



July 24, 2016

Dear Fellow East Siders:

As I head out on my bicycle this morning, I hope you all will heed my wife's advice not to overdo it in these tropical conditions. This week's letter will provide an update on the City Council's review of a proposed \$40 million infrastructure bond.

As I reported in [last week's letter](#), the administration's bond proposal was introduced on July 7 to the City Council and referred to the Finance Committee. At the first meetings (July 14), the Finance Committee Chair proposed legislation that would create fifteen \$1.5 million discretionary accounts to be controlled at the whim of individual City Council members. In an [opinion piece](#) published in this morning's Providence Journal, I explain why these accounts would repeat the mistakes of two previous bonds which wasted money and undermined public confidence in the City. At the July 14 meeting, the Finance Committee refused to allow the administration to explain its plans for spending the money. This was unfortunate, because there is a limited window of time (August 10) for the City Council to consider the proposal and authorize its placement on the November ballot for the voters to decide.

The administration stated that it would not support discretionary accounts, as they do not provide accountability to the voters and taxpayers. They returned to the next Finance Committee meeting, which took place on July 21, again prepared to explain how the money would be spent. Once again, the Finance Committee refused to consider the matter, this time because the Chair of the Finance Committee said it was first necessary for the City Treasurer to hire bond counsel to review the proposal. This "justification" was a pretext for at least two reasons. First, no previous Treasurer has ever requested or needed separate legal counsel, as the attorneys hired by the administration have provided expert advice. Second, it seemed pretty clear that the City Charter does not authorize the Treasurer to engage legal counsel absent a specific legislative grant of authority. When the Finance Committee Chair announced this scheme, I raised my hand to ask the City Solicitor's representative at the hearing whether the Treasurer had the legal authority to do this. The Finance Chair refused to "recognize" me, citing his prerogative, as Chair of the meeting, to call on (or not call on) people according to his personal whim. After leaving the Committee meeting, I asked the City Solicitor himself to provide a written opinion on this issue. The following day, the Solicitor provided a [written opinion](#) that the Treasurer lacked legal authority to hire bond counsel, confirming that the latest delay is unjustified.

This is not the first time the Finance Committee has refused my suggestion to consult with the Solicitor before violating the City Charter. At a May 17 meeting, the Finance Chair announced he was personally directing the Treasurer not to pay a consultant, something he lacks authority under the City Charter to do. When I raised my hand to discuss his announcement, the Finance Chair advised me that I had permission to speak if I agreed with his decision, but not if I disagreed with it. He ruled my request for legal advice out of order. The next week, the Solicitor advised the Finance Chair that his unilateral action was illegal, and the Finance Chair retracted his "stop check" order.

From a broader point of view, the Finance Committee's repeated flouting of the City Charter, while disturbing, is not the most important issue at stake. The more important issue is timing. The Finance Committee's unjustified delays appear to be part of a "game of chicken," in which the Committee is holding the bond proposal hostage, subject to a ransom demand of \$22.5 million in the form of fifteen \$1.5 million discretionary accounts for individual City Council members. As of this writing, the Finance Committee has not scheduled any meetings for next week, ratcheting up the time pressure further. In order for the bond proposal to make the ballot, it must be supported by a vote of approval from the Finance Committee and two separate votes by the City Council as a whole, which must happen before August 10 to gain a place on the November ballot. The Finance Committee's refusal to even consider such a proposal shows a lack of respect for the administration, the City Charter, fellow City Council members and, most of all, the residents of the City of Providence. We deserve better.

Sincerely,