

Date Posted: July 29, 2016

CITY OF EAST PROVIDENCE

RHODE ISLAND

DOCKET OF SPECIAL COUNCIL MEETING

August 1, 2016

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

6:00 P.M. Open Session

I. CALL TO ORDER

II. SALUTE TO THE FLAG

III. NEW BUSINESS

A. Resolutions

**1. RESOLUTION PURSUANT TO SECTION 2-11 OF THE CHARTER OF
THE CITY OF EAST PROVIDENCE TO REMOVE THE CITY MANAGER
FROM OFFICE**

**WHEREAS, the City Manager was appointed by the City of East
Providence on September 23, 2015; and**

**WHEREAS, the Memorandum of Agreement for the employment of the
City Manager dated September 23, 2015 in Section (2) entitled Term
states that the City Manager may be removed; and**

WHEREAS, Resolution Number 14 was adopted by the City Council

on September 23, 2015 authorizing the City Council's hiring of the City Manager; and

WHEREAS, the paragraph labeled Term of Resolution Number 14 states that the City Manager may be removed by a majority vote of its members; and

WHEREAS, Resolution Number 14 further states that 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.

WHEREAS, pursuant to City Charter, 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; and

WHEREAS, pursuant to City Charter, the City Council may suspend the City Manager from duty, but shall in any case cause to be paid forthwith any unpaid balance of his salary for the next three (3) months following adoption of this preliminary resolution; and

WHEREAS, that the City Council of the City of East Providence at this meeting of the said City Council votes to remove the City Manager, Richard Kirby and he is hereby removed effective thirty (30) days after the date of adoption of this resolution for the following reasons:

1. Failure to investigate allegations by a City employee of sexual harassment, retaliation and discrimination pursuant to the City's Sexual Harassment Policy exposing the City to potential substantial liability.

- 2. Due to the failure of performing charge #1, unnecessary costs totaling, to date, approximately \$150,000.00 of City funds have been appropriated in the termination process of a City employee violating her due process rights.**
- 3. Insubordination for failure to respond to City Council members repeated telephone calls and e-mails.**
- 4. Violating City Charter by hiring outside legal counsel at City expense.**
- 5. Violating Rhode Island state law by waiving interest and/or penalties of taxpayers.**
- 6. Violating Rhode Island state law by removing taxpayers from City tax sale.**
- 7. Failure to take any action to address an alleged violation of the City's Sexual Harassment Policy.**
- 8. Failure to abide by Hiring Resolution No. 31 by authorizing and allocating the amount of \$7,319.55 to former Acting City Manager Paul Lemont in the form of "unused vacation time" when Paragraph #3 of said Resolution called for no benefits to be paid.**

NOW, THEREFORE, BE IT RESOLVED pursuant to Section 2-11 of the Charter of the City of East Providence, the Memorandum of Agreement dated September 23, 2015 and Resolution No. 14 adopted September 23, 2015, the City Council hereby adopts this preliminary resolution to remove the City Manager from office with cause.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Manager is hereby removed from office with cause and is immediately suspended with pay as dictated by City Charter from the performance of any further duties as City Manager of the City of East Providence. This resolution shall become effective upon its passage.

Requested by: Councilwoman Capobianco and Mayor Rose

Motion___By___2nd___

Britto___Capobianco___Conley___Cunha___Rose___

IV. 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 at 435-7590.**