

Chapter 2

ADMINISTRATION*

* **Charter References:** Mayor, § 3-1 et seq.; city council, § 2-1 et seq.; time and place of meetings of city council, § 2-7; city council meetings to be open to the public, § 2-8; borrowing of funds, § 7-1 et seq.; law department, § 8-4; city clerk, § 8-14; city sergeant, § 8-19; public records, § 10-1; bonds for city officers and employees, § 10-5; fiscal year, § 10-12.

Cross References: Civil preparedness, ch. 14; conflicts of interest, ch. 16; administration of housing code, § 26-31 et seq.; indemnification of officers and employees, ch. 28; investment of city funds, ch. 30; public records, ch. 54; purchasing, ch. 56; salaries, ch. 64.

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ARTICLE I.

IN GENERAL

Sec. 2-1. City seal--Description.

The design set out in this section shall be the device of the city seal, the inscription being as follows:

GRAPHIC UNAVAILABLE: City Seal

"SEAL OF THE CITY OF WARWICK R.I. 1642-1931"

(Code 1971, § 2-1)

Sec. 2-2. Same--Custodian; use.

(a) The city clerk shall be ex officio keeper of the city seal. He/she is empowered to affix the same to such papers and instruments pertaining to the city as by law are required to bear the seal of the city.

(b) All trucks, automobiles and other motor vehicles owned or leased by the city, except the motor vehicle used by the mayor and motor vehicles used by undercover police officers, shall have painted or marked on the outside surface of both sides thereof the city seal, the dimensions of which shall be no less than twelve inches in diameter. Additionally, the words "City of Warwick" and the name of the department or agency to which the vehicle is assigned shall be indicated in lettering no less than two inches high on both sides of any vehicle subject to this section. Said seal and lettering shall be in such place and manner as to be plainly visible. (Code 1971, § 2-2; Ord. No. O-06-19, § I, 7-10-06)

Sec. 2-3. Court of probate's seal.

The design set out in this section shall be the device of the court of probate's seal, the inscription being as follows:

GRAPHIC UNAVAILABLE: Probate seal

"PROBATE COURT OF THE CITY OF WARWICK"

(Code 1971, § 2-3)

Charter References: Probate court, § 8-15.

Sec. 2-4. Display of flags.

Flags shall be displayed from sunrise to sunset on days designated by state law as state or national holidays and on such other days as the mayor or city council may direct.

(Code 1971, § 2-4)

Sec. 2-5. Service of notices and other papers by city sergeant.

In the service of all notices, orders, writs, precepts and other papers of the several departments of the city government, its officers and servants, excepting the police division, preference shall be given to the city sergeant, provided that such notices, writs and other papers may be legally served by such officer.

(Code 1971, § 2-6)

Sec. 2-6. Surety bond for director of finance and city treasurer.

The director of finance and the city treasurer shall each furnish a surety bond in the sum established by the council from time to time.

(Code 1971, § 2-15)

Charter References: Bonding of city officials, § 10-5.

Sec. 2-7. Submission of financial records by organizations seeking contributive support from city.

Any organization seeking contributive support from the city shall be required to submit its financial records and a report of its activities to the finance director no later than 90 days prior to the beginning of the fiscal year for which support is sought. The finance director shall notify such organizations which are receiving support during a fiscal year of the within requirement at least 120 days prior to the beginning of the next fiscal year.

(Code 1971, § 2-17)

Sec. 2-8. Fiscal year.

The fiscal year of the city government shall begin on July 1 of each calendar year and end on June 30 in the succeeding calendar year.

(Code 1971, § 2-17.1)

Charter References: Fiscal year, § 5-1.

State Law References: Fiscal year, G.L. 1956, § 35-2-2.

Sec. 2-9. Internal auditor.

(a) The internal auditor shall be an employee of the city and appointed by a majority of the city council to perform the duties and responsibilities set forth herein. The internal auditor shall report to and be supervised by the city council with primary contact through the chairperson of the finance committee; however, the internal auditor shall report to and be available to all members of the city council.

The person employed as the internal auditor shall possess such educational credentials and work experience as is established by the city council. The person employed as the internal auditor may be terminated for failure to perform the duties of the position as directed by the city council, or for other cause, upon the affirmative vote of six members of the city council. Generally, the internal auditor must be aware of city financial procedures and work with the finance department to maintain adequate internal controls. The internal auditor is to be available to provide special audits as requested by the city council.

(b) The duties and responsibilities of the internal auditor shall include, but are not limited to, the following:

- (1) Assist outside auditors with the annual audit.
- (2) Provide assistance to state or federal agencies in providing financial information as may be required.
- (3) Attend city council, finance committee, and school committee meetings.
- (4) Review accounting procedures and policies and propose new procedures as required or as others become obsolete.
- (5) Monitor city, state and federal legislation that may impact financially on city operations.
- (6) Perform special audits and or investigations as requested.
- (7) Follow the budget process, informing the city council of significant changes and issues for the

next fiscal year.

- (8) Periodically perform tests of transactions by the city for compliance with existing procedures and policies within the city.
- (9) Review quarterly financial reports.
- (10) Provide information as may be requested for the audited financial statements and/or single audit.
- (11) Provide assistance with compiling financial information as needed.
- (12) Assist in assuring the data processing of information is adequate to meet needs of departments.
- (13) Report delinquencies or shortages in any audited accounts and report all findings to the city council.
- (14) Report to the city council all violations of provisions of the Charter or ordinances relating to the finances or the city.
- (15) Perform such other auditing tasks as may be necessary to assure the financial integrity of the city's funds.

(c) In order to perform the aforementioned duties, the internal auditor shall have full and unlimited access to all city records; shall be provided with continued training as required to meet the changing MIS environment of the city's financial records; shall be provided with a personal computer capable of accessing all financial data on the city's mainframe computer, as well as software to perform the job duties described above; and shall be provided with a quiet and secure workplace in order to perform such job duties. The individual presently performing the task of internal auditor is to remain in such position and will proceed under the mandates of this section.

(Ord. No. O-98-6, § I, 3-9-98)

Sec. 2-10. Purchase of land by the city.

(a) No purchase of land by the city shall take place until an appraisal has been obtained from an independent appraiser.

(b) Through competitive bid, the city shall retain the services of three appraisers who shall be available when needed and compensated on a per appraisal basis. As part of the appraisal service, the appraiser must be available to appear before the city council, however, this component of the service shall be bid and priced separately.

(c) The appraisal, together with a title report and completed seller disclosure form shall be provided to members of the city council at least ten days prior to the date on which the city council will consider the matter.

(Ord. No. O-98-18, § I, 6-8-98; Ord. No. O-99-20, § I, 4-19-99)

Editors Note: Ordinance No. O-98-18, § I, adopted June 8, 1998, amended ch. 2 by adding § 2-9. Inasmuch as other provisions had been designated as § 2-9, the provisions of Ord. No. 0-98-18 were included herein as § 2-10 by the editor.

Sec. 2-11. Statue of World War I soldier.

The statue of the World War I soldier on the front lawn of City Hall on the date of enactment of this section shall permanently remain in that location, unless the city council authorizes relocation or removal of said statue.

(Ord. No. O-99-65, § I, 12-6-99)

Sec. 2-12. Reconsideration of vetoed ordinances.

Whenever an ordinance is adopted by the city council and subsequently vetoed by the mayor, the city clerk shall always place the vetoed ordinance on the docket for the next regular or special meeting of the city council for reconsideration of said ordinance pursuant to section 3-8 of the city Charter.

(Ord. No. O-01-1, § I, 2-21-01)

Editors Note: Ord. No. O-01-1, § I, adopted February 21, 2001, amended ch. 2 by adding § 2-11. Inasmuch as other provisions had been designated as § 2-11, the provisions of Ord. No. O-01-1 were included herein as § 2-12 by the editor.

Sec. 2-13. Procedure for processing claims against the city.

(a) If a claim against the city is based upon damage or harm caused by a vendor or contractor doing work for the city, the claim must first be pursued against the vendor or contractor before it can be presented to the city council. The claimant must file a written disposition of the claim by the vendor or contractor with the city clerk at the time of filing the claim against the city.

(b) Upon filing a claim against the city, the claimant shall also file an affidavit, in a form approved by the city council, to be executed by the claimant or his or her legal representative attesting whether the claimant has received, or will seek compensation from, any source other than the city, including but not limited to, the claimant's insurance company for any loss attributable to the incident which is the subject of claimant's claim against the city.

(c) A firm or individual who is licensed under the laws of the State of Rhode Island as an independent motor vehicle damage appraiser shall be retained by the city, after competitive bid, to appraise damages to motor vehicles for all claims in excess of \$500.00, but less than \$2,500.00. For any claim involving property damage to a claimant's motor vehicle alleged to be in excess of \$500.00, but less than \$2,500.00, the appraiser shall contact the claimant in a timely manner to make arrangements to view the claimant's motor vehicle for the purposes of preparing an independent damage appraisal. Within 20 days of the claim filing date, a written damage appraisal report shall be submitted to the public safety committee of the city council. The public safety committee shall review the report prior to voting on any claim under this subsection, but in the event that no report is available to the committee, it may continue the matter until a report is available, or it may render a decision without the aid of the report.

The city purchasing agent is hereby directed to prepare a request for proposals (RFP) and solicit competitive bids for an independent motor vehicle damage appraiser to be retained by the city in order to carry out the purposes of this subsection.

(d) The city clerk shall deliver a copy of this section to each person filing a claim against the city.
(Ord. No. O-03-2, § I, 2-24-03; Ord. No. O-04-14, § I, 6-22-04; Ord. No. O-06-14, § I, 5-8-06)

Editors Note: Ord. No. O-03-2, § I, adopted February 24, 2003, amended ch. 2 by adding § 2-12. Inasmuch as other provisions had been designated as § 2-12, the provisions of Ord. No. O-03-2 were included herein as § 2-13 by the editor.

Sec. 2-14. Sale of tax title and treasurer's auction property by the city.

(a) Whenever a request is made to the city treasurer to purchase the tax title to a lot which is held by the city, including any parcel held pursuant to a treasurer's deed, which lot is located in a residentially zoned area, the prospective purchaser shall submit the offer to purchase in the form of a written purchase and sale agreement which shall be submitted to the city treasurer in a sealed envelope clearly marked with the words "offer to purchase land held by the City of Warwick", or words of a similar nature, and the assessor's plat and lot number of the subject parcel. The envelope shall be kept sealed until opened pursuant to subsection (b). The purchase and sale agreement shall contain the following provisions, and other terms and conditions as shall be approved by the city solicitor:

- (1) The minimum purchase price shall be the sum of the outstanding taxes, interest and tax sale expenses on the subject parcel, plus the assessed value of the subject parcel, plus the estimated costs of clearing the title to the subject parcel, pursuant to G.L. § 44-9-25 or G.L. § 44-9-40 (as estimated by the city solicitor), plus taxes and interest which shall accrue between the date of the offer and the closing on the sale of the parcel plus the actual costs of clearing the title in excess of the estimated costs.
- (2) The deposit shall be equal to the estimated costs of clearing the title to the subject parcel with a provision that the deposit shall be nonrefundable upon commencement of work to clear the title; but shall be refundable prior to the commencement of the title examination or genealogy work necessary to file the court action to clear the title. Said deposit shall be submitted to the treasurer at the time of submission of the sealed purchase and sale agreement, but shall not be sealed in the envelope containing said purchase and sale agreement. The check, draft, money order or other means of tender of the deposit shall not contain any indication of the offered purchase price.
- (3) The deed shall contain a restriction that no building or structure shall be allowed on the subject parcel except that which is permitted as a residential accessory use by the city zoning ordinance without variance or other relief from said ordinance, including but not limited to, a shed, a pool, a driveway, an addition to an existing house, or a fence.
- (4) In the event that the lot is adjacent to a parcel owned by the prospective purchaser the lot shall be merged administratively into the purchaser's existing lot.

(b) Upon receipt of the signed purchase and sale agreement with the payment of the deposit by the prospective buyer, the treasurer shall determine if the deposit required under subsection (a)(2) has been tendered. If so, the treasurer shall retain the proposed purchase and sale agreement in a secure location and send notice of the offer to purchase to owners of lots which are directly adjacent to the subject parcel. A copy of the notice shall also be sent to the councilperson in whose ward the parcel of land lies. The notice shall contain the assessor's plat and lot, and the minimum purchase price as calculated under subsection (a)(1). An owner of any lot which is directly adjacent to the subject parcel may, within 30 days of the date of notice from the treasurer, submit an offer to purchase the subject parcel under the terms and conditions outlined in subsection (a). All proposed purchase and sale agreements for the subject parcel shall be kept sealed until opened by the city council's public properties committee. The treasurer shall also send a notice with a request for a

recommendation as to whether the city should relinquish its rights to the subject parcel to the director of the planning department, the city conservation commission, the clerk of the zoning board, the tax assessor, the city engineer, the land trust and the finance director. The recommendations must be returned to the treasurer within 30 days of the date of the notice from the treasurer. Upon receipt of the recommendations and any other timely offers to purchase the subject parcel, the treasurer shall send the proposed purchase and sale agreement(s) and the recommendations to the city clerk who shall place the matter on the docket for the next business meeting of the city council. The offers to purchase shall be opened at the city council's public properties committee meeting and all offers and the recommendations of the city departments shall be considered. The city council may adopt a resolution approving or denying the sale of the subject parcel at any time after all offers have been considered pursuant to this section. In approving a sale, the highest bidding offeror, who is ready; willing and able to complete the purchase in a reasonable time, shall prevail. However, in the event that two or more eligible parties have submitted identical offers for the subject parcel, then those parties may submit counter-offers in the form of amended purchase and sale agreements within ten days of the opening of the original proposals. Any counter-offer shall be delivered to the treasurer in a sealed envelope clearly marked with the words "offer to purchase land held by the City of Warwick", or words of a similar nature, and the assessor's plat and lot number of the subject parcel. The envelope shall be kept sealed until opened along with any other counter-offers to purchase the subject parcel at the next scheduled meeting of the city council's public properties committee (subject to the rules of the city council and the Rhode Island Open Meetings Act). This process shall be repeated until a highest bidding offeror, who is ready, willing and able to complete the purchase in a reasonable time, may be identified. Notwithstanding the foregoing, upon receipt of and consideration of the recommendations of the city departments, the city council may adopt a resolution denying the sale of the subject parcel at any time, or approving the division of the parcel of land between abutting property owners to be sold in a proportion agreeable to said abutters, the total purchase price of which shall be equal to the highest bid, payable by the purchasers in proportion of the percentage of the entire parcel they are to receive.

(c) Upon adoption of the resolution approving the sale of the subject lot, the treasurer shall execute the purchase and sale agreement on behalf of the city and shall deposit into the city's accounts the deposit check submitted by the prevailing party. All other deposits shall be returned to the offering parties. Thereafter, the city solicitor shall proceed to clear, or cause to be cleared, the title of the subject lot and upon entry of the judgment clearing the title to the subject lot not subject to appeal, or as otherwise may be acceptable to the purchaser, it shall be conveyed to the purchaser in accordance with the terms of the purchase and sale agreement.

(d) Whenever a request is made to the city treasurer to purchase the tax title to a lot which is held by the city, including any parcel held pursuant to a treasurer's deed, which lot is located in an area which is not residentially zoned, the prospective purchaser shall submit the offer to purchase in the form of a written purchase and sale agreement which shall be submitted to the city treasurer in a sealed envelope clearly marked with the words "offer to purchase land held by the City of Warwick", or words of a similar nature, and the assessor's plat and lot number of the subject parcel. The envelope shall be kept sealed until opened pursuant to subsection (e). The purchase and sale agreement shall contain the following provisions, and other terms and conditions as shall be approved by the city solicitor:

- (1) The minimum purchase price shall be the sum of the outstanding taxes, interest and tax sale expenses on the subject parcel, plus the assessed value of the subject parcel, plus the estimated costs of clearing the title to the subject parcel, pursuant to G.L. § 44-9-25 or G.L. § 44-9-40 (as estimated by the city solicitor), plus taxes and interest which shall accrue between the date of the offer and the closing on the sale of the parcel plus the actual costs of clearing the title in excess

of the estimated costs;

- (2) The deposit shall be equal to the estimated costs of clearing the title to the subject parcel with a provision that the deposit shall be nonrefundable upon commencement of work to clear the title; but shall be refundable prior to the commencement of the title examination or genealogy work necessary to file the court action to clear the title.

(e) Upon receipt of the signed purchase and sale agreement with the payment of the deposit by the prospective buyer, the treasurer shall determine if the deposit required under subsection (d)(2) has been tendered. If so, the treasurer shall retain the proposed purchase and sale agreement in a secure location and send notice of the offer to purchase to owners of lots which are directly adjacent to the subject parcel. A copy of the notice shall also be sent to the council-person in whose ward the parcel of land lies. The notice shall contain the assessor's plat and lot, and the minimum purchase price as calculated under subsection (d)(1). An owner of any lot which is directly adjacent to the subject parcel may, within 30 days of the date of notice from the treasurer, submit an offer to purchase the subject parcel under the terms and conditions outlined in subsection (d). All proposed purchase and sale agreements for the subject parcel shall be kept sealed until opened by the city council's public properties committee. The treasurer shall also send a notice with a request for a recommendation as to whether the city should relinquish its rights to the subject parcel to the director of the planning department, the city conservation commission, the clerk of the zoning board, the tax assessor, the city engineer, the land trust and the finance director. The recommendations must be returned to the treasurer within 30 days of the date of the notice from the treasurer. Upon receipt of the recommendations and any other timely offers to purchase the subject parcel, the treasurer shall send the proposed purchase and sale agreement(s) and the recommendations to the city clerk who shall place the matter on the docket for the next business meeting of the city council. The offers to purchase shall be opened at the city council's public properties committee meeting and all offers and the recommendations of the city departments shall be considered. The city council may adopt a resolution approving or denying the sale of the subject parcel at any time after all offers have been considered pursuant to this section. In approving a sale, the highest bidding offeror, who is ready, willing and able to complete the purchase in a reasonable time, shall prevail. However, in the event that two or more eligible parties have submitted identical offers for the subject parcel, then those parties may submit counter-offers in the form of amended purchase and sale agreements within ten days of the opening of the original proposals. Any counter-offer shall be delivered to the treasurer in a sealed envelope clearly marked with the words "offer to purchase land held by the City of Warwick", or words of a similar nature, and the assessor's plat and lot number of the subject parcel. The envelope shall be kept sealed until opened along with any other counter-offers to purchase the subject parcel at the next scheduled meeting of the city council's public properties committee (subject to the rules of the city council and the Rhode Island Open Meetings Act). This process shall be repeated until a highest bidding offeror, who is ready, willing and able to complete the purchase in a reasonable time, may be identified. Notwithstanding the foregoing, upon receipt of and consideration of the recommendations of the city departments, the city council may adopt a resolution denying the sale of the subject parcel at any time, or approving the division of the parcel of land between abutting property owners to be sold in a proportion agreeable to said abutters, the total purchase price of which shall be equal to the highest bid, payable by the purchasers in proportion of the percentage of the entire parcel they are to receive.

(f) Upon adoption of the resolution approving the sale of the subject lot, the treasurer shall execute the purchase and sale agreement on behalf of the city and shall deposit into the city's accounts the deposit check submitted by the prevailing party. All other deposits shall be returned to the offering parties. Thereafter, the city solicitor shall proceed to clear, or cause to be cleared, the title of the subject lot and upon entry of the judgment

clearing the title to the subject lot not subject to appeal, or as otherwise may be acceptable to the purchaser, it shall be conveyed to the purchaser in accordance with the terms of the purchase and sale agreement.

(g) In adopting this section, the city council wishes to express its desire and intent that the funds realized through this procedure be allocated and budgeted to pay the costs and to sustain the procedure for selling tax title land as open space.

(Ord. No. O-03-4, § I, 3-17-03; Ord. No. O-04-18, § I, 8-3-04; Ord. No. O-07-13, § I, 7-10-07)

Editors Note: Ord. No. O-03-4, § I, adopted March 17, 2003, amended ch. 2 by adding § 2-13. Inasmuch as other provisions had been designated as § 2-13, the provisions of Ord. No. O-03-4 were included herein as § 2-14 by the editor.

Sec. 2-15. Pay incentive program.

There is hereby established a pay incentive program for all city employees except department heads, administrators, or any supervisors considered by the personnel director to be at the management level. Any city employee who submits recommendations or proposals to eliminate inefficiencies, duplication, or waste shall receive ten percent of any savings realized up to a maximum of \$2,000.00 which relate directly to the employee's proposed change. The incentive pay shall be computed on the actual savings for a 12-month period, the period to run from the time that the proposed change is instituted. The incentive pay shall be paid to the employee at the end of the 12-month period in a lump sum from the budget account of the department that realized the savings and shall be in addition to the employee's regular salary. Employees who qualify for the incentive pay shall receive the lump sum only for the first year's savings and not for any subsequent years. The personnel director shall promulgate such rules as he or she may consider necessary, appropriate, or desirable to carry out the provisions of this section.

(Ord. No. O-03-21, § I, 10-31-03)

Editors Note: Ord. No. O-03-21, § I, adopted October 31, 2003, amended ch. 2 by adding § 2-13. Inasmuch as other provisions had been designated as § 2-13, the provisions of Ord. No. O-03-4 were included herein as § 2-15 by the editor.

Sec. 2-16. Tax classification plan.

- (a) *[Adopted.]* In accordance with G.L. § 44-5-11.8, a tax classification plan is adopted as follows:
- (1) The classes of property subject to taxation shall be limited to the four classes as defined in subsection (b).
 - (2) The effective tax rate applicable to any class shall not exceed the rate applicable to any other class by more than the maximum amount permitted under applicable state law.
 - (3) Any tax rate changes from one year to the next shall be applied such that the same percentage rate change is applicable to all classes.
 - (4) Notwithstanding subdivisions (a)(2) and (a)(3), the tax rates applicable to wholesale and retail inventory within class 3 as defined in subsection (b) are governed by G.L. § 44-3-29.1.
 - (5) Notwithstanding subdivisions (a)(2) and (a)(3), the tax rates applicable to motor vehicles within class 4 as defined in subsection (b) are governed by G.L. § 44-34.1-1.
 - (6) The provisions of G.L., title 44, ch. 35, relating to property tax and fiscal disclosure apply to the

reporting of and compliance with the classification restrictions set forth herein.

(b) *Classes of property.*

(1) *Class 1:* Residential real estate consisting of no more than five dwelling units, land classified as open space, and dwellings on leased land including mobile homes.

(2) *Class 2:* Commercial and industrial real estate, residential properties containing partial commercial or business uses and residential real estate of more than five dwelling units.

(3) *Class 3:* All ratable tangible personal property.

(4) *Class 4:* Motor vehicles and trailers subject to the excise tax created by G.L., title 44, ch. 34.

(c) *Effective tax rates.* Subject to the limitations set forth in subsection (a) hereinabove, the effective tax rate applicable to any class of property shall be uniform within each class and shall be determined by the city council annually pursuant to an annual tax resolution approved in the same manner and at the same time as is provided for budget approval in the City Charter.

(d) *Effective dates.* This section shall be effective immediately upon passage, provided, however, that this section shall cease to be effective on the date at which the next city-wide full revaluation occurring after July 1, 2007, is certified by the tax assessor.

(Ord. No. O-04-12, § I, 6-3-04; Ord. No. O-07-4, § I, 4-24-07)

Cross References: Taxation, ch. 74.

Sec. 2-17. Personal use of city vehicles.

(a) No city vehicle may be utilized for personal use unless prior written authorization for such use has been obtained from the mayor, his designee, or by the director of the department to which the vehicle has been assigned. Personal use shall be limited to travel to and from work or a work-related event. A copy of the authorization shall be delivered to the finance director, to the personnel director and to the city clerk, to be maintained as a public record.

(b) The city purchasing agent in conjunction with the personnel director shall promulgate regulations setting forth the monitoring and reporting requirements for use of vehicles consistent with this section.

(c) Any employee utilizing a city vehicle for personal use shall reimburse the city based upon the standard mileage rates for business miles as established by the Internal Revenue Service.

(d) Violators will be subject to disciplinary proceedings in accordance with collective bargaining agreements and the rules and regulations promulgated pursuant to this section. Disciplinary action shall increase to include suspension without pay up to termination if continued violations of this section occur.

(Ord. No. O-05-21, § I, 7-13-05)

Editors Note: Ord. No. O-05-21, § I, adopted July 13, 2005, set out provisions intended for use as § 2-16. For purposes of numerical order, and at the editor's discretion, these provisions have been included as section 2-17.

Sec. 2-18. Ratification of collective bargaining agreements.

(a) No collective bargaining agreement between the City of Warwick and any labor organization shall become effective unless and until ratified by the Warwick City Council.

(b) Each contract, before submission to the city council, shall contain a fiscal note.

(c) At least one public hearing shall be held prior to city council ratification of any collective bargaining agreement.

(Ord. No. O-06-5, § I, 2-15-06)

Editors Note: Ord. No. O-06-5, § I, adopted February 15, 2006, set out provisions intended for use as § 2-17. For purposes of clarity, and at the editor's discretion, these provisions have been included as § 2-18.

Sec. 2-19. Sale of city owned property.

(a) No sale of any parcel of real property held by the city in fee simple shall take place until an appraisal has been obtained from an independent appraiser who has been retained pursuant to section 2-10. The cost of said appraisal shall be borne by the purchaser of the property.

(b) An offer to purchase any parcel of real property which is held by the city in fee simple shall be made in the form of a written purchase and sale agreement which shall be submitted to the city treasurer in a sealed envelope clearly marked with the words "offer to purchase land held by the City of Warwick", or words of a similar nature, and the assessor's plat and lot number of the subject parcel. The envelope shall be kept sealed until opened pursuant to subsection (c). The purchase and sale agreement shall contain the following provisions, and other terms and conditions as shall be approved by the city solicitor:

(1) The purchaser shall pay, on or before the date of closing, any outstanding taxes, interest, assessments or other liens, costs of clearing the title to the subject parcel, and any and all closing costs including the appraisal fee, attorney fees, recording fees and tax stamps which shall accrue as a result of the sale.

(2) A minimum deposit of 20 percent of the assessed value of the property, according to the records of the tax assessor, shall be submitted to the treasurer at the time of submission of the sealed purchase and sale agreement, but shall not be sealed in the envelope containing said purchase and sale agreement. The check, draft, money order or other means of tender of the deposit shall not contain any indication of the offered purchase price.

(3) In the event that the subject parcel is adjacent to a parcel owned by the prospective purchaser, then the lot shall be merged administratively into the purchaser's existing lot and if the subject parcel is zoned residential, the deed shall contain a restriction that no building or structure shall be allowed on the subject parcel except that which is permitted as a residential accessory use by the city zoning ordinance without variance or other relief from said ordinance, including but not limited to, a shed, a pool, a driveway, an addition to an existing house, or a fence.

(c) Upon receipt of the signed purchase and sale agreement with the payment of the deposit by the prospective buyer, the treasurer shall determine if the deposit required under subsection (b)(2) has been tendered. If so, the treasurer shall retain the proposed purchase and sale agreement in a secure location and send notice by U.S. mail of the offer to purchase to owners of lots which are directly adjacent to the subject parcel. A

copy of the notice shall also be sent to the councilperson in whose ward the parcel of land lies. The notice shall contain the assessor's plat and lot of the subject parcel. An owner of any lot which is directly adjacent to the subject parcel may, within 30 days of the date of notice from the treasurer, submit an offer to purchase the subject parcel under the terms and conditions outlined in subsection (b). All proposed purchase and sale agreements for the subject parcel shall be kept sealed until opened by the city council's public properties committee. The treasurer shall also send a notice with a request for a recommendation as to whether the city should sell the subject parcel to the director of the planning department, the city conservation commission, the clerk of the zoning board, the tax assessor, the city engineer, the land trust and the finance director. The recommendations must be returned to the treasurer within 30 days of the date of the notice from the treasurer. Upon receipt of the recommendations and any other timely offers to purchase the subject parcel, the treasurer shall send the completed appraisal report, the proposed purchase and sale agreement(s) and the recommendations to the city clerk who shall place the matter on the docket for the next business meeting of the city council. The offers to purchase shall be opened at the city council's public properties committee meeting and all offers and the recommendations of the city departments shall be considered. The city council may adopt a resolution approving or denying the sale of the subject parcel at any time after all offers have been considered pursuant to this section. In approving a sale, the highest bidding offeror, who is ready, willing and able to complete the purchase in a reasonable time, shall prevail. However, in the event that two or more eligible parties have submitted identical offers for the subject parcel, then those parties may submit counter-offers in the form of amended purchase and sale agreements within ten days of the opening of the original proposals. Any counter-offer shall be delivered to the treasurer in a sealed envelope clearly marked with the words "offer to purchase land held by the City of Warwick", or words of a similar nature, and the assessor's plat and lot number of the subject parcel. The envelope shall be kept sealed until opened along with any other counter-offers to purchase the subject parcel at the next scheduled meeting of the city council's public properties committee (subject to the rules of the city council and the Rhode Island Open Meetings Act). This process shall be repeated until a highest bidding offeror, who is ready, willing and able to complete the purchase in a reasonable time, may be identified. Notwithstanding the foregoing, upon receipt of and consideration of the recommendations of the city departments, the city council may adopt a resolution denying the sale of the subject parcel at any time, or approving the division of the parcel of land between abutting property owners to be sold in a proportion agreeable to said abutters, the total purchase price of which shall be equal to the highest bid, payable by the purchasers in proportion of the percentage of the entire parcel they are to receive.

(d) Upon adoption of the resolution approving the sale of the subject lot, the treasurer shall execute the purchase and sale agreement on behalf of the city and shall deposit into the city's accounts the deposit check submitted by the prevailing party. All other deposits shall be returned to the offering parties. Thereafter, the city solicitor shall proceed to prepare, or cause to be prepared, any and all documentation necessary for the subject parcel to be conveyed to the purchaser in accordance with the terms of the purchase and sale agreement. (Ord. No. O-08-10, § I, 3-18-08)

Sec. 2-20. Single health insurance provider and administrator for all city funded labor agreements.

(a) Benefits of health insurance or health insurance administration provided in collective bargaining agreements shall be provided through the same insurer and/or administrator for all such agreements, to be selected after competitive bidding, at least once every three years, pursuant to Rhode Island state law, the charter of the City of Warwick and the Warwick Code of Ordinances, city wide to cover all employees entitled to such benefits.

(b) This ordinance shall not affect the rights of any labor organization which represents employees of any city department, agency, committee or board which is funded entirely or in part through an appropriation which is approved by the city council in the annual budget process, to bargain in good faith for the provision of health care benefits.

(c) This section shall not affect any collective bargaining agreement which is in effect on the effective date of this ordinance.
(Ord. No. O-08-19, § I, 8-26-08)

ARTICLE II.

RESERVED*

* **Editors Note:** Section I of Ord. No. O-01-8, adopted April 23, 2001, repealed in their entirety §§ 2-21--2-23. Said sections pertained to the city budget and derived from Ord. No. O-00-38, § I, adopted October 17, 2000.

Secs. 2-21--2-30. Reserved.

ARTICLE III.

RESERVED*

* **Editors Note:** Ord. No. O-05-11, § 1, adopted May 11, 2005, repealed §§ 2-31--2-40, which pertained to youth reinvestment program and derived from O-00-7, § I, 3-22-00; Ord. No. O-00-47, 12-19-00.

Secs. 2-31--2-40. Reserved.