400	Washington	DC	20005
American Whitewater		P.O. Box 1540	Cullowhee	NC	28723
Bureau Of Indian Affairs	Eastern Region	545 Marriott Drive	Nashville	TN	37214
Bureau Of Indian Affairs	Headquarters	1849 C Street NW	Washington	DC	20240
Coastal Resources Management Council		4808 Tower Hill Road	Wakefield	RI	02879
U.S. Environmental Protection Agency	5 Post Office Square	OEP06-02	Boston	MA	02109-3912
U.S. Environmental Protection Agency		27 Tarzwell Dr.	Narragansett	RI	02882
Federal Emergency Management Agency		99 High Street	Boston	MA	2110
Federal Emergency Management Agency	Headquarters	500 C Street SW	Washington	DC	20472
Federal Energy Regulatory Commission	NEW YORK REGIONAL OFFICE	19 W 34th St Rm 400	New York	NY	10001-3006
Federal Energy Regulatory Commission	New York Regional Office	19 West 34th Street	New York	NY	10001-3006
Fema	99 High Street	6th Floor	Boston	MA	02110
Hydropower Reform Coalition		830 Reville St.	Bellingham	WA	98229-
Narragansett Bay Estuary Program	URI Bay Campus	Box 27	Narragansett	RI	02882
Narragansett Tribal Nation		PO Box 700	Wyoming	RI	02898
National Oceanic And Atmospheric Administration	Northeast Region	One Blackburn Drive	Glocester	MA	01930-2298
National Oceanic And Atmospheric Administration	Northeast Region	55 Great Republic Dr	Glocester	MA	01930-2276

Organization Name	Address1	Address2	City	State	Zip Code
National Oceanic And Atmospheric Administration	Headquarters	1401 Constitution Ave NW	Washington	DC	20230
National Park Service	U.S. Custom House	200 Chestnut Street, 5th Flr.	Philadelphia	PA	19106
National Park Service	Headquarters	1849 C Street NW	Washington	DC	20240
Naval Seafloor Cable Protection Office	Naval Facilities Engineering Command NAVFAC-ONP/C	1322 Patterson Ave SE	Washington	DC	20374-5065
Northern Ri Conservation District		17 Smith Ave	Greenville	RI	02828-1730
Office Of Senator Reed		728 Hart Senate Office Building	Washington	DC	20510
Office Of Senator Whitehouse		502 Hart Senate Office Building	Washington	DC	20510
Office Of The Attorney General		150 S. Main Street	Providence	RI	02903
Office Of The Governor		State House	Providence	RI	02903-1196
Rhode Island Department Of Environmental Management		235 Promenade St	Providence	RI	02908-5734
Rhode Island Department Of Environmental Management	DAM SAFETY SECTION	291 PROMENADE ST	Providence	RI	02908-5720
Rhode Island Div. Of Coastal Resources	DEPT. OF ENVIRONMENTAL MANAGEMENT	235 Promenade St	Providence	RI	02908-5734
Rhode Island Div. Of Fish & Wildlife		3 Fort Wetherill Rd	Jamestown	RI	02835
Rhode Island Div. Of Land Resources	DEPT. OF ENVIRONMENTAL MANAGEMENT	235 Promenade St Unit 190	Providence	RI	02908-5734
Rhode Island Div. Of Water Resources	DEPT. OF ENVIRONMENTAL MANAGEMENT	291 Promenade St	Providence	RI	02908-5720
Rhode Island Economic Development Corporation	315 Iron Horse Way	Suite 101	Providence	RI	02908
Rhode Island Historic Preservation & Heritage Comm	Old State House	150 Benefit St	Providence	RI	2903
Rhode Island Office Of Energy Resources		One Capitol Hill	Providence	RI	02908

Organization Name	Address1	Address2	City	State	Zip Code
Rhode Island Water Resources Board	235 Promenade St	Suite 394	Providence	RI	02908
RI State Conservation Committee		17 Smith Ave	Greenville	RI	02828-1730
Save The Bay		100 Save The Bay Drive	Providence	RI	02905
Trout Unlimited	Rhode Island Chapter 737	2208 Mendon Road	Cumberland	RI	02864
U.S Coast Guard	MSO PROVIDENCE	20 Risho Ave	East Providence	RI	02914-1297
U.S. Army Corps Of Engineers	North Atlantic Division	302 General Lee Avenue	Brooklyn	NY	11252-6700
U.S. Army Corps Of Engineers		696 Virginia Road	Concord	MA	01742-2751
U.S. Army Corps Of Engineers		441 G Street NW	Washington	DC	20314
U.S. Bureau Of Indian Affairs	545 Marriott Drive	Suite 700	Nashville	TN	37214
U.S. Bureau Of Indian Affairs	Natural Resources	911 NE 11th Avenue	Portland	OR	97232
U.S. Bureau Of Indian Affairs		1849 C Street, NW	Washington	DC	20420
U.S. Bureau Of Land Management		7450 Boston Boulevard	Springfield	VA	22153
U.S. Bureau Of Land Management	Headquarters	1849 C Street NW	Washington	DC	20240
U.S. Bureau Of Reclamation	Headquarters	1849 C Street NW	Washington	DC	20240
U.S. Department Of Agriculture - Forest Service	Eastern Region - 9	626 East Wisconsin Avenue	Washington	DC	53202
U.S. Department Of Agriculture - Forest Service	Headquarters	1400 Independence Ave SW	Washington	DC	20250-0003
U.S. Department Of Commerce		1401 Constitution Avenue NW	Washington	DC	20230
U.S. Department Of Interior		408 Atlantic Ave Ste 142	Boston	MA	02109
U.S. Department Of Interior	1849 C Street, NW	Room 2340 MIB	Washington	DC	20240
U.S. Environmental Protection Agency	Region 1: New England	5 Post Office Square, Suite 100	Boston	MA	02109-3912
U.S. Environmental Protection Agency	Headquarters	1200 Pennsylvania Ave NW	Washington	DC	20460
U.S. Fish And Wildlife Service	Northeast Region	70 Commercial Street	Concord	NH	03301-5087
U.S. Fish And Wildlife Service	Regional Office	300 Westgate Center Drive	Hadley	MA	01305-9589

Organization Name	Address1	Address2	City	State	Zip Code
U.S. Fish And Wildlife Service	Headquarters	1849 C Street NW	Washington	DC	20240-0001
U.S. Forest Service	Headquarters	1400 Independence Avenue SW	Washington	DC	20250-0003
U.S. National Park Service	15 State Street	10th Floor	Boston	MA	02109
United States Department Of Agriculture	NRCS	40 Quaker Lane	Warwick	RI	02886
United States Geological Survey	Headquarters	12201 Sunrise Valley Dr	Reston	VA	20192
United States Geological Survey	Eastern Region	12201 Sunrise Valley Dr	Reston	VA	20192
US Army Corps Of Engineers	N E Div / Regulatory	696 Virginia Rd	Concord	MA	01742-2718
US Department Of Energy	1000 Independence Ave SW		Washington	DC	20585
US Geological Survey		101 PITKIN ST	East Hartford	CT	06108
Rep. David Cicilline	1070 Main Street	Suite 300	Pawtucket	RI	02860
Rep. James Langevin	300 Centerville Rd.	Suite 200 South	Warwick	RI	02886
Wampanoag Tribe Of Gay Head (Aquinnah)		20 Black Brook Rd	Aquinnah	MA	02535
Ten Mile River Watershed Council	2 Ramsey Street		Riverside	RI	02915

**ATTACHMENT 4
CITY CHARTER:
CITY OF EAST PROVIDENCE, RHODE ISLAND**

The City of East Providence is claiming municipal preference in its application for preliminary permit at the Hunt's Mills Dam. Pursuant to Section 4.81(a) 4 of the FERC regulations, a copy of the 1954 municipal charter documenting the City of East Providence as a legal municipality in the State of Rhode Island and Providence Plantations is provided herein.

For the purposes of FERC's review we call your attention to Sec. 1-1 "City Status" documenting the municipality's legal status,

"The people of the town of East Providence, within the corporate limits as not established or as hereafter established in the manner provided by law, shall continue to be municipal corporation, and in order to secure the right to self-government in all local matters pursuant to the provisions of the Constitution of the State of Rhode Island and Providence Plantations, do adopt and establish this city Charter under the name of the City of East Providence."

CHARTER OF THE CITY OF EAST PROVIDENCE

PREAMBLE

We, the people of the Town of East Providence, in order to secure the right of self-government in all local matters, pursuant to the provisions of the Constitution of the State of Rhode Island and Providence Plantations, do adopt and establish this Charter for the City of East Providence.

ARTICLE I. BASIC PROVISIONS

Sec. 1-1. City status.

The people of the town of East Providence, within the corporate limits as not established or as hereafter established in the manner provided by law, shall continue to be a municipal corporation, and in order to secure the right of self-government in all local matters pursuant to the provisions of the Constitution of the State of Rhode Island and Providence Plantations, do adopt and establish this city Charter under the name of the City of East Providence.

Sec. 1-2. Form of government.

The municipal government provided by this Charter shall be known as the council-manager government. Pursuant to its provisions and subject only to the limitations imposed by the state constitution and by this Charter, all powers of the city shall be vested in an elective council, which shall determine policies, enact local legislation and appoint the city manager, who shall execute the laws and administer the government of the city under the authority of the council.

Sec. 1-3. Powers of city.

The city shall have all the powers granted to cities by the home rule and other provisions of the constitution and general laws of this state together with all such additional powers as hereafter may be granted to the city by the laws of the state, together with all the implied powers necessary to carry into execution the powers granted. The city may acquire property within or without

its corporate limits for any city purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interests may require; and, except as prohibited by the constitution of this state or restricted by this Charter, the city shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The enumeration of particular powers by this Charter shall not be deemed to be exclusive, and in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the city shall have and may exercise all powers which, under the constitution of this state, it would be competent for this Charter specifically to enumerate. Furthermore, all laws relating to the Town of East Providence are hereby superseded to the extent that the same are inconsistent with the provisions of this Charter, except such laws as are enacted in accordance with powers reserved to the general assembly by the constitution of the state.

ARTICLE II. CITY COUNCIL

Sec. 2-1. Number, selection and term.

The council shall have five [5] members, one to be elected from any by the electors of each of the four [4] wards of the city, and one to be elected at large, for a term of two [2] years or until a majority of the newly elected council have qualified and have taken office.

Sec. 2-2. Qualifications; when office shall become vacant.

Councilmen shall be qualified voters of the city and shall hold no other public office or employment in the service of the city, or of the state or federal government, except that of notary public or member of the National Guard or military reserve. If a councilman shall cease to possess any of these qualifications or shall be convicted of [a] crime involving moral turpitude, his office shall immediately become vacant.

Sec. 2-3. Salary.

The annual salary of councilmen shall be seven hundred fifty (\$750) dollars until changed by ordinance, but shall not be increased during the current term of councilmen enacting such ordinance.

Editor's note—The annual salary of councilmembers is now \$3,500.00

Sec. 2-4. Presiding officer; mayor; assistant mayor; salary.

The council shall elect an officer of the city who shall have the title of mayor, shall preside at meetings of the council, and shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law, but shall have not regular administrative duties. The council shall also elect an assistant mayor who shall act as mayor during the absence or disability of the mayor and if a vacancy occur shall become mayor for the completion of the unexpired term. Both the mayor and the assistant mayor shall be elected from among the councilmen. The mayor shall receive two hundred fifty (\$250) dollars annually, in addition to his salary as councilman until changed by ordinance, but the amount shall not be increased during the current term of councilmen enacting such ordinance. The assistant mayor while performing the duties of the mayor in the absence or disability of the mayor shall receive such compensation as the council may by ordinance prescribe not to exceed the amount allowed to the mayor for such services.

Editor's note—The annual salary of the mayor is now \$4,500.00.

Sec. 2-5. Council to be judge of qualifications of its members; review by courts.

The council shall be the judge of the election and qualifications of its members and for such purposes shall have power to subpoena witnesses and require the production of records, but the decision of the council in any such case shall be subject to review by the courts.

Sec. 2-6. Vacancies.

Any vacancy in the council shall be filled for the unexpired term by vote of the electors of the city or ward. Such vacancy shall be filled at the next regular or special election to be held in the city, or the council may call a special election for the purpose of filling the vacancy. If a vacancy in the council shall occur more than nine (9) months prior to the date for the holding of an election, the council shall call a special election for the purpose of filling such vacancy within thirty (30) days after the vacancy occurs.

Sec. 2-7. Meetings generally; special meetings.

The first meeting of a newly elected council shall be held at noon on the first Monday of the month immediately following the regular election. The city clerk shall preside until a president of council is elected. The council shall determine the time and place for holding its regular meetings, and shall meet at least twice each month, except in July and August when it shall meet at least once each month. All meetings of the council shall be open to the public, and citizens shall have a reasonable opportunity to be heard in such manner and subject to such reasonable restrictions as the rules of the council provide in accordance with state law, except the council may upon the affirmative vote of a majority of its members authorize an executive session in accordance with state law. A special meeting of the council shall be called by the city clerk at the request of the president of council or a majority of the members of the council. Notice of a special meeting shall be served upon each member in person or left at his/her usual place of residence at least forty-eight (48) hours previous to the time of such meeting. Nothing herein shall prevent the council from holding an emergency meeting, upon an affirmative vote of a majority of the members of the body when the meeting is deemed necessary where the public welfare so requires. If such an emergency meeting is called, a meeting notice and agenda shall be posted as soon as practicable. The purpose of a special meeting shall be stated in the notice of the meeting and no business shall be transacted at any special meeting other than that which has been stated in the notice.
(Amd. No. IV, 11-5-91)

Sec. 2-8. Quorum; notice of holding adjourned meeting.

A majority of the whole number of members of the council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. At least twenty-four (24) hours' notice of the holding of an adjourned meeting shall be given to all members who were not present at the meeting from which adjournment was taken.

Sec. 2-9. Powers.

All powers of the city and the determination of all matters of policy shall be vested in the council. Without limitation of the foregoing, the council shall have power to:

- (1) Determine its own rules and order of business and keep a journal of its proceedings which shall be open to public inspection in the office of the city clerk;
- (2) Appoint and remove the city manager;
- (3) Establish other administrative departments and distribute the work of divisions;
- (4) Adopt the budget of the city;
- (5) Authorize the issuance of bonds by a bond ordinance;
- (6) Provide for an independent audit;
- (7) Inquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs;
- (8) Adopt ordinances for the government of the city which have to do with records, franchises, finance, personnel, civil service or merit system, pensions and retirement systems, public works, public safety, public welfare, public health, city planning, zoning, parks and playgrounds, and safe and sanitary housing, public utilities and other municipal functions not in conflict with the constitution and laws of the state;
- (9) Grant, suspend or revoke licenses, or, by ordinance, delegate to the city manager

the power to grant, suspend or revoke licenses or classes of licenses, except licenses permitting the sale of alcoholic beverages. The city council or the city manager may require an inspection, investigation and report by any department on any license or application for a license. If any applicant, licensee or citizen of the city is aggrieved by the decision of the city manager in granting, refusing to grant, suspending or revoking any license or application for a license, he may appeal from such decision to the city council.

Sec. 2-10. Appointment of city manager.

The council shall appoint an officer of the city who shall have the title of city manager and shall have the powers and perform the duties provided in this Charter. No councilman elected under the provisions of this Charter shall receive such appointment during the term for which he shall have been elected, nor within one (1) year after the expiration of his term.

Sec. 2-11. Term and removal of city manager.

The council shall appoint the city manager for an indefinite term and may remove him by a majority vote of its members. At least thirty (30) days before such removal shall become effective, the council shall by a majority vote of its members adopt a preliminary resolution stating the reasons for his removal. The manager may reply in writing and may request a public hearing which shall be held not earlier than twenty (20) days nor later than thirty (30) days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the council by majority vote of its members may adopt a final resolution of removal. By the preliminary resolution the council may suspend the manager from duty, but shall in any case cause to be paid him forthwith any unpaid balance of his salary for the next three (3) calendar months following adoption of the preliminary resolution.

Annotation—City manager serves at will of council, and council may remove city manager with or without cause. *Reynolds v. Lamb*, 102 R. I. 557, 232 A. 2d 375 (1967).

Sec. 2-12. Council not to interfere in appointments or removals by city manager; council to act through city manager in dealing with subordinates.

Neither the council nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the city manager or by any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the city. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager and neither the council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately. Any councilman violating the provisions of this section, or voting for a resolution or ordinance in violation of this section, shall be guilty of a misdemeanor and upon conviction thereof shall cease to be a councilman.

Sec. 2-13. Creation of new departments or offices; change of duties.

The council by ordinance may create, change, and abolish offices, departments or agencies, other than those established by this Charter.

The council by ordinance may assign additional functions or duties to offices, departments or agencies established by this Charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency.

Sec. 2-14. Probate court.

(1) The powers and duties of a probate court for the city shall be exercised and performed by a judge of probate.

(2) The judge of probate shall be an attorney-at-law in good standing who has been admitted to the practice of law in this state. He shall be a qualified elector of the city.

(3) The council by resolution shall appoint a judge of probate to serve for a term of office concurrent with that of the council and until his successor is appointed and qualified.

(4) In the absence, disability or disqualification of the judge of probate so that he is unable to perform his duties, the city solicitor shall serve as acting judge of probate and when so serving shall have and exercise all the powers and duties of the judge of probate.

Sec. 2-15. Canvassing authority.

There shall be a bipartisan canvassing authority elected by the city council as provided by the constitution and laws of the state. Within sixty (60) days after the effective date of this Charter the city council shall elect three [3] canvassers to serve for two [2], four [4] and six [6] years respectively and shall thereafter, at its first meeting in May of each election year, elect one member to serve for a term of six [6] years. All of the powers and duties now vested in the board of canvassers and registration shall vest in said canvassing authority.

Sec. 2-16. City clerk.

(1) The council shall elect an officer who shall be an elector of the city and shall have the title of city clerk, and who shall give notice of its meetings, shall keep the journal of its proceedings, shall authenticate by his signature and record in full in a book kept for that purpose all ordinances and resolutions.

(2) He shall be responsible for the keeping and maintaining, for public inspection, all records of the city including, but not limited to:

- (A) All land evidence records of every kind whatsoever;
- (B) All records of personal property mortgages, attachments, assignments, lis pendens notices, conditional sales, and liens of every kind whatsoever that are now or shall hereafter be required or permitted to be recorded in a public place in charge of or under the control, custody, or supervision of any officer of the city;

- (C) All records of the probate court;
- (D) All records of licenses issued by the city or by any officer or employee thereof;
- (E) All records of births, marriages and deaths;
- (F) All records of removals;
- (G) All records of trade names;
- (H) Such other records as shall by ordinance or laws of the state be required to be kept by the city clerk.

(3) He shall issue all marriage licenses, burial permits, and such other licenses or permits as by ordinance or laws of the state shall be required to be issued by the city clerk, and shall perform such other duties as may be required by ordinance or laws of the state.

Sec. 2-17. City solicitor.

The council shall elect an officer of the city who shall have the title of city solicitor. The solicitor shall be an attorney-at-law in good standing who has been admitted to practice in the state. He shall be a qualified elector of the city. The city solicitor shall be attorney for the city and legal advisor of the council and of all officers, departments, and agencies and shall perform such other duties as may be prescribed by the council.

Sec. 2-18. Planning board.

The council shall provide by ordinance for the appointment of a planning board whose members shall be qualified electors of the city. The planning board shall serve in an advisory capacity to the several officers, departments and agencies of the city and shall make studies of the resources and needs of the city with reference to its growth and development.

Sec. 2-19. Zoning board.

The council shall provide by ordinance for the appointment of a zoning board whose members shall be qualified electors of the city, and an advisor to the board who shall be a competent building contractor. The zoning board shall have power to hear and determine appeals from original actions on requests for building permits and

to allow exceptions to or variations from the zoning regulations in certain classes of cases or situations as may be provided by ordinance.

Sec. 2-20. Sinking fund board.

The council shall provide by ordinance for a board to supervise the sinking fund until the funded indebtedness of the city not provided for by serial bonds is fully paid.

Sec. 2-21. Independent audit.

(1) The council shall cause to be made an annual independent audit of the books, accounts and other evidences of financial transactions of the city to be conducted either by state auditors or a certified public accountant having no personal interest therein. If such audit is made by a private firm of certified public accountants, such firm shall be changed at least every five (5) years. A copy of the audit report shall be filed with the city clerk and shall be a public record.

(2) If the council shall fail to provide for an independent audit not later than the close of any fiscal year, the proper officers of the state concerned with the municipal audits hereby are authorized to conduct such audit, and the city clerk shall notify the state in writing that such audit is authorized to be conducted under the provisions of this Charter.

Sec. 2-22. Procedure of the council with regard to ordinances.

(1) *Acts by ordinance.* In addition to such acts of the council as are required by statute or by this Charter to be by ordinance, every act of the council establishing a fine or other penalty or providing for the expenditure of funds or for the contracting of indebtedness, shall be by ordinance. The enacting clause of all ordinances shall be, "The Council of the City of East Providence hereby ordains:"

(2) *First reading.* Every ordinance shall be introduced in writing, and after passage on first reading, at least three (3) copies of the ordinance, in the form in which it has been passed on first reading, shall be made available to public inspection at the office of the city clerk and there shall

be published a notice in a daily newspaper having a general circulation in the city, describing the ordinance in brief and general terms and stating that the ordinance is available for public inspection at the office of the city clerk, together with the time and place when and where it will be considered for final passage. Said notice shall be published at least one (1) week prior to the second reading.

(3) *Second reading and public hearing.* At the time and place so advertised, or at any time and place to which such hearing shall from time to time be adjourned, such ordinance shall be read in full and, after such reading, all persons interested shall be given an opportunity to be heard.

(4) *Further consideration and final passage.* After such hearing, the council may finally pass such ordinance with or without amendment, except that if it shall make an amendment, it shall not finally pass the ordinance until it shall have caused the amended sections to be published at least once as provided in subsection (2) of this section, together with a notice of the time and place when and where such amended ordinance will be further considered. At the time so advertised or at any time and place to which such meeting shall be adjourned, the amended ordinance shall be read in full and a public hearing thereon shall be held and after such hearing the governing body may finally pass such amended ordinance, or again amend it subject to the same conditions. The second passage of any ordinance pursuant to this Charter shall be final and no further passage shall be required.

(5) *Publication of ordinances after final passage.* After final passage, there shall be published within three (3) days as in subsection (2) of this section a notice describing the ordinance in brief and general terms and stating that it is available for public inspection in the office of the city clerk.

(6) *Date when ordinances go into effect.* Every ordinance, unless it shall specify another date, shall become effective at the expiration of twenty (20) days after such publication following final passage.

(7) *Emergency ordinance.* In an emergency affecting the public peace, health or safety, the council by affirmative vote of two-thirds of its members may adopt without a hearing or second reading an emergency ordinance which shall take effect upon its passage.

(8) *Roll call.* The vote upon any ordinance shall be by roll call and entered on the record of proceedings. A vote by roll call shall be taken on any other matter at the request of any two (2) members.

ARTICLE III. CITY MANAGER*

Sec. 3-1. Qualifications.

The city manager shall be chosen by the council solely on the basis of executive and administrative qualifications, with special reference to prior experience in, or knowledge of, accepted practice with respect to duties of the office as hereinafter set forth. In addition, the city manager shall be a graduate of an accredited four-year college or university, with a master's degree in public administration, business administration, or a related field. The city manager shall have at least three (3) years of actual experience in a management level position in either the public or private sector. Such experience must include positions with responsibility in any of the following areas: Finance, planning, personnel, public works, public safety, economic development of their equivalent. At the time of appointment, the city manager need not be a resident of the city or state, but during the tenure of office, the city manager shall reside in the city.

(Amd. of 11-8-94)

***Annotation**—City manager should be allowed a reasonable amount of time to establish residence within city. However, failure to establish residence within city during entire seven month term of office is grounds for removal notwithstanding oral assurances from members of council that residence within city was not required. *Reynolds v. Lamb*, 102 R. I. 557, 232 A. 2d 375 (1967).

Supreme Court of Rhode Island judges will not answer questions as to legal qualifications of city manager, such questions being posed by city council through the governor. Such opinions would be grossly gratuitous and an inexcusable participation by the court in the affairs of the city. Opinion to the Governor, 109 R. I. 289, 284 A. 2d 295 (1971).

Sec. 3-2. Salary.

The salary of the city manager shall not exceed twelve thousand dollars (\$12,000.00) per year unless changed by ordinance. His salary shall not be increased the first year of his appointment.

Editor's note—The annual salary of the city manager is set from time to time by the council during the budget process.

Sec. 3-3. Powers and duties.

The city manager shall be the chief executive officer and the head of the administrative branch of the city government. The manager may designate by letter filed with the city clerk a qualified administrative officer of the city to perform the duties of the city manager during his temporary absence or disability. In the event of failure of the manager to make such designation, the council may by resolution appoint an officer of the city to perform the duties of the manager until he shall return or his disability shall cease. The manager shall be responsible to the council for the proper administration of all affairs of the city and to that end he shall have power and shall be required to:

- (1) Appoint and, when necessary for the good of the service, remove all officers and employees of the city except as otherwise provided by this Charter and except as he may authorize the head of a department or office to appoint and remove subordinates in such department or office, making appointments and promotions in the service of the city according to merit and fitness;
- (2) Prepare the budget annually and submit it to the council and be responsible for its administration after adoption;
- (3) Prepare and submit to the council as of the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year;
- (4) Keep the council advised of the financial condition and future needs of the city and make such recommendations as may seem to him desirable;
- (5) Perform such other duties as may be prescribed by this Charter or required of him by the council, not inconsistent with this Charter.

Sec. 3-4. Administrative departments.

There shall be a department of finance, a department of public works, a department of police, a department of fire and such other departments as may be established by ordinance.

Sec. 3-5. Directors of departments.

At the head of each department there shall be a director, who shall be an officer of the city and shall have supervision and control of the department subject to the city manager. Two [2] or more departments may be headed by the same individual, the manager may head one or more departments, and directors of departments may also serve as chiefs of divisions.

Sec. 3-6. Departmental divisions.

The work of each department may be distributed among such divisions thereof as may be established by ordinance upon the recommendation of the manager. Pending the passage of an ordinance or ordinances distributing the work of departments under the supervision and control of the manager among specific divisions thereof, the manager may establish temporary divisions.

ARTICLE IV. DEPARTMENT OF FINANCE**Sec. 4-1. Finance department created; head of department designated; organization.**

(1) There shall be a department of finance, the duties of which shall include the supervision and direction of all matters pertaining to financial operations, and the head of which shall be the director of finance, who shall be, or be appointed by, the city manager.

(2) The department shall be organized into the following divisions or offices: Control and accounts; treasury; assessment; purchasing. The heads of these divisions shall be respectively designated controller, treasurer, assessor and purchasing agent. They shall be appointed by the director of the department, with the approval of the city manager.

Sec. 4-2. Director of finance; qualifications.

The director of finance shall have knowledge of municipal accounting and taxation and shall have had experience in budgeting and financial control.

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

The director of finance shall receive an annual salary of not to exceed seven thousand (\$7,000) dollars or such salary as may be thereafter determined by ordinance, unless the duties of said office shall be performed by the city manager.

Editor's note—The annual salary of the director of finance is set from time to time by the council during the budget process.

Sec. 4-4. Director of finance; powers and duties.

The director of finance shall have charge of the administration of the financial affairs of the city and to that end he shall have authority and shall be required, acting through the proper division of the department in each instance, to:

- (1) Compile the current expense estimates for the budget for the city manager;
- (2) Compile the capital estimates for the budget for the city manager;
- (3) Supervise and be responsible for the disbursement of all monies and have control over all expenditures to ensure that budget appropriations are not exceeded;
- (4) Maintain a general accounting system for the city government and each of its offices, departments and agencies; keep books for and exercise financial budgetary control over each office, department and agency; keep separate accounts for the items of appropriation contained in the city budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance; require reports of receipts and disbursements from each receiving and spending agency of the city government to be made daily or at such intervals as he may deem expedient;
- (5) Submit to the council through the city manager a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the city;
- (6) Prepare for the city manager, as of the end of each fiscal year, a complete financial statement and report;
- (7) Supervise and be responsible for the assessment of all property within the corporate limits of the city for taxation, make all special assessments for the city government, prepare tax maps and give such notice of taxes and special assessments as may be required by law;
- (8) Collect all taxes, special assessments, license fees and other revenues of the city or for whose collection the city is responsible and receive all money receivable by the city from the state or federal government, or from any court, or from any office, department or agency of the city;
- (9) Have custody of all public funds belonging to or under the control of the city, or any office, department or agency of the city government, and deposit all funds coming into his hands in such depositories as may be designated by resolution of the council, or, if no such resolution be adopted, by the city manager, subject to the requirements of law as to surety and the payment of interest on deposits, but all such interest shall be the property of the city and shall be accounted for and credited to the proper account;
- (10) Have custody of all investments and invested funds of the city government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the city and the receipt and delivery of city bonds and notes for transfer, registration or exchange;
- (11) Supervise and be responsible for the purchase, storage and distribution of all supplies, materials, equipment and other articles used by any office, department or agency of the city government;

- (12) Approve all proposed expenditures; unless he shall certify that there is an unencumbered balance of appropriation and available funds, no appropriation shall be encumbered and no expenditure shall be made.

Sec. 4-5. Work programs; allotments.

Before the beginning of the budget year, the head of each office, department or agency of the city government shall submit to the city manager, when required by him, a work program for the year, which program shall show the requested allotments of the appropriations for such office, department or agency, by monthly periods, for the entire budget year. The city manager shall review the requested allotments in the light of the work program of the office, department or agency concerned, and may revise, alter or change such allotments before approving the same. The aggregate of such allotments shall not exceed the total appropriation available to said office, department or agency for the budget year.

Sec. 4-6. Filing copy of allotments; director of finance to authorize expenditures; revision of allotments.

The city manager shall file a copy of the allotments with the director of finance, who shall authorize all expenditures for the offices, departments and agencies to be made from the appropriations on the basis of approval allotments and not otherwise. An approved allotment may be revised during the budget year in the same manner as the original allotment was made. If, at any time during the budget year, the city manager shall ascertain that the available income, plus balances, for the year will be less than the total appropriations, he shall reconsider the work programs and allotments of the several offices, departments and agencies and revise the allotments so as to forestall the making of expenditures in excess of the said income.

Sec. 4-7. Transfer of appropriations.

The city manager may at any time transfer any unencumbered appropriation balance or portion thereof between general classifications of expen-

ditures within an office, department or agency. At the request of the city manager and within the last three (3) months of the budget year, the council may by resolution transfer any unencumbered appropriation balance or portion thereof from one office, department or agency to another. No transfer shall be made from the appropriations required by subsections (1), (2), (3), (4), (5), (6), (7), (8), (9) and (12) of article V, section 8 of this Charter.

Sec. 4-8. Accounting supervision and control.

The director of finance shall have power and shall be required, acting through the division of control and accounts to:

- (1) Prescribe the forms of receipts, vouchers, bills or claims to be used by all the offices, departments and agencies of the city government;
- (2) Examine and approve all contracts, orders and other documents by which the city government incurs financial obligations, having previously ascertained that monies have been appropriated and allotted and will be available when the obligations shall become due and payable;
- (3) Audit and approve before payment all bills, invoices, payrolls and other evidences of claims, demands or charges against the city government and with the advice of the city solicitor determine the regularity, legality and correctness of such claims, demands or charges;
- (4) Inspect and audit any accounts or records of financial transactions which may be maintained in any office, department or agency of the city government apart from or subsidiary to the accounts kept in his office.

Sec. 4-9. Prohibited contracts and expenditures.

No office, department or agency shall expend any money or incur any liability or enter into any agreement which by its terms involves the expenditure of money during the fiscal year in excess of

the amounts appropriated, other than for capital improvements to be financed in whole or in part by the issuance of bonds and the making of contracts and leases approved by the council. Any contract, verbal or written, made in violation of this Charter shall be null and void.

Sec. 4-10. Unexpended appropriations.

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

Sec. 4-11. Division of treasury.

The division of the treasury shall collect, have custody of, and pay out the funds, such payments being made only upon order of the controller. This division shall prepare and send out bills for taxes and other charges and shall keep such books and records as are necessary for recording of all receipts and expenditures, including borrowing transactions, and of monies deposited in banks.

Sec. 4-12. Fees.

All fees received by any officer or employee shall be remitted daily to the department of finance and shall belong to the city government.

Sec. 4-13. Division of assessment.

The division of assessment shall be responsible for the fixing of an assessed valuation for purposes of taxation on all taxable real estate and personal property and for the preparation of an assessment roll and a tax roll for the city in the manner provided by law and ordinance.

Sec. 4-14. Board of assessment review.

(1) There shall be a board of assessment review which shall consist of three members appointed by the council. The members first appointed shall serve for terms of two [2], four [4] and six [6] years respectively, and thereafter one member shall be appointed in each second year for a term of six [6] years.

(2) The board of assessment review shall hear and consider the appeal of any property owner concerning the amount of his assessed valuation as determined by the city assessor. The assessor

shall attend all hearings of the board of review in order to explain his valuations, but shall have no vote. The board shall keep an accurate record of its proceedings which shall be available for public inspection. If it shall appear that the valuation of any property has been incorrectly or inequitably assessed, the board shall have power to change the assessment.

(3) The council shall provide by ordinance for the organization and procedure of the board of assessment review and for the manner of receiving, considering, and disposing of appeals.

(4) The taking of an appeal to the board of assessment review, or any action thereon, shall not be construed to limit or restrict the right of any taxpayer to apply to a court of competent jurisdiction for relief from any assessed valuation or tax originally determined by the assessor.

Sec. 4-15. Division of purchases.

There shall be established in the department of finance a division of purchases, the head of which shall be the city purchasing agent. The purchasing agent, pursuant to rules and regulations established by ordinance, shall contract for, purchase, store and distribute all supplies, materials and equipment required by any office, department or agency of the city government. The purchasing agent shall also have power and shall be required to:

- (1) Establish and enforce specifications with respect to supplies, materials, and equipment required by the city government;
- (2) Inspect or supervise the inspection of all deliveries of supplies, materials, and equipment, and determine their quality, quantity and conformance with specifications;
- (3) Have charge of such general storerooms and warehouses as the council may provide by ordinance;
- (4) Transfer to or between offices, departments or agencies, supplies, material and equipment, and, subject to the approval of the council, sell surplus, obsolete, or unused supplies.

Sec. 4-16. Competitive bidding.

(1) Before any purchase of or contract for supplies, materials or equipment or contract for any city improvement, opportunity shall be given for competitive bidding under such rules and regulations, and with such exceptions, as the council may prescribe by ordinance.

(2) All contracts for more than five hundred (\$500) dollars 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 city manager shall have the power to accept or to reject any or all bids, and to readvertise for same; provided, however, that the acceptance of any bid for a contract in excess of one hundred thousand (\$100,000) 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 city manager.

Editor's note—Small purchases are made in accordance with the small purchase regulations referenced and adopted in section 2-246.

Sec. 4-17. Accounting control of purchases.

All purchases made and contracts executed by the purchasing agent shall be pursuant to a written requisition from the head of the office, department or agency whose appropriation will be charged, and no contract or order shall be issued to any vendor unless and until the controller certifies that there is to the credit of such office, department or agency a sufficient unencumbered appropriation balance to pay for the supplies, materials, equipment or contractual services for which the contract or order is to be issued.

Sec. 4-18. Contracts financed by bonds.

No contract shall be executed for the acquisition of any property or the construction of any improvement or betterment to be financed by the issuance of bonds until the ordinance authorizing the issuance of such bonds shall have taken effect and any contract executed before such day shall be unenforceable in any court of law.

Sec. 4-19. Emergency appropriations.

At any time in any fiscal year, the council may, pursuant to this section, make emergency appropriations to meet a pressing need for public expenditure, for other than a regular or recurring requirement, to protect the public health, safety or welfare. Such appropriation shall be by resolution adopted by the favorable votes of at least four-fifths of the members of the council, and shall be made only upon recommendation of the city manager.

Sec. 4-20. 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 authorize the issuance of notes, each of which shall be designated "emergency note" and may be renewed.

Sec. 4-21. Borrowing in anticipation of property taxes.

If necessary the council shall authorize the issuance of any notes which lawfully may be issued by the city in anticipation of taxes an amount not to exceed eighty (80) per centum of the taxes due for that fiscal year, and all revenue from the collection of taxes on real and personal property beginning with the day subsequent to the date on which any such notes are issued shall be reserved for the payment of said notes and shall not be available for any other purpose until such borrowing in anticipation of taxes has been repaid.

Sec. 4-22. Borrowing in anticipation of other revenues.

In any fiscal year, in anticipation of the collection or receipt of other revenues than the property tax of that fiscal year, the council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the city, each of which shall be designated "special revenue note for the year . . ." (stating the fiscal year). Such notes may be renewed, but all such notes, together with the renewals, shall mature and be

paid not later than the end of the fiscal year immediately following the fiscal year in which the original notes shall have been issued.

Sec. 4-23. Notes redeemable prior to maturity.

No notes shall be made payable on demand, but any note may be made subject to redemption prior to maturity on such notice and at such time as may be stated in the note.

Sec. 4-24. Sale of notes; report of sale.

All notes issued pursuant to this article may be sold at not less than par and accrued interest at private sale without previous advertisement by the director of finance.

Sec. 4-25. Payment of notes.

The power and obligation of the city to pay any and all notes hereafter issued by it pursuant to this article shall be unlimited and the city shall levy ad valorem taxes on all the taxable property within the city for the payment of such notes and interest thereon without limitation of rate or amount, subject to the laws of the state. The faith and credit of the city is hereby pledged for the payment of the principal of and interest on all notes of the city hereafter issued pursuant to this article, whether or not such pledge be stated in the notes.

Sec. 4-26. Borrowing for capital improvements.

The city may borrow money by issuing its negotiable bonds and notes in anticipation of bonds, pledging the credit and property of the city, to finance any capital project which it may lawfully construct or acquire.

Sec. 4-27. Bond ordinance.

(1) The city shall authorize the issuance of bonds by a "bond ordinance" passed by the affirmative votes of a majority of all the members of its council, as provided by this Charter.

(2) A bond ordinance shall contain in substance at least the following provisions:

- (A) An appropriation of a sum of money for a capital project, described in brief and general terms sufficient for reasonable identification;
- (B) To finance the said appropriation, an authorization of the incurring of indebtedness by the issuance of bonds in a stated amount, pursuant to this Charter;
- (C) A statement of the estimated maximum cost of the capital project, including any sums theretofore or thereby appropriated;
- (D) A determination of the period of usefulness of the project, within the limitations of article IV, section 32 of this Charter;
- (E) A determination of the net debt of the city after issuance of the bonds thereby authorized, together with a declaration that the bonds thereby authorized will be within all debt and other limitations prescribed by the constitution and laws of the state.

(3) The title of a bond ordinance shall state the amount appropriated for an indicated project and the amount of bonds authorized to finance the appropriation. Bond ordinances shall be cited in bonds and notes by title and date of final passage. A bond ordinance may not combine two or more projects.

(4) The procedure for passage of a bond ordinance shall be the same as that for other ordinances of the city except that when published after final passage each bond ordinance shall be accompanied by a notice in substantially the following form:

Notice

The bond ordinance published herewith has been finally passed and the twenty-day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced as provided in the City Charter

has begun to run from the date of the first publication of this notice.

City Clerk

Sec. 4-28. Referendum on bond ordinance.

No bonds shall be issued pledging the credit of the city unless submitted to a vote of the electors at either a general or special election, and approved by a majority of the electors voting on the question.

Sec. 4-29. Issuance and sale of notes in anticipation of bonds.

In anticipation of the issuance of bonds approved pursuant to article IV, section 28, the council may by resolution authorize the issuance of negotiable notes. Each such note shall be designated "bond anticipation note" and, including renewals, shall mature and be paid not more than fourteen (14) calendar months after the date of issuance of the original note. Unless otherwise provided by ordinance, all bond anticipation notes may be sold by the director of finance at private sale without previous public offering.

Sec. 4-30. Special debt statement.

Five (5) days prior to the date of the second reading of the bond ordinance, the director of finance shall file with the city clerk, who shall post publicly, a statement setting forth (a) the aggregate principal amount of all outstanding bonds and notes of the city; (b) deductions permitted by the constitution and general laws; (c) the amount of the existing net indebtedness; (d) the amount of the net indebtedness after the issuance of the bonds authorized by such bond ordinance; and (e) the aggregate principal amount of bonds and notes which the city may issue, pursuant to law.

Sec. 4-31. Serial bond requirement.

(1) All bonds issued pursuant to this Charter shall be paid in consecutive annual instalments no one of which shall be more than fifty (50) per centum in excess of the smallest prior instalment.

(2) The first annual instalment shall be paid not more than one (1) year, or if the bonds are issued to fund notes, not more than two (2) years, after the date of final passage of the bond ordinance by virtue of which they are issued.

(3) The last annual instalment of each authorized issue of bonds shall be paid not later than the date of expiration of the period of usefulness of the project for the financing of which such bonds are issued as determined in the bond ordinance authorizing the issuance of the bonds.

Sec. 4-32. Period of usefulness requirement.

(1) Bonds shall mature not later than the expiration of the period of the probable usefulness of the capital project for which they are issued, as determined by certificate of the engineer or architect, approved by the city manager, and stated in the bond ordinance, but the maximum period shall not exceed thirty (30) years.

(2) The period of usefulness of each project shall be computed from the date of final passage of the bond ordinance by virtue of which the bonds are issued.

(3) The determination of the council, in the bond ordinance, as to the period of usefulness, shall be conclusive in any action or proceeding involving the validity of the bonds.

Sec. 4-33. Public sale of bonds.

All bonds issued under this Charter shall be sold at public sale upon sealed proposals after at least ten (10) days' notice published at least once in a publication carrying municipal bond notices and devoted primarily to financial news or to the subject of state and municipal bonds, distributed in Rhode Island[,] and at least ten (10) days' notice published at least once in a daily newspaper having a general circulation in the city.

Sec. 4-34. Short period of limitations for bond ordinance.

When twenty (20) days shall have elapsed after the publication after final passage of a bond ordinance as provided by this Charter, (a) any recitals or statements of fact contained in such bond ordinance, or in the preambles or recitals

thereof, shall be deemed to be true for the purpose of determining the validity of the bonds thereby authorized and the city and all others interested shall forever thereafter be estopped from denying the same; (b) such bond ordinance shall be conclusively presumed to have been duly and regularly passed by the city and to comply with the provisions of this Charter and of all laws; and (c) the validity of such bond ordinance shall not thereafter be questioned by either a party plaintiff or a party defendant, except in a suit, action or proceeding commenced prior to the expiration of such twenty (20) days.

Sec. 4-35. Payment of bonds and notes.

The power and obligation of the city to pay any and all bonds and notes hereafter issued by it pursuant to this Charter shall be unlimited and the city shall levy ad valorem taxes upon all the taxable property within the city for the payment of such bonds or notes and interest thereon, without limitation of rate or amount, subject to the laws of the state. The faith and credit of the city is hereby pledged for the payment of the principal of and the interest on all bonds and notes of the city hereafter issued pursuant to this Charter, whether or not such pledge be stated in the bonds or notes, or in the bond ordinance authorizing their issuance.

ARTICLE V. BUDGET

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

The fiscal year of the city government shall begin on the first day of November and shall end on the last day of October of each calendar year unless a uniform fiscal year for all cities and towns shall be established by state law. Such fiscal year shall also constitute the budget and accounting year. As used in this Charter, the term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

Sec. 5-2. Budget; general statement.

(1) The budget shall provide a complete financial plan for the budget year. It shall contain in tabular form: (a) a general summary of the prin-

cipal sources of anticipated revenue with amounts to be raised from each source, and of the principal objects of expenditure with amounts to be expended on each object; (b) detailed estimates of all anticipated revenues applicable to proposed expenditures; and (c) all proposed expenditures.

(2) The total of such anticipated revenues shall at least equal the total of such proposed expenditures.

Sec. 5-3. Preparation and submission of budget.

The city manager, at least forty-five (45) days prior to the beginning of each budget year, shall submit to the council a budget and an explanatory budget message. For such purpose, at such date as he shall determine, he, or an officer designated by him, shall obtain from the head of each office, department or agency estimates of revenue and expenditure of that office, department or agency, detailed by organization units and character and object of expenditure, and such other supporting data as he may request; together with an estimate of all capital projects pending or which such department head believes should be undertaken (a) within the budget year and (b) within the five (5) next succeeding years. In preparing the budget, the city manager shall review the estimates, shall hold hearings thereon and may revise the estimates, as he may deem advisable.

Sec. 5-4. Budget message.

(1) The budget message submitted by the city manager to the council shall be explanatory of the budget, shall contain an outline of the proposed financial policies of the city for the budget year and shall describe in connection therewith the important features of the budget plan. It shall set forth the reasons for salient changes from the previous year in cost and revenue items and shall explain any major changes in financial policy.

(2) As a part of the budget message, with relation to the proposed expenditures for capital projects stated in the budget, the city manager shall include a statement of pending capital projects and proposed new capital projects, relating the respective amounts proposed to be raised therefor by appropriations in the budget and the respec-

tive amounts, if any, proposed to be raised therefor by the issuance of bonds during the budget year.

(3) The city manager shall also include in the message, or attach thereto, a capital program of proposed capital projects for the five (5) fiscal years next succeeding the budget year, prepared by the planning board, together with his comments thereon and any estimates of costs prepared by the department of public works or other office, department or agency. For the use of the planning board in preparing such capital program, copies of the departmental estimates of capital projects, filed with the city manager pursuant to section 3 of this article, shall be filed with the board.

(4) Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material, in respect to both current operations and capital improvements, as the city manager shall believe useful to the council.

Sec. 5-5. Revenues anticipated.

(1) Anticipated revenues shall be classified as "amount to be raised by property tax," "miscellaneous revenues" and "surplus." Miscellaneous revenues shall be subclassified by sources and shall be estimated as hereinafter prescribed.

(2) Miscellaneous revenues shall include anticipated revenues from the collection of taxes other than the general property tax; the amount of state aid to be received; the amount by which the city is expected to benefit from taxes collected by the state; the amounts estimated to be received from services and sales, fines, forfeitures and fees, pension assessments, special assessments and any other special or nonrecurring sources.

(3) The anticipated revenues and proposed expenditures of each utility or other public service enterprise owned, or operated, by the city, shall be stated in a separate section of the budget (each bearing the name of the utility); and as to each such utility, an anticipated surplus, if legally available for general purposes, shall be stated as an item of miscellaneous revenue in the budget.

(4) No miscellaneous revenue from any source shall be included as an anticipated revenue in the budget in an amount in excess of the average of the amount actually realized in cash from the same source in the next preceding fiscal year, and that actually realized in the first ten (10) months of the current fiscal year plus that to be received in the remaining two (2) months of the year estimated as accurately as may be, unless the city manager shall determine that the facts clearly warrant the expectation that such excess amount will actually be realized in cash during the budget year and shall certify such determination in writing to the council.

(5) Revenues from the collection of special assessments on property specially benefited shall not be stated in an amount which is in excess of the amount of the receipts so derived which it is estimated will be held in cash on the first day of the budget year.

(6) No revenue from a new source not previously stated in the budget shall be included unless the city manager shall determine that the facts clearly warrant the expectation that such revenue will be actually realized in cash during the budget year in the amount stated and shall certify such determination in writing to the council.

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.

Sec. 5-7. Surplus.

Surplus shall include:

- (1) Revenue receipts made available by the lapsing of unencumbered appropriation balances at the beginning of the budget year;

- (2) Receipts from unanticipated miscellaneous revenues for the last completed fiscal year;
- (3) Receipts from anticipated miscellaneous revenues for the last completed fiscal year in excess of the estimates in the budget for that year;
- (4) Receipts during the last completed fiscal year from taxes or liens against which a complete reserve has been established.

Sec. 5-8. Expenditures proposed.

The proposed expenditures shall be itemized in such form and to such extent as shall be provided by law, and in the absence of such provision, by regulations established by ordinance. Separate provision shall be included in the budget for at least:

- (1) Interest, amortization and redemption charges on the public debt for which the faith and credit of the city is pledged;
- (2) Other statutory expenditures;
- (3) The payment of all judgments;
- (4) The amount by which the total receipts of miscellaneous revenues in the last completed fiscal year failed to equal the total of the budget estimates of receipts from miscellaneous revenues in that year;
- (5) An amount equal to the aggregate of all taxes levied for the third fiscal year prior to the budget year which are delinquent and outstanding on the sixtieth day prior to the beginning of the budget year, except to the extent the city may have made provision therefor by reserving the full amount of said delinquent taxes;
- (6) An amount equal to the aggregate of all cancellations, remissions, abatements and refunds of taxes, that have been made during the current fiscal year;
- (7) An amount equal to the aggregate of all special revenue notes which it is estimated will be outstanding at the end of the current fiscal year in anticipation of the collection of revenues other than the property tax;

- (8) An amount equal to the aggregate of all emergency notes which it is estimated will be outstanding at the end of the current fiscal year;
- (9) If the city is required to make up the deficit arising from the operations of utility or other public service enterprises, an amount equal to the deficit from such operations during the last completed fiscal year, separately stated for each utility or other public service enterprise which appears in a separate section of the budget;
- (10) Administration, operation and maintenance of each office, department or agency of the city itemized by character and object of expenditure;
- (11) Contingent expense in an amount not more than three (3) per centum of the total amount pursuant to subsection (10) of this section;
- (12) Expenditures proposed for capital projects.

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.

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

The budget and budget message and all supporting schedules shall be a public record in the office of the city clerk open to public inspection by anyone. The city manager 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 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 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 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, 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.

Sec. 5-12. Adoption of budget.

(1) After such further hearing, the council may insert the additional item or items, and make the increase or increases, to the amount in each case indicated by the published notice, or to a lesser amount, but where it shall increase the total proposed expenditures, it shall also increase the total anticipated revenue to at least equal such total proposed expenditures.

(2) The budget shall be adopted by the favorable votes of at least a majority of all the members of the council.

(3) The budget shall be finally adopted not later than seven (7) days before the end of the current fiscal year. Should the council take no final action on or prior to such day, the budget, as submitted, shall be deemed to have been finally adopted by the council.

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 city manager and city clerk and filed in the office of the director of finance. 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.

(2) From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named.

(3) From the effective date of the budget, the amount stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the city, in the corresponding tax year. A copy of the budget as finally adopted shall be certified by the city manager and filed by him with the officer, board, or commission whose duty it shall be to levy such taxes for the corresponding tax year.

ARTICLE VI. DEPARTMENT OF PUBLIC WORKS

Sec. 6-1. Public works department; organization; appointment of director of public works.

There shall be a department of public works, the head of which shall be the director of public works, who shall be, or be appointed by, the city manager, and who shall be subject to removal by the city manager. The further organization of the department into divisions or offices shall be made by the council, on recommendation of the city manager.

Sec. 6-2. Director of public works; qualifications.

The director of public works shall have a degree in engineering from an approved college or university and shall have had at least three (3) years engineering experience.

Sec. 6-3. Public works department; powers and duties.

The department of public works shall be responsible for the functions and services of the city relating to streets, highways, sidewalks, bridges, watercourses, street lighting, parks and a water supply system; of the sanitary and storm sewers, sewer systems and sewage disposal plants or places; of the collection and disposal of garbage and other refuse; of the construction, maintenance, repair and operation of all public buildings and properties other than those of the school department belonging to or used by the city; of building, electrical and plumbing inspection; and the issuance of building, electrical and plumbing permits; of weights and measures; and of such other functions as may be prescribed by ordinance.

ARTICLE VII. DEPARTMENT OF POLICE

Sec. 7-1. Police department; organization; appointment of police chief.

There shall be a department of police, the director of which shall be the chief of police, who shall be appointed by the city manager, and who shall be subject to removal by the city manager. The further organization of the department into divisions or offices or grades shall be made by the council, on recommendation of the city manager. All appointments and promotions shall be made by the city manager as provided in article III, section 3, subsection (1) of this Charter.

Sec. 7-2. Chief of police; qualifications.

The chief of police shall have adequate knowledge of the organization and administration of a police department and shall have had several years experience in the management and direction of police personnel.

Sec. 7-3. Police department; powers and duties.

(1) The police department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, and

enforcement of the laws of the state and the ordinances of the city and rules and regulations in accordance therewith. All members of the department shall have the same powers and duties as are vested in police officers by the laws of the state and the city ordinances.

(2) The chief of police, who is in direct command of the police force, shall, subject to the approval of the city manager, make rules and regulations in conformity with the city ordinances, concerning the conduct of all officers and employees thereof. He shall assign all subordinates to their respective posts, shifts, details and duties and shall be responsible for their efficiency, discipline and good conduct and for the care and custody of all property used by the department.

ARTICLE VIII. DEPARTMENT OF FIRE

Sec. 8-1. Fire department; organization; appointment of fire chief.

There shall be a department of fire, the director of which shall be the fire chief, who shall be appointed by the city manager, and who shall be subject to removal by the city manager. The further organization of the department into divisions or offices or grades shall be made by the council, on recommendation of the city manager. All appointments and promotions shall be made by the city manager as provided in article III, section 3, subsection (1) of this Charter.

Sec. 8-2. Fire chief; qualifications.

The fire chief shall have adequate knowledge of the organization and administration of a permanent fire department and shall have had several years experience in the management and direction of fire department personnel.

Sec. 8-3. Fire department; powers and duties.

(1) The fire department shall be responsible for the protection of life and property within the city from fire and for the enforcement of all laws, ordinances and regulations relating to fire prevention and fire safety.

(2) The fire chief shall, subject to the approval of the city manager, make rules and regulations in conformity with the city ordinances concerning the operation of the department and the conduct of all officers and employees thereof. He shall assign all subordinates to their respective posts, shifts, details and duties and shall be responsible for their efficiency, discipline and good conduct and for the care and custody of all property used by the department.

ARTICLE IX. PERSONNEL

Sec. 9-1. Appointment and removal of subordinate officers and employees.

(1) Until such time as a classified civil service system may be established by ordinance, the city manager may appoint or promote, or, subject to appeal as herein provided, may remove, suspend, demote or transfer, and may prescribe the powers and duties of his deputies, clerks, assistants, subordinates or officers serving under his supervision or control.

(2) In the event that any person is suspended, demoted, transferred or discharged, he shall be informed in writing of the reasons therefor and he may appeal in writing to the city manager, who shall within ten (10) days give the person so suspended, demoted, transferred or discharged the opportunity to be heard, which hearing shall be public at the option of the employee.

(3) If the former employee is not reinstated to his former position by the city manager, such employee may appeal from the decision of the city manager to a hearing board composed of three (3) qualified electors of the city appointed by the city council, and such employee shall have a right of appeal therefrom to a court of competent jurisdiction for a trial de novo in accordance with law.

(4) At any such hearings it shall be the right of any such person to be represented by counsel who may conduct his defense and act for him.

Sec. 9-2. Right to organize.

The right of municipal employees to associate together and to join any lawful organizations of

their own choosing for the purpose of collective bargaining is recognized by this Charter and shall not be denied by ordinances and resolutions passed in pursuance thereof. The city council is hereby empowered to recognize such organizations, negotiate with them, and sign written agreements either directly or through the city manager, provided that no right whatsoever of employees to strike against the government of the city is herein implied.

Sec. 9-3. Employee protection.

(1) No person holding a position in the administrative service of the city shall make any contribution to the campaign funds of any political party or of any candidate for public office or take part in the management, affairs, or political campaign of any political party, further than in the exercise of his rights as a citizen to express his opinion and to cast his vote.

(2) No person shall orally, by letter or otherwise solicit any assessment, subscription or contribution for any political party or political purpose whatever from any person holding a position in the administrative service of the city.

(3) Any person who violates any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be ineligible for appointment to or employment in a position in the city service for a period of five (5) years, and shall if he be an officer or employee of the city immediately forfeit the office or position he holds.

ARTICLE X. PUBLIC SCHOOLS

Sec. 10-1. School committee.

(1) There shall be a school committee consisting of five (5) members. One (1) member shall be elected from the city at large, and one (1) member shall be elected from each of the four (4) wards of the city at the regular city elections to serve for terms of two (2) years.

(2) Any vacancy in the membership of the school committee shall be filled by the city council until the next regular city election.
(Election of 11-3-98)

Sec. 10-2. Qualifications of school committee members.

Members of the school committee shall have the same qualifications and shall be subject to the same restrictions as are provided by this Charter for members of the city council.

Sec. 10-3. School committee; powers and duties.

(1) The school committee shall elect a chairman and a clerk from its membership and shall adopt its own rules and order of business.

(2) The school committee shall determine and control all policies affecting the administration, maintenance and operation of the public schools, and shall have all the powers and be subject to all the duties as prescribed by the laws of the state.

(3) The school committee shall appoint a superintendent of schools as its chief administrative agent.

(4) The appointment and removal of all school employees shall be made by the school committee upon recommendation of the superintendent of schools, except as may be provided otherwise by the laws of the state. Except for the purpose of inquiry, the school committee, as far as is consistent with the laws of the state, shall deal with the administration of the public schools solely through the superintendent of schools.

(5) The school committee shall submit budget estimates in the same manner as other departments, but the budget estimates and appropriations shall be considered by the council in total only. The allocation of the amounts appropriated shall be determined by the school committee.

(6) The finance department of the city shall assume all the purchasing functions of the school committee, in accordance with the requisitions of the school committee, and shall purchase and distribute such supplies and materials as are

required by the public schools. The costs for such supplies and materials shall be charged against the appropriation for the public schools.

(7) No member of the school committee shall vote in the matter of any contract, job, work or service or the purchase of any property in which he is interested directly or indirectly nor shall he take any official action relating thereto. All such transactions shall be by the authority of the school committee with the interested member not voting.

(8) At the request of the school committee, the city council may direct the department of public works to maintain and care for school buildings and grounds, provided that the costs are charged against the appropriation for the public schools.

(9) The school committee shall prepare a complete report of its finances and activities at the close of the fiscal year. Such reports shall be included as a separate section in the annual report to the city council by the city manager.

(10) The meetings of the school committee shall be open and accessible to the public.

Editor's note—For cases holding invalid Home Rule Charter provisions relative to elections, see Opinion to the House of Representatives, 80 R. I. 288, 96 A. 2d 627 (1953); State ex rel. Flynn V. McCaughey, 81 R. I. 143, 99 A. 2d 482 (1953); Opinion to the Senate, 81 R. I. 258, 101 A. 2d 879 (1954).

The General Assembly may adopt different election procedures for cities, but may not delegate powers relative to elections to the cities. Opinion to the Senate, 81 R. I. 254, 102 A. 2d 118(1954).

For present election procedure applicable to the city, see R. I. Public Acts of 1957, ch. 33, as amended by 1958, ch. 8.

ARTICLE XI. ELECTION PROCEDURE

Sec. 11-1. When provisions of article apply.

The provisions of this article shall apply to and govern the municipal elections in the City of East Providence when the General Assembly of the State of Rhode Island shall enact legislation validating the procedure outlined in this article; otherwise the general laws of the state governing the time and place of holding and the conduct of election[s] shall apply.

Sec. 11-2. Definitions.

For the purposes of this Charter, the following terms shall have the meanings indicated, unless different meanings are clearly expressed or required by the context:

- (1) "City" shall mean the City of East Providence.
- (2) "Primary election" shall mean every City of East Providence primary election held to eliminate all candidates in excess of twice the number to be elected to the offices created by this Charter.
- (3) "General election", or "regular election" shall mean every City of East Providence general election, held for the election of candidates to offices under this Charter.
- (4) "Special election" shall mean every City of East Providence special election to fill a vacancy, or an elective meeting at which a question is to be submitted to the voters of the city, under this Charter or other provisions of law.
- (5) "Canvassing authority" shall mean the canvassing authority created by this Charter.
- (6) "Election officials" shall mean and include officials for all municipal elections in the City of East Providence, whether primary, general or special.

Sec. 11-3. General municipal elections.

On the first Tuesday in the month of April, the qualified electors of the City of East Providence shall elect a council and a school committee as provided by this Charter. Biennially thereafter on the first Tuesday in the month of April, the qualified electors of the city shall elect such members of the council and school committee as are necessary to fill the offices of those whose terms of office expire that year, and also to fill any vacancies in the above offices which may then exist.

Sec. 11-4. Primary municipal elections.

On the first Tuesday in March, there shall be a primary election in the City of East Providence to

nominate two (2) candidates for each office to be filled as provided by this Charter for the office of councilman, and two (2) candidates for the office of school committeeman. Biennially thereafter on the first Tuesday in March, the qualified electors of the City of East Providence shall cast their ballots to nominate such candidates to stand as candidates for the council, and such candidates for the school committee, as are necessary to fill the terms of offices that expire that year, and also to fill new vacancies in the above offices which then may exist.

Sec. 11-5. Non-partisan ballot.

In all municipal elections in the City of East Providence, whether primary, general or special, there shall be no party mark or designation upon any ballot, or upon any declaration of candidacy, nomination petition or list of candidates.

Sec. 11-6. Declaration of candidacy.

Candidates for nomination in the primary election shall file with the canvassing authority a declaration of their candidacy upon forms prepared and provided by the canvassing authority. Such declaration shall be filed not later than five o'clock P.M. on the first Tuesday in the month of January in every odd year.

Sec. 11-7. Nomination petition signatures.

The nomination of all candidates for elective office in the primary election provided for by this Charter shall be by petition. The petition of each candidate for office shall be signed by not less than two hundred (200) electors qualified to vote for the office as provided herein. No voter shall sign petitions for more than one (1) candidate for each office to be filled, and, should he do so, his signature shall be counted upon only the first petition filed, and shall be voided upon all other petitions.

Sec. 11-8. Nomination petition; form of.

The signatures to nomination petitions need not all be affixed to one (1) petition, but to each separate petition there shall be attached an affidavit of the circulator that each signature appended thereto was made in his presence and is

the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number of the street, or other description sufficient to identify the same.

Sec. 11-9. Nomination petition; preparation and distribution.

(1) Upon receipt of the declarations referred to in article XI, section 6, the canvassing authority shall prepare nomination papers for each candidate who has qualified, clearly marked with his name and the nomination he seeks.

(2) The canvassing authority shall retain each declaration of candidacy and after two (2) days and within four (4) days of the final day for filing declaration for candidacy shall deliver nomination papers to the proper candidate or to such persons as he in writing designates to receive them.

Sec. 11-10. Nomination petition; filing time.

Nomination petitions must be assembled and united into one petition and filed with the canvassing authority by the candidates in the primary election not later than five o'clock P.M. on the first Tuesday in February in every odd year.

Sec. 11-11. Consent of candidate.

No nomination shall be valid unless the candidate shall file with the canvassing authority, in writing, not later than fifteen (15) days before the day of the primary election, his consent accepting the nomination, agreeing not to withdraw and, if nominated, to qualify to be a candidate in the general city election.

Sec. 11-12. Nomination petition; certification.

The canvassing authority shall check the signatures on the nomination petitions filed with it, and shall certify those candidates who have the required number of signatures, as candidates in the primary election, not later than five o'clock P.M. on the third Tuesday in the month of February in every odd year.

Sec. 11-13. Primary election date.

On the first Tuesday in March, 1955, there shall be a primary election to nominate candidates who will stand in the general city election as candidates for the office of councilman, and candidates who will stand for the office of school committeeman. Biennially thereafter, on the first Tuesday in March, the qualified electors of the city shall cast their ballots to nominate such candidates who will stand in the general city election for the office of councilman and such candidates who will stand for the office of school committeeman, as are necessary to fill the terms of office that expire that year, and also to fill vacancies in the above offices when they may exist.

Sec. 11-14. Primary election; councilmen.

At the first and all subsequent primary elections, the two (2) candidates for each respective office receiving the highest number of votes shall be deemed and declared to be the candidates for that office.

Sec. 11-15. Primary election; school committee.

At the first and all subsequent primary elections, the two (2) candidates for each office on the school committee receiving the highest number of votes shall be deemed and declared to be the candidates for that office.

Sec. 11-16. Certification and publication.

The canvassing authority shall certify a list of candidates and shall cause to be published in one or more of the newspapers published or having general circulation in the City of East Providence, the names, residences and offices to which nominated, of the candidates who have duly filed the above described petitions and acceptances.

Sec. 11-17. General election date.

On the first Tuesday of April, 1955, the qualified electors of the city shall elect the members of the council and the members of the school committee, and biennially thereafter, on the first Tuesday in the month of April, the qualified

electors of the city shall elect such members of the council and school committee as are necessary to fill the offices of those whose terms of office expire that year and also to fill any vacancies in the above offices which may then exist.

Sec. 11-18. Ballot; form of.

The names of the candidates in any primary, general or special city election shall be arranged alphabetically upon the ballot under the title of the office to be filled. The ballot shall be without party marks or designation. The name and residence of each candidate shall be given. At the right of each name shall be a square within which the voter shall place a cross to designate his choice.

Sec. 11-19. General election; elected candidates.

At any city election, the candidates for each office receiving the highest number of votes shall be deemed and declared elected to such office for the term as provided herein.

Sec. 11-20. Voting machines; use of paper ballots.

(1) Voting machines, which shall have been approved by the state board of elections, shall be used in every city primary, general and special election, unless the number of candidates shall be such as to make the use of voting machines impossible. If paper ballots are used, specimen ballots and official ballots for use in all city elections shall be prepared by the canvassing authority at the expense of the city. When voting machines are used at any city election, then the listing of candidates shall be substantially the same as set forth herein, except that names of candidates for a particular office may be printed opposite and to the right of the names of the office they seek, arranged alphabetically.

(2) The provisions of chapter 318 of the General Laws, as amended, entitled "Voting Machines", shall apply to each and every city primary, general and special election, excepting those provisions which are inconsistent with this Charter.

Sec. 11-21. Election laws and conduct of elections.

The provisions of the laws of the State of Rhode Island pertaining to elections and related matters, including the rights and qualifications of voters; the registration of voters; the board of canvassers and registration and the registering, listing and returning lists of voters, and proof of their qualifications to vote; canvassing the rights and correcting the list of voters; elective meetings; the hours of opening and closing the polls; voting machines; absentee voting; crimes; penalties and forfeitures under the election laws; and any and all other provisions of the laws of the State of Rhode Island relating to the qualification of electors, registration, the manner of voting, the duties of election officials and all other particulars in respect to preparation for, conducting and management of elections, shall govern every city primary, general and special election, so far as they may be applicable, excepting those provisions which are inconsistent with the election procedure set forth in this article, when said election procedure shall be validated, in whole or in part, by the General Assembly of the State of Rhode Island.

Sec. 11-22. Party designation.

Whenever in said election laws and related matters, reference is made to any political party, or reference is made to voting machines as being prepared for voting purposes in accordance with political party designation, or any reference of whatever kind and designation is made in said election laws and related matters to any political party or political designation, each and every such reference to a political party shall be held to be eliminated from said election laws in accordance with the provisions of this Charter, providing for the use of non-partisan ballot; and the canvassing authority shall appoint election officials from lists submitted by the candidates, giving representation to all candidates insofar as possible.

Sec. 11-23. Terms of office.

All elected and appointive officers elected or appointed for a definite term, shall enter upon

their term of office upon the first day in May next following a city election, or as soon thereafter as may be, and shall serve until their successors are elected and qualified.

Sec. 11-24. Terms of office of present elective officials.

The terms of office of all members of the school committee, members of the town council, and all other elective officers now holding office in the Town of East Providence, shall terminate on May 1, 1955, or when their successors are elected or appointed and duly qualified.

Editor's note—The most recently established wards in the city are in Part II, Revised Ordinances, § 2-16.

ARTICLE XII. WARDS*

Sec. 12-1. Number of wards.

The city shall consist of four [4] wards.

Sec. 12-2. Ward 1.

Ward 1 shall consist of all that part of the city bounded and described as follows:

- (a) Beginning at a point in the Seekonk River where the boundary lines of the cities of Providence, Pawtucket and East Providence intersect,
- (b) thence running in a general easterly direction along the boundary line between the cities of East Providence and Pawtucket to a point where said boundary line intersects the state boundary line between Rhode Island and Massachusetts,
- (c) thence in a general southerly direction along the state boundary line to a point where the centerline of Taunton Avenue intersects the state boundary line,
- (d) thence in a general westerly direction along the centerline of Taunton Avenue to the centerline of North Broadway at Six Corners,

***Editor's note**—The wards of the city have been changed from time to time. See Subpart B of this Part. Related Special Acts and in Part II, Revised Ordinances, § 2-16.

- (e) thence in a general northwesterly direction from the centerline of North Broadway along the centerline of Waterman Avenue to a point on the boundary line between the cities of Providence and East Providence in the Seekonk River where the centerline of Waterman Avenue intersects the boundary line between the said cities at Red Bridge, formerly known as Central Bridge,
- (f) thence in a general northerly direction along the boundary line between the cities of Providence and East Providence in the Seekonk River to the point and place of beginning.

Sec. 12-3. Ward 2.

Ward 2 shall consist of all that part of the city bounded and described as follows:

- (a) Beginning at a point on the boundary line between the cities of Providence and East Providence in the Seekonk River where the centerline of Waterman Avenue intersects the boundary line between the said cities at Red Bridge, formerly known as Central Bridge,
- (b) thence running in a general southeasterly direction along the centerline of Waterman Avenue to the centerline of North Broadway at Six Corners,
- (c) thence in a general easterly direction from the centerline of North Broadway along the centerline of Taunton Avenue to a point where the centerline of Taunton Avenue intersects the state boundary line between Rhode Island and Massachusetts,
- (d) thence in a general southeasterly direction along the state boundary line to a point where the centerline of Warren Avenue intersects the state boundary line,
- (e) thence in a general southwesterly and northwesterly direction along the centerline of Warren Avenue, crossing the intersection of Broadway and South Broadway at Ingraham's Corners,

- (f) thence continuing in a general northwesterly direction along the centerline of Warren Avenue to a point on the boundary line between the cities of Providence and East Providence in the Seekonk River where the extension of the centerline of Warren Avenue intersects the boundary line between the said cities at the site of the old Washington Bridge,
- (g) thence in a general northeasterly direction along the boundary line between the said cities in the Seekonk River to the point and place of beginning.

Sec. 12-4. Ward 3.

Ward 3 shall consist of all that part of the city bounded and described as follows:

- (a) Beginning at a point on the boundary line between the cities of Providence and East Providence in the Seekonk River where the extension of the centerline of Warren Avenue intersects the boundary line between the said cities at the site of the old Washington Bridge,
- (b) thence running in a general southeasterly direction along the centerline of Warren Avenue, crossing the intersection of Broadway and South Broadway at Ingraham's Corners,
- (c) thence continuing in a general southeasterly and northeasterly direction along the centerline of Warren Avenue to a point where the centerline of Warren Avenue intersects the state boundary line between Rhode Island and Massachusetts,
- (d) thence in a general southeasterly direction along the state boundary line to a point where the centerline of River Road intersects the state boundary line,
- (e) thence in a general westerly direction along a straight line to a point on the centerline of Wheeler Avenue at the easterly termination of Wheeler Avenue,
- (f) thence in a general westerly direction along the centerline of Wheeler Avenue to a point where said line intersects the centerline of Pawtucket Avenue,
- (g) thence continuing in a general westerly direction along the extension of the centerline of Wheeler Avenue to a point where the extension of said line intersects the boundary line between the cities of Providence and East Providence in the Providence River,
- (h) thence in a general northwesterly and northeasterly direction along said boundary line in the Providence River and Seekonk River to the point and place of beginning.

Sec. 12-5. Ward 4.

Ward 4 shall consist of all that part of the city bounded and described as follows:

- (a) Beginning at a point on the state boundary line between Rhode Island and Massachusetts where the centerline of River Road intersects the state boundary line,
- (b) thence running in a general southeasterly direction along the state boundary line to a point where the boundary line between the City of East Providence and the Town of Barrington intersects the state boundary line,
- (c) thence in a general southwesterly and westerly direction along the boundary line between said city and town to Bullock's Cove, and in a general southerly and southwesterly direction along said boundary line to a point where said boundary line intersects the boundary line of the City of Warwick in the Providence River,
- (d) thence in a general northwesterly direction along the boundary line between the City of East Providence and the cities of Warwick, Cranston and Providence to a point in the Providence River where said boundary line intersects the extension of the centerline of Wheeler Avenue,
- (e) thence in a general easterly direction along the extension of the centerline of Wheeler Avenue to a point where said line intersects the centerline of Pawtucket Avenue,
- (f) thence continuing in a general easterly direction along the centerline of Wheeler Avenue to a point at the easterly termination of Wheeler Avenue,

- (g) thence in a general easterly direction along a straight line from the easterly termination of the centerline of Wheeler Avenue to the point and place of beginning.

Sec. 12-6. Ward rearrangement.

It shall be the duty of the council within one (1) year after each decennial census commencing with the year 1960 to review, and if necessary to alter, the ward lines in such manner that the wards shall comprise compact and contiguous territory, contain as nearly as possible an equal number of inhabitants, and have well defined boundaries.

ARTICLE XIII. GENERAL PROVISIONS

Sec. 13-1. Printing, publication and distribution of Charter and ordinances.

The council may provide for the printing, publication and distribution of the Charter and ordinances of the city and may require that a reasonable charge be made for copies thereof.

Sec. 13-2. Rules and regulations not to be effective until filed with clerk; exceptions.

No rule or regulation made by any department or agency, except one which relates to its internal organization or management, shall be effective until it is filed in the office of the city clerk.

Sec. 13-3. Membership of boards, etc., not to be composed entirely of members of some political party.

The membership of any board or commission shall not be composed entirely of members of the same political party, and any minority member shall be a bona fide member of his party.

Sec. 13-4. Persons holding state, etc., civil office not eligible to hold office or employment in city; exceptions.

No person shall be eligible to hold any office or employment in the city government who is a member of the General Assembly or who holds

any other civil office, either in the state or federal government, except that of notary public or member of the National Guard or military reserve.

Sec. 13-5. Persons in employ of city not to hold elective office.

No employee of the city shall hold an elective office in the city government while he is in the employ of the city.

Sec. 13-6. Officers or employees not to be financially interested in city contracts, etc.

No officer or employee of the city government shall be financially interested directly or indirectly in the profits of any contract, job, work or service to be performed for the city or in the sale to the city of any land, property, materials, supplies or equipment, other than as the beneficiary of a patent or copyright or as a minority stockholder with ownership of not exceeding five (5) per centum of such stock outstanding.

Sec. 13-7. Contracts, etc., entered into contrary to section 13-6 to be void, etc.; penalty for violation of section 13-6.

Any contract, agreement or obligation entered into contrary to the provisions of section 6 of this article shall be void, and no person shall have any claim or demand whatever against the city thereunder. Any city officer or employee found guilty of a wilful violation of said provisions shall forfeit his office or position.

Sec. 13-8. Certain officers and employees to devote full time to their duties; council may grant exemption from section.

All persons holding office or employment in the city government, other than an elective office, shall be required to engage in the actual work of their offices or employments during regular business hours to the extent that their services may be necessary for the full and complete discharge of their duties. The council, upon recommendation of the city manager, shall determine which

officers and employees of the city shall not be required to devote their full time to the duties of their respective offices.

Sec. 13-9. Bond of officers and employees.

Each officer or employee of the city who has possession of or control over any funds of the city shall give bond for the faithful performance of his duties in such sum as may be fixed and with sureties to be approved by the council, and the premiums thereon shall be paid by the city.

Sec. 13-10. Inspection of records and accounts by citizens.

All records and accounts of every department and agency of the city shall be open to inspection by any citizen at all reasonable times and under reasonable regulations established by the city manager, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish and except such records as are required by the laws of the state to be kept confidential.

Sec. 13-11. Amendments to Charter generally; adoption of new Charter.

This Charter may be amended at any time or a new Charter adopted in the manner provided by the constitution. Should two or more amendments adopted at the same elections have conflicting provisions, the one receiving the largest affirmative vote shall prevail. The sections of any amendments in addition to this Charter shall be numbered by the city clerk and inserted in their appropriate places or added to the Charter.

Sec. 13-12. How proposed new Charter or amendments to Charter may appear on ballot.

It shall not be necessary for the full text of a Charter or amendments to a Charter to be printed upon the ballot. Any digest or description thereof or any question or statement which substantially expresses the purpose or identifies the subject matter to be voted upon shall be sufficient. When any question is to be submitted to the voters, the council shall approve the statement of the question as it shall appear upon the ballot.

Sec. 13-13. Laws, etc., inconsistent with Charter to be superseded.

Upon the effective date of this Charter all laws and ordinances or parts thereof inconsistent with its provisions shall be superseded insofar as they relate to the municipality.

Sec. 13-14. Conflict of specific Charter provisions with general provisions.

To the extent that any specific provision contained in this Charter conflicts with any provision expressed in general terms, the specific provision shall prevail.

Sec. 13-15. Effect of declaring section or part of Charter invalid; when state election procedures to apply.

If any section or part of a section of this Charter shall be held invalid by a court of competent jurisdiction such holding shall not affect the remainder of this Charter, nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply; and if any section or part of section concerned with election procedures shall be held invalid by such court, the pertinent election procedures set forth in the laws of the State of Rhode Island shall apply.

Sec. 13-16. Revision and codification of ordinances.

The council, within two (2) years following the effective date of this Charter and every tenth year thereafter, shall cause to be prepared a revision or codification of the ordinances of the city which are appropriate for continuation as local laws of the city. Such revision or codification shall be prepared under the supervision of the city solicitor, but the council may authorize the solicitor to contract for the services of persons or organizations experienced in the revision and codification of ordinances and statutes.

Sec. 13-17. Construction of words "Town of East Providence."

Whenever in any law or resolution of the General Assembly or in any record, instrument or proceeding the words "Town of East Providence" appear, they shall hereafter be construed to mean City of East Providence.

Sec. 13-18. Office to be vacant if officer ceases to be city resident.

If any officer of the city shall cease to be a resident thereof, the office held by said officer shall be declared vacant.

Sec. 13-19. Council may provide penalties for violation of ordinance.

The council may provide reasonable penalties for the violation of any ordinance.

ARTICLE XIV. SUCCESSION IN GOVERNMENT**Sec. 14-1. Continuation of government agencies.**

All offices, departments, agencies, commissions or boards abolished or changed by this Charter, whether elective or appointive, shall continue in the performance of their powers, duties and functions until their successors have been established to perform the respective powers, duties and functions provided by this Charter.

Sec. 14-2. Continuation of present officers.

Any person holding an office or position in the administrative service of the town at the time this Charter takes effect shall retain such office or position and continue in the performance of his duties until provision shall have been made in accordance with this Charter for the performance of such duties or the discontinuance of such office or position.

Sec. 14-3. Continuation of present employee rights.

Any employee in the police or fire or other services of the municipality who has rights established by law or ordinance relative to his position shall continue to be entitled to all such rights and privileges therein contained. The procedure relative to retention of his position shall become that specified in article IX, section 1, provided that any present pension or retirement rights or any tenure of office heretofore guaranteed by law or ordinance to any employee of the municipality shall not be abridged or diminished by the adoption of this Charter.

Sec. 14-4. Transfer of records and property.

All records, property and equipment whatsoever of any office, department or agency or part thereof, all the powers and duties of which are assigned to any other office, department or agency by this Charter, shall be transferred and delivered to the office, department or agency to which such powers and duties are so assigned. If part of the powers and duties of any office, department or agency or part thereof is by this Charter assigned to another office, department or agency, all records, property and equipment relating exclusively thereto shall be transferred and delivered to the office, department or agency to which such powers and duties are so assigned.

Sec. 14-5. Continuation of contracts and public improvements.

All contracts entered into by the town, or for its benefit, prior to the effective date of this Charter shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or ordinances existing at the time this Charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws and ordinances.

Sec. 14-6. Pending actions and proceedings.

No action or proceeding, civil or criminal, pending at the time when this Charter shall take effect, brought by or against the town or any office, department, agency or officer thereof, shall

be affected or abated by the adoption of this Charter or by anything therein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any office, department, agency or officer party thereto may by or under this Charter be assigned or transferred to another office, department, agency or officer, but in that event the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Charter.

Sec. 14-7. Continuation of ordinances.

All existing ordinances, resolutions and other acts of the town council which are not inconsistent herewith shall remain in effect until amended or repealed by the city council.

Sec. 14-8. Continuation of tax obligation.

All taxes levied or assessed by the town prior to the effective date of this Charter, which have not been collected by the town shall be collected, with any penalties thereon, by the city government hereby established.

**ARTICLE XV. INAUGURATION OF NEW
CHARTER GOVERNMENT**

**Sec. 15-1. When Charter shall be in effect
for certain purposes.**

For the purposes of nominating and electing the elective officers of the city and public schools, this Charter shall be in effect from and after its approval by the electors. For all other purposes this Charter shall be in effect from and after the first Monday following the certification by the canvassing authority of the first officers elected under this Charter.

**Sec. 15-2. Nomination and election generally
of first officers to serve under
Charter.**

Immediately upon the approval and adoption of this Charter by the electors of the town, the town council shall have full power and authority, consistent with the laws of the state, to provide by

ordinance for the nomination and election of officers and for the holding and conduct of primaries and elections for the nomination and election of the first officers of the city to serve under this Charter.

**Sec. 15-3. Powers and duties of town clerk
and board of canvassers and registration
relative to first elections, etc., under Charter.**

For purposes relating to the first nomination and elections following the adoption of this Charter, the town clerk shall have the powers and duties of the city clerk as herein provided, and the board of canvassers and registration of the town shall have the powers and duties of the canvassing authority of the city.

**Sec. 15-4. First election and terms of city
councilors and new school committee;
election of successors.**

The first election of city councilors and school committee members under this Charter shall be held on the first Tuesday in April next following its approval by the electors of the town or within one hundred twenty (120) days after the special election procedure has been approved by the General Assembly. At this election five (5) members of the school committee shall be elected. The three (3) candidates receiving the greatest number of votes at said election shall serve for terms of four (4) years, and the remaining candidates having a sufficient number of votes for their election shall serve for terms of two (2) years. Thereafter their successors shall be elected as the terms of the respective members shall expire.

**Sec. 15-5. Termination of terms of town council
and old school committee upon
effective date of Charter.**

The terms of office of the town council and school committee shall cease and terminate upon the effective date of this Charter and the terms of the city council and new school committee shall begin on the same date.

Sec. 15-6. Appointment of city manager; council to exercise powers of manager during interim period.

The city council shall appoint a city manager as soon as possible and for the interim period the council shall have and exercise the powers and duties which are vested in the manager by this Charter.

Sec. 15-7. Changes or transfers in appropriations existing when Charter takes effect.

The city council shall have authority to make any changes or transfers in appropriations existing when this Charter takes effect which may be required for the operation of the city government under the provisions of this Charter.

Sec. 15-8. Special election for city council and new school committee.

Upon the approval of this Charter the town council shall forthwith institute such procedures as may be necessary to provide for a special election for the purpose of electing the members of the city council and the school committee to serve hereunder.

Certificate

We, the undersigned members of the charter commission of the Town of East Providence, have prepared and hereby propose the foregoing as a Home Rule Charter of the City of East Providence.

Done in the Town of East Providence this twenty-first day of September, 1954.

THE CHARTER

CHARTER COMMISSION

S/Nathan E. Pass,
NATHAN E. PASS, Chairman
S/Celia S. Craig,
CELIA S. CRAIG, Vice Chairman

S/Herbert Silva,
HERBERT SILVA, Secretary
S/C. Kendrick Brown,
C. KENDRICK BROWN
S/George A. Lamb,
GEORGE A. LAMB
S/David S. Lowry,
DAVID S. LOWRY
S/William P. Robinson, Jr.
WILLIAM P. ROBINSON, JR.
S/Harold R. Semple,
HAROLD R. SEMPLE
S/Vernon W. White,
VERNON W. WHITE

BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION

**Application for Preliminary Permit
for
Hydroelectric Development
of the
Hunt's Mill Dam
on the
Ten Mile River
Providence County, Rhode Island**

Submitted by:

**The City of East Providence
145 Taunton Avenue
East Providence, RI 02914**

October 14, 2011

INITIAL STATEMENT

In accordance with the Code of Federal Regulations (CFR), Title 18, Volume 1, Part 4, Section 4.81, The City of East Providence, Rhode Island applies to the Federal Energy Regulatory Commission (FERC) for a preliminary permit for the proposed Hunts Mill Dam water power project, as described in the attached exhibits. This application is made in order that the applicant may secure and maintain priority of application for a license for the project under Part I of the Federal Power Act while obtaining the data and performing the acts required to determine the feasibility of the project and to support an application for a license.

The location of the proposed project is:

**State of Rhode Island
Providence County
City of East Providence
Ten Mile River**

The exact name, business address, and telephone number of the applicant and dam owner are:

**The City of East Providence
145 Taunton Avenue
East Providence, RI 02914
ph: (401) 435-7531
fax: (401) 435-7611**

The exact name and business address of each person authorized to act as agent for the applicant in this application are:

**Fred Szufnarowski, P.E.
Jonathan Petrillo
Bruce DiGennaro**

**The Essex Partnership, LLC
27 Vaughan Ave.
Newport, RI 02840
ph: (401) 619-4872
fax: (401) 619-4874**

The City of East Providence, Rhode Island is claiming municipal preference under section 7(a) of the Federal Power Act. Pursuant to Section 4.81(a)(4) of the Commission's regulations a copy of the City charter documenting The City of East Providence as a legal municipality of the State of Rhode Island is provided as Attachment 4.

The proposed term of the requested permit is for **36 months**.

EXHIBIT 1: DESCRIPTION OF THE PROPOSED PROJECT

The proposed project will consist of rehabilitating an abandoned hydroelectric project associated with the existing Hunts Mill Dam located on the Ten Mile River in Providence County, East Providence, Rhode Island (Exhibit 3 – Sheets 1&2). The existing Hunts Mills Dam (State ID #294 National ID #RI02601) is a 175 foot-long dam consists of an overflow spillway at an abandoned headrace entrance. The appurtenant facilities, all abandoned, include a penstock, headrace, pumphouse, and a tailrace. The curved stone masonry spillway is 125 feet long, 10 feet high and is founded on bedrock. According to the National Inventory of Dams (NID) inventory, the dam was built in 1928, however, hydropower generation is reported to have existed at the site since 1893 (abandoned in the 1970's).

A denil fish ladder is installed at the right (west) side of the dam. The former intake, headrace, concrete conduit and stilling well have been removed to accommodate the fish ladder. Prior to installation of the fish ladder the headrace downstream of the entrance closure wall had a short, open flume transitioning into an underground steel penstock which leads to the pumphouse. The pumphouse contains a 144 kW vertical Francis hydro-generating unit, presently retired. The historic hydro station discharged to a now abandoned 900-foot long tailrace channel which created a 1,200 foot-long river bypass reach.

The dam with normal impoundment storage of 140 acre-feet (at elevation 33.5 feet NAVD88) and surface area of 32 acres is classified by the State as a small size structure with low hazard potential. The project would be operated as a run-of-river facility. The existing impoundment would not be affected by the project.

Project facilities will include the existing dam, a new or refurbished powerhouse and generating equipment, downstream fish protection measures and a switchyard with interconnection facilities. Preliminary analysis favors installation of new intake structure, refurbishing or replacing the underground penstock and generating equipment, and restoration of the historic tailrace (Exhibit 3 – Sheet 2). Generating equipment would consist of a single vertical Francis turbine and generator. The unit would have a total installed capacity of approximately 300 kw at a rated head of 23.5-ft and 100 cfs flow. The average annual generation is estimated to be approximately 850 MWH.

Turbine flows will be routed through a new intake at the upstream face of the existing dam and will discharge to a restored 900 foot long open channel tailrace before rejoining the mainstem of the river approximately 1,200 feet downstream of the spillway.

Electrical interconnection of the proposed hydroelectric generator would be at existing utility pole number 11 located at the existing pumphouse building. At this time the City anticipates utilizing power generated from the project on-site. Any surplus power sold back to the local utility under a net-metering or power purchase agreement.

There are no lands of the United States that are enclosed within the proposed project.

The City anticipates operating the project according to the following provisions:

- Operate the project in run-of-river mode;
- Provide instream flows at levels determined in consultation with the Rhode Island Department of Environmental Management (RIDEM) and the United States Fish and Wildlife Service (FWS) to be protective of aquatic resources and water quality;
- Maintain existing fish passage facilities in a manner and schedule approved by the RIDEM and the FWS;
- Provide downstream fish passage and protection measures in a manner and schedule approved by the RIDEM and the FWS;
- Protect cultural and historic resources;
- Maintain opportunities for public access, and;
- Implement a flow monitoring program for the project.

EXHIBIT 2: DESCRIPTION OF STUDIES TO BE CONDUCTED

The City proposes to pursue a license exemption for a minor water power project in accordance with 18 CFR 4.3. The City will prepare a First Stage Consultation Document (FSCD) and initiate Stage 1 of the Traditional Licensing Process (TLP) in accordance with 18 CFR 4.30. The FSCD will outline existing information and necessary studies and be used as the basis for a Joint Meeting with resource agencies and the public to be held shortly after issuance of a preliminary permit. Based on consultation with resource agencies, The City will conduct necessary studies and prepare a development application. The application will include:

- Introductory statement.
- Optimization analysis outlining rationale for equipment selection and project configuration.
- Exhibit A describing the small hydroelectric project and its proposed mode of operation.
- Exhibit E providing an environmental report reflecting pre-filing consultation requirements. Commensurate with the scope and environmental impact of the construction and operation of the small hydroelectric power project, the exhibit will include a description of the project's environmental setting, the expected environmental impacts, and proposed measures to protect the environment.
- Exhibit F providing drawings showing the project structures and equipment.
- Exhibit G providing a map of the project and boundary.

The City will utilize existing and newly acquired information as appropriate to complete the optimization study and exhibits noted above. We anticipate collecting and evaluating information relative to the following within the term of the permit:

- Hydrology and Hydraulics;
- Site Survey Data;
- Geotechnical Data;
- Natural Resources;
- Optimization Study;
- Cultural and Historic Resources;
- Constructability, and;
- Project Economics.

The cost for studies and preparation of the development application is estimated to be \$250,000. The expected sources and extent of financing available to The City to conduct the necessary studies may include:

- Bond Measures;
- Public-Private Partnerships, and;
- Renewable Energy Development Grant Programs.

The potential need for any new construction, including the optimal size, location, and nature of such construction will be determined based on the results of the investigations noted above. A work plan and schedule for any new construction will be prepared as appropriate.

The City does not anticipate the need to construct any new roads for the purposes of conducting the feasibility study noted above.

The City has held preliminary discussions with the following stakeholder groups:

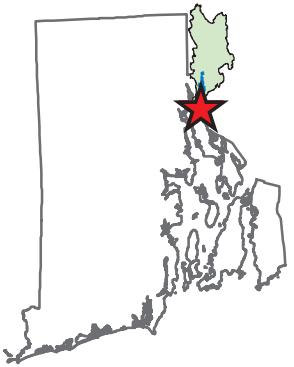
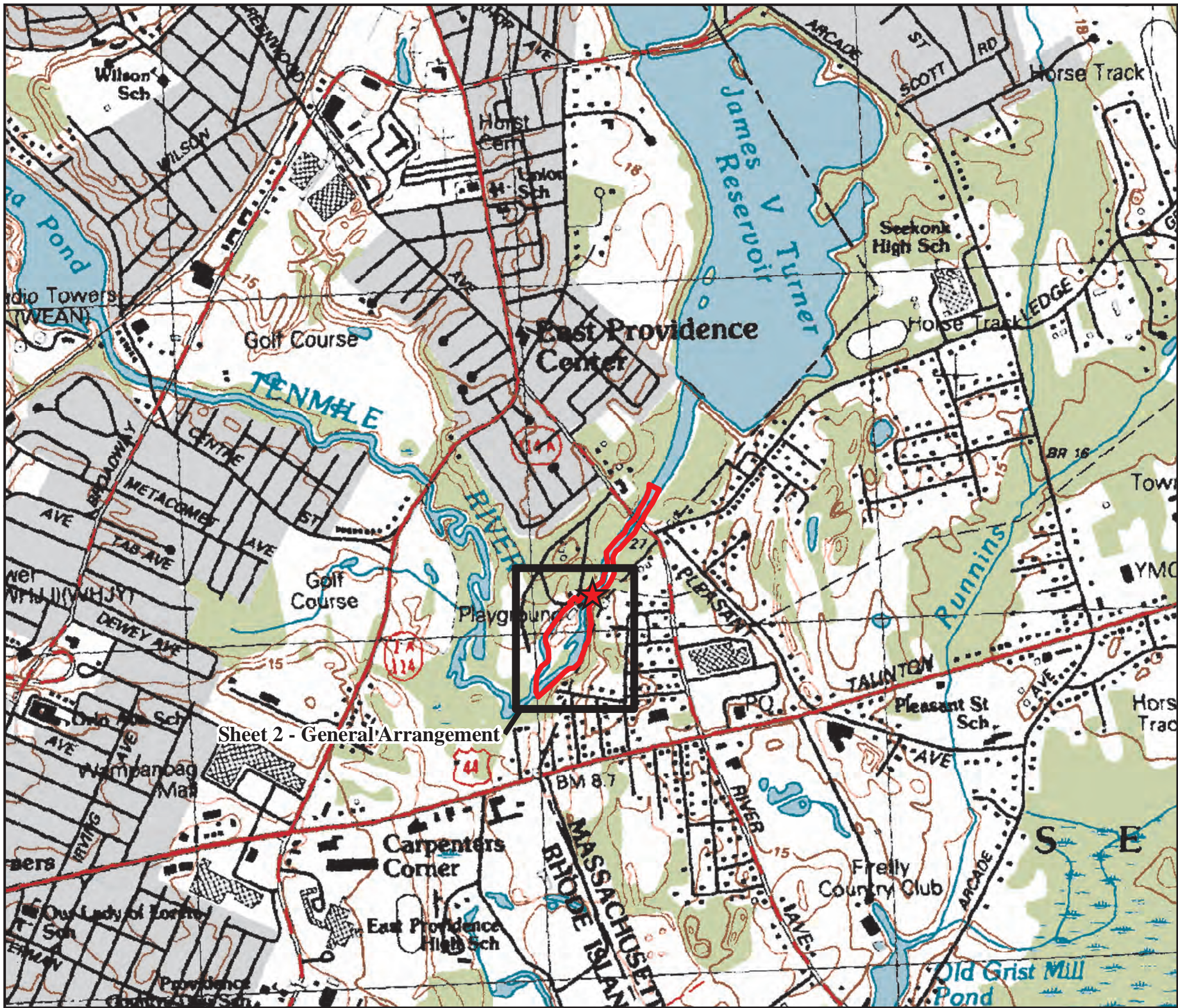
- East Providence City Council;
- The Rhode Island Economic Development Corporation (RIEDC);
- The Rhode Island Department of Environmental Management (RIDEM);
- Conservation Law Foundation;
- Narragansett Bay Estuary Program, and;
- Rhode Island Office of Energy Resources.

EXHIBIT 3: MAPS

Attached are the following drawings:

Sheet 1 – Locus and Project Boundary

Sheet 2 – General Arrangement



Locus Map Legend

- Hunts Mill Dam
- Ten Mile River Watershed

Legend

- Hunts Mill Dam
- Project Boundary



0 0.05 0.1 0.2 0.3 0.4 0.5 Miles

Hunt's Mill Hydropower Project Preliminary Permit Application

Exhibit 3 - Sheet 1 Locus & Project Boundary

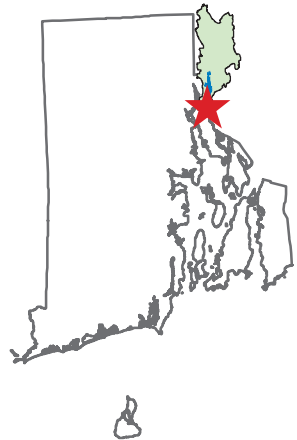
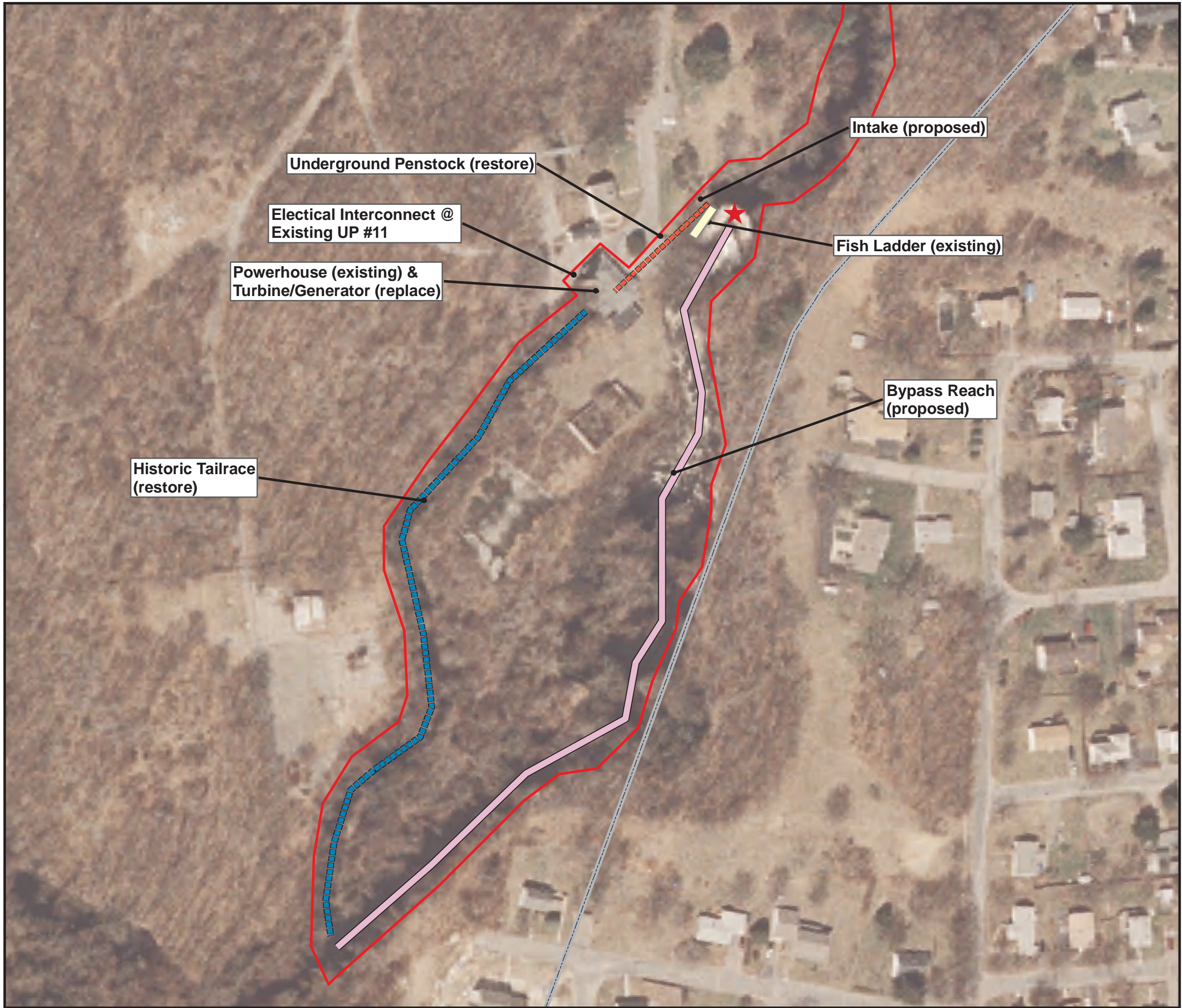
Prepared for:

The City of East Providence

Prepared by:

www.essexpartnership.com

Map does not conform to National Map Accuracy Standards.
Compiled from data obtained from the Rhode Island and
Massachusetts Geographic Information Systems.
It is intended for planning purposes only.



Locus Map Legend

- Hunts Mill Dam
- Ten Mile River Watershed

Legend

- Hunts Mill Dam
- Project Boundary



0 50 100 200 300 400 Feet

Hunt's Mill Hydropower Project Preliminary Permit Application

Exhibit 3 - Sheet 2 General Arrangement

Prepared for:

The City of East Providence

Prepared by:

www.essexpartnership.com

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