

Date Posted: September 21, 2015

CITY OF EAST PROVIDENCE

RHODE ISLAND

CITY COUNCIL

SPECIAL MEETING

September 23, 2015

**Council Chambers, City Hall, 145 Taunton Avenue, East Providence,
RI 02914**

5:30 P.M. Closed Session – Room 101, 1st Floor, City Hall

6:00 Open Session

I. EXECUTIVE SESSION

The City Council of the City of East Providence will meet in Executive Session pursuant to RI General Laws § 42-46-5 (a).

A. Discussion Regarding Selection of City Manager

Motion___By___2nd___

Britto___Capobianco___Conley___Cunha___Rose

II. RESOLUTIONS

CITY OF EAST PROVIDENCE

RESOLUTION NO.

**RESOLUTION AUTHORIZING CITY COUNCIL HIRING OF RICHARD E.
KIRBY**

AS CITY MANAGER OF THE CITY OF EAST PROVIDENCE

WHEREAS, the City Council of the City of East Providence conducted a thorough and comprehensive search for a qualified individual for the position of City Manager; and

WHEREAS, the City Council selected Richard E. Kirby as its final candidate for the position of City Manager; and

WHEREAS, through the negotiation process, the City Council reached an agreement with Mr. Kirby as to the terms and conditions of his employment as follows:

DUTIES:

The duties of the City Manager shall be in accordance with Article III of the Charter of the City of East Providence as follows:

The City Manager shall be the Chief Executive Officer and the head of the administrative branch of the City government. The City 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 the failure of the City Manager to make such designation, the City Council may by resolution appoint an officer of the City to perform the duties of the City Manager until he shall return or his disability shall cease. The City Manager shall be responsible to the City Council for the proper administration of all affairs of the City and to that end he shall have the 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 the 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 City Council and be responsible for its administration after adoption.

(3) Prepare and submit to the City 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 City 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 the Charter or required of him by the City Council not inconsistent with the Charter.

In accordance with Sec. 3-1 of the City Charter, 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 within a fifteen (15) mile radius of the City.

Term. The term of employment shall be two (2) years commencing on September 23, 2015 and ending on September 22, 2017.

The term and removal of the City Manager shall be in accordance with Sec. 2-11 of the City Charter as follows:

The City 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 City Council shall by a majority vote of its members adopt a preliminary resolution stating the reasons for his removal. The City 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 City Council by majority vote of its members may adopt a final resolution of removal. By the preliminary resolution, the City Council may suspend the City 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.

Voluntary Resignation. In the event the employee voluntarily resigns his position with the City, he shall give the City thirty (30) days written notice. Unless otherwise agreed upon at the time of such resignation, failure of the employee to meet this notice shall result in the loss of accumulated benefits then accrued to the employee at the time of separation in accordance with applicable law.

Compensation and Benefits:

Base Salary: The annual base salary for this position is One Hundred Forty Five Thousand Dollars (\$145,000.00) for services rendered payable in bi-weekly installments at the same time and manner as other employees of the City are paid.

The City Council agrees to review the City Manager's performance, salary and other benefits on an annual basis on or about the anniversary date of hire with the City. Mutually agreed goals and objectives with target dates for achievement will be established for each subsequent year in advance of setting the fiscal year's budget during which such goals are to be achieved.

Health and Dental Insurance: The City Manager is entitled to health (medical and prescription) and dental insurance during his employment with the City with a premium co-share of 25% for the health insurance. Premium co-share is subject to change and will follow the Department Heads' insurance program.

Life Insurance: The City Manager shall be provided with a term life insurance policy with a death benefit of \$45,000.00. Any premiums necessary to obtain additional coverage will be paid for by the City Manager. The City Manager will be allowed to name all beneficiaries under this policy.

Pension Plan: The City of East Providence is a participating municipality in MERS under the provisions of the Rhode Island General Laws and the City Manager will participate under their provisions.

Vacation and Sick Leave: The City Manager shall be entitled to ten (10) days' vacation per year and ten (10) sick leave days per year. Upon separation from service, there will be no payment made for unused vacation days or sick leave.

Personal Days: No personal days shall be paid or awarded.

Bereavement Leave: No bereavement leave shall be paid or awarded.

Electronic Equipment: The City shall provide a cellular telephone and iPad, laptop computer and/or equivalent device only for use related to the employee's job duties and responsibilities. All maintenance and other recurring connectivity or use charges shall be the responsibility of the City, and such equipment shall remain the property of the City.

Outside Employment: No outside employment shall be allowed

except as defined below.

The City Manager shall not accept any new clients at his law practice.

The City Manager shall wind down and close his law practice by December 31, 2015. The City Manager may finalize his ongoing development projects as long as they do not conflict with his duties as City Manager. The City Manager will not advise, participate, invest or in any way be involved in any personal development projects in the City of East Providence during the term of his employment.

The City Manager shall not be prohibited from joining or maintaining membership in professional, social, or charitable organizations of his choosing, unless the new or existing membership interferes with the performance of his duties under this Agreement, provided said activities do not violate the City Charter.

NOW, THEREFORE, BE IT RESOLVED that this Resolution authorizes the City Council to appoint Richard E. Kirby as City Manager for the City of East Providence under the terms and conditions as set forth herein.

This Resolution shall become effective upon its passage.

Motion___By___2nd___

Britto___Capobianco___Conley___Cunha___Rose___

III. ADJOURNMENT

Motion___By___2nd___

Britto___Capobianco___Conley___Cunha___Rose___

***If communications assistance is needed or any other accommodations to ensure equal participation please contact the City Clerk's Office at 435-7590.**