

**Report of the Charter Review Commission—Schools  
on its Examination of the City Charter  
Relating to the School Committee**

**February 23, 2011**

**Charter Review Commission--Schools**

**Created by a Resolution  
of the Warwick City Council  
PCR-147-09**

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## **Introductory Letter to City Council**

The Honorable Warwick City Council  
Warwick City Hall  
3275 Post Road  
Warwick, RI 02886  
RE: Report of Charter Review Commission

February 23, 2011

Dear Council Members:

We hereby respectfully submit the recommendations of the Charter Review Commission-Schools for proposed amendments to the Warwick City Charter.

Our Commission was created by a resolution of the Warwick City Council (PCR-147-09) on September 29, 2009. Members of the Commission received their appointment on or about March 18, 2010. On April 12, 2010, the City Council, under PCR -69-10, extended the sunset date to October 31, 2010. At the request of the Commission, the Warwick City Council, on October 18, 2010, granted a sunset extension to January 31, 2011.

The reason for this extension request was based on the Commission's need to have more time to gather and advance ideas from all of Warwick's elected public officials and citizens. To this end, the Commission took the steps outlined in this report under "Background and Due Diligence." Unfortunately, our outreach efforts to participate in our endeavor were disappointing. For those persons who did earnestly offer their comments to the Commission, we thank you and encourage you to keep engaged in your civic responsibilities and political process.

This Commission was comprised of individuals who stepped forward to take on the challenge of assisting the City of Warwick and the Warwick School Department during these demanding and trying times. They all should be commended for giving their personal time and dedicated efforts to such a difficult task. Their selfless dedication made this report possible.

The Commission would also like to thank the Mayor and members of the City Council for affording its members an opportunity to serve our community.

We wish to thank Mr. Robert Martin of the Management Information Services Division for his assistance in establishing our on-line survey on the City of Warwick's website to record the public's viewpoint on school related questions.

Lastly, the Commission deeply appreciated all the efforts put forth by Warwick City Council Liaison, Ms. Joanne Cournoyer. Her efforts organizing materials, agendas, meeting minutes, and communications helped us function effectively. She was most gracious and efficient in all her communications to our members.

Respectfully submitted,

William A. Russo, Chairman

### **Commission Members**

The Resolution establishing the Commission called for the Commission to be comprised of five members. However, one appointed member resigned prior to the Commission holding any meetings. Despite requests, that member was never replaced.

The other commission members were:

William A. Russo, Chairman

Richard H. Cascella, Jr.

Jonathan D. Seamans

Laura N. Wilkinson, Secretary

## **Mission Statement**

The Commission adopted the following mission statement:

The mission of the Commission is to review those sections of the Warwick City Charter related to the functions, powers, and duties of the School Committee and make recommendations to the City Council for Charter revisions, if any may be necessary, to those sections of the existing Charter.

## **Background and Due Diligence**

The Commission held 20 open public meetings. During these meetings, the Commission provided ample time and opportunity for all persons to address the Commission. Inclusion, transparency, and openness to solutions were ever present on the Commission's agenda. As part of its meetings and due diligence, the Commission took the following actions:

1. The Commission drafted and approved a mission statement. See "Mission Statement."
2. The Commission asked the City of Warwick Purchasing Director Jim Marcello and the School Department Business/Purchasing Manager Ed Place and Director of Business Affairs Len Flood to appear before the Commission to give the members an overview of purchasing procedures for the City of Warwick and the Warwick School Department. Members of the Commission questioned these individuals extensively and received backup material after the meeting.
3. The Commission reviewed state laws and case law generally as they pertained to education.
4. The Commission spoke with Mayor Fung of Cranston; Luke Peterson, the liaison to the West Warwick town manager; attorneys representing Coventry and Pawtucket; and Robert Wise, the Chairman of the Providence School Board. Questions asked were whether there was line item approval over school budget; whether there was oversight over spending; what the official would do differently if he/she could change the relationship between the city/town and the school department.
  - a. Mayor Fung: Mr. Cascella spoke with Mr. Fung. Cranston does not have line item approval over the school department budget and no oversight over spending. When asked what he would do differently, he said he would want ratification over union contracts and would try to combine the purchasing functions of the city and the school department.
  - b. Luke Peterson, the liaison to the WW town manager: Mr. Russo spoke with Mr. Peterson, who indicated that the town does not have line item veto over school department budget, but the town manager approves all expenditures. When asked what they would do to improve relations between school and the town, he said they would try to understand the school's constraints and problems better so the town can make better suggestions. It would help if someone from the council knows school issues. Finally Mr. Peterson stated that there is an effort to consolidate school and town finance departments and thinking about consolidating payroll, human resource and custodial functions.
  - c. East Providence, Pawtucket and Coventry: Ms. Wilkinson spoke with two attorneys who either represent or are/were city/town officials in those cities/towns. In the case of East Providence, it passed a charter amendment giving the city council the right to ratify all CBAs adopted by the school department. Coventry has a charter commission that has recommended the same thing, and Pawtucket also has a charter commission looking at that.

- d. Providence: Ms. Wilkinson and Mr. Seamans spoke with Robert Wise. He made the following comments: Having an appointed school committee takes one level of politics out of the process because school committee members don't pontificate on issues in order to be re-elected. Providence holds multi-party budget meetings among the superintendant, school board, mayor and city council before the budget is officially presented. School department has its own finance department because there is a need to have finance people who understand federal education funding. City and school clerical workers have identical contracts because they were negotiated at the same time. Teachers' contract is negotiated by a team comprised of representatives from the school board, superintendant and mayor. It is then approved by the school board and sent to the city council for approval. If he could change anything, he would give the school board taxing authority so they are truly in control.
5. The Commission met with Robert W. Martin, the e-Government Specialist, MIS, City of Warwick, to discuss how to put up a survey on the Commission's section of the City website for the citizens of Warwick.
6. The Commission created a survey for the website designed for citizen input.
7. The Commission created a survey designed for input by public officials and sent that via e-mail to the Mayor, members of the City Council, members of the School Committee and members of the Warwick delegation to the General Assembly.
8. The Commission received 15 completed surveys. Results from the surveys are not presented with this Report because the Commission believes that the sample size is too small and not a true and accurate representation of the beliefs of the citizens of Warwick.
9. The Commission e-mailed all Warwick elected government officials (state & local), including the members of the School Committee, informing them of our Commission and encouraging all persons to forward their thoughts, ideas and concerns to the Warwick City Council Liaison to incorporate in our deliberations. Additionally, the Commission invited these individuals to attend our meetings to address the Commission in person regarding the powers, functions, and duties of the School Committee. Of that group, Chairman Christopher Friel and Members Lucille Mota-Costa and Patrick Maloney came to one of our meetings.
10. The Commission held a public forum on October 26, 2010. In order to publicize that forum, the Commission sent a notice to PTA Presidents to inform them of the forum and asking that they tell parents. The Commission also sent a press release to the Warwick Beacon. Eleven citizens of Warwick attended the forum, including Superintendant Horoschak; School Committee Member Patrick Maloney; candidate for school committee, David Testa; and President of the Teachers' Union, James Ginolfi. Comments from those individuals are set forth in the minutes of that meeting.

## Commission Recommendations

Pursuant to Resolution of the Warwick City Council, the Charter Review Commission—Education has held 20 meetings, has extensively reviewed the provisions of existing Article IX of the Charter, has conducted due diligence as outlined under “Background and Due Diligence” and has debated various proposals for amendments to Article IX. Having completed its work as charged by the City Council, the Commission hereby submits for consideration the following recommendations for amendments to Article IX of the City of Warwick.

The Commission understands that the Charter of the City of Warwick is a legislative charter. Thus any amendments to the Charter would require both the approval of the General Assembly and the approval of the voters of the City of Warwick. Further, many of the recommended amendments may require amendments to provisions of state statutes. If the City Council votes to move forward with any of these recommendations, the Commission recommends that the City Council hire a lawyer who is an expert in the statutes and case law relating to the power of School Committees in the State of Rhode Island in order to advise the City Council on those issues.

The Commission believes that, with the exception of the recommended amendments to Sections 9-1 to 9-5 (which alter the composition of the School Committee) and Section 9-8 (which gives line item veto power to the City Council), the School Committee and the City Council/Mayor could voluntarily work together to implement these changes without specific amendments to the Charter. The Commission would also suggest that, if a Charter amendment is not possible because the General Assembly does not approve, the City Council should consider putting these issues before the electorate in a non-binding referendum.

All recommended amendments are to Article IX of the Charter, and are marked to show changes from Article IX of the current Charter. Reasons for each amendment are set forth following the proposed amendment. Each of these recommendations should be considered on its own.

### 1. Section 9-1 shall be amended to read as follows:

#### 9-1. School committee.

**Alternative 1 (7 members, 3 elected by district and 4 appointed):** There shall be a school committee consisting of ~~two members at large and~~ one district member from each of the three school committee election districts into which the City of Warwick is divided: **and four members appointed by the mayor with city council ratification (“appointed members”).** **The appointed members shall be chosen from the pool of candidates selected by the nominating commission as provided in the second paragraph of this Section 9-1.** Present members of the school committee shall hold their respective offices for the remainder of the term for which they were originally elected and until their successors are elected and qualified. At the biennial election ~~to be held on the first Tuesday after the first Monday of November of~~ **in** the year A.D. ~~1960,~~ **2014,** and every four years thereafter, ~~there shall be elected two members at large of the school committee to serve for the term of four years and until their successors are elected~~

~~and qualified. At the biennial election in the year A.D. 1962, and every four years thereafter,~~ there shall be elected three district members of the school committee to serve for a term of four years and until their successors are elected and qualified. ] The general laws of this state shall apply to the voting for the members of the school committee of said city so far as consistent with the provisions of this act; provided, however, that the voting machines or ballot shall contain in a perpendicular column, in an order drawn by lot and uniform type the name of all candidates nominated as hereinafter provided and shall contain no specifications of party or political principle. The appointed members shall be appointed for a four-year term beginning January 1, 2013. Successors to the first appointed members shall be appointed for four year terms every four years thereafter, until their successors are duly appointed and ratified.

Beginning in 2012, and every four years thereafter, the mayor shall establish a nominating commission by executive order to seek and screen applicants. The nominating commission shall be comprised of residents of Warwick and shall serve for four years until the next nominating commission is established. No commission member shall be an elected official, or be a candidate for public office, or hold any compensated federal state or municipal public office during his or her tenure. The nominating commission shall recommend candidates to the mayor for appointment or re-appointment by no later than October 31 of their year of appointment. The nominating commission shall only nominate residents of Warwick and shall consider, but is not limited to, the following factors in selecting the best qualified nominees: intellect, ability, temperament, impartiality, diligence, maturity, education, record of public, community and government service and training and experience in education, accounting, budgeting or other professional experience, either in the public sector or private business, as will qualify them to be a member of the school committee. The City Council shall confirm the Mayor's final selections before the new Board members officially assume office in January of the following year

Alternative 2 (7 members, all appointed): There shall be a school committee consisting of seven members appointed by the mayor with city council ratification. The members shall be chosen from the pool of candidates selected by the nominating commission as provided in the second paragraph of this Section 9-1. Present members of the school committee shall hold their respective offices for the remainder of the term for which they were originally elected and until their successors are appointed and ratified. Four members shall be appointed for a four-year term beginning January 1, 2013 to replace the present members of the school committee whose term ends on or around such date. Three members shall be appointed for a four-year term beginning January 1, 2015 to replace the present members of the school committee whose term ends on or around such date. Members shall hold office for four-year terms, until their successors are duly appointed and ratified

Beginning in 2012, and every four years thereafter, the mayor shall establish a nominating commission by executive order to seek and screen applicants. The nominating commission shall be comprised of residents of Warwick and shall serve for four years until the next nominating commission is established. No commission member shall be an elected official, or be a candidate for public office, or hold any compensated federal state or

municipal public office during his or her tenure. The nominating commission shall recommend candidates to the mayor for appointment or re-appointment by no later than October 31 of their year of appointment. The nominating commission shall only nominate residents of Warwick and shall consider, but is not limited to, the following factors in selecting the best qualified nominees: intellect, ability, temperament, impartiality, diligence, maturity, education, record of public, community and government service and training and experience in education, accounting, budgeting or other professional experience, either in the public sector or private business, as will qualify them to be a member of the school committee. The City Council shall confirm the Mayor's final selections before the new Board members officially assume office in January of the following year

(P.L. 1966, ch. 11, § 3; Ref. or 11-3-98)

*Reasons for changes:*

*\*Please note that Alternative 1 was approved by the Commission by a 3 to 1 vote. Alternative 2 was the suggestion of the dissenting member.*

*Majority view:*

- 1. As noted in the Executive Summary, the Commission observed that one of the major problems is the issue of communication between the school committee, the city council and the mayor. The Commission believes that requiring four of the school committee members to be appointed by the mayor and ratified by the city council will shift the dynamics of the school committee and encourage more open lines of communication between the school committee and the city.*
- 2. The Commission believes that having 4 or 7 members appointed rather than elected will enlarge the pool of potential candidates for school committee because there may be many qualified citizens who wish to hold public office but do not want to campaign for election. Appointment would be an opportunity to tap into talents that might not otherwise be available.*
- 3. Increasing the size of the school committee from 5 to 7 members will give the school committee more perspective and provide the opportunity to spread the work around. One of the Commission's recommendations is for the school committee to form a finance subcommittee that will meet separately to approve all expenditures to be made by the school department over a threshold as set forth in that section. If it is not possible to give the city council authority to approve expenditures, the Commission believes that an expansion of the size of the school committee and the formation of a finance subcommittee would go a long way toward making the school department accountable to the citizens of Warwick.*

*Dissenting member's view:*

*While the dissenting member agrees with the other members of the Commission that eliminating the two at-large members of the School Committee and replacing them with four*

*appointed members would improve the dynamics, function, and communication between the School Committee and City Government, he believes it does not go far enough. Only through a completely appointed School Committee can the politics of "vote-getting" be eliminated, allowing for a more professional, and less political, School Committee. An appointed School Committee, in concert with the establishment of a School Committee Nominating Commission, would expand the field of qualified, and willing, participants in Warwick public education. This can only result in better outcomes, both for the students and the taxpayers.*

**2. Section 9-2 shall be amended to read as follows:**

**9-2. School committee nominations.** ~~[delete Section 9-2 if all appointed. Revise as noted if 3 are elected from districts]~~

~~Nomination papers for candidates at large shall be signed in the aggregate by not less than 200 qualified voters.~~ Nominations of district members shall be made by nomination papers signed in the aggregate for each candidate by not less than ~~100~~150 voters qualified to vote for each of such candidates. Nomination papers for school committee members shall contain no party designation or political principle. If more than twice the number of candidates to be elected to the office of school committeeman shall be nominated, there shall be a primary election to eliminate all candidates in excess of twice the number to be elected to said office. The primary election shall be held in the manner hereinafter provided on the same date as the party primaries in September before each general election, and not more than fifteen or less than ten days before the date set for a special election to fill a vacancy. The canvassing authority shall appoint primary election officials from lists submitted by the candidates, giving representation to all candidates insofar as possible. Candidates shall appear on the ballot, [in the order] drawn by lot with no party designation. The number of persons being twice the number to be elected to the particular office receiving individually the highest number of votes cast in the primary election for individual candidates shall be declared to be the candidates to be voted upon at the election. If no more candidates than the number of offices to be filled shall file, then these candidates shall be declared elected by the board of canvassers.

~~(P.L. 1966, ch. 191, § 5; Ref. of 11-3-98)~~

***Reasons for changes:***

***The changes to this section (or deletion if all members of the school committee are to be appointed) are conforming changes to those made in Section 9-1.***

**3. Section 9-3 shall be amended to read as follows:**

**9-3. Filling of vacancies.**

**Alternative 1 (elected and appointed):** If a vacancy occurs in the **elected members of the** school committee more than one hundred and eighty (180) days before the time of holding the next succeeding regular city election, the canvassing authority shall forthwith call a special election for the purpose of filling such vacancy for the remainder of the term. If any such vacancy occurs one hundred and eighty (180) days or less, before the time of holding the next succeeding general election, the council may in its discretion direct the canvassing authority to call a special election for said purpose. **If the vacancy in the school committee is an appointed member, the mayor, with city council ratification, shall appoint a successor for the remainder of the term. The mayor shall convene the nominating commission for this purpose.**

**Alternative 2 (appointed):** **If a vacancy occurs in the school committee, the mayor, with city council ratification, shall appoint a successor for the remainder of the term. The mayor shall convene the nominating commission for this purpose.**

*Reasons for changes:*

*The changes to this section are conforming changes to those made in Section 9-1.*

**4. Section 9-4 shall be amended to read as follows:**

**9-4. Chairman.**

**Alternative 1 (elected and appointed):** The school committee shall meet for organization on the first Tuesday following the first day of January after the election, at such hour as may be fixed by the said school committee and elect one of its members as chairman to serve until his successor is elected **or appointed** and shall adopt its own rules and order of business.

**Alternative 2 (appointed):** **The school committee shall meet for organization on the first Tuesday following the first day of January after the appointment, at such hour as may be fixed by the said school committee and elect one of its members as chairman to serve until his successor is appointed and ratified and shall adopt its own rules and order of business.**

*Reasons for changes:*

*The changes to this section are conforming changes to those made in Section 9-1.*

**5. Section 9-5 shall be amended to read as follows:**

**9-5. Powers and duties.**

~~The~~**Except as provided in this Charter, the** school committee shall determine and control all policies affecting the administration, construction, maintenance and operation of the public schools. The construction of school buildings, shall also be under the direction of the

school committee, except that the mayor is hereby authorized to nominate and appoint as many as four taxpayers, who shall be added to the school committee for the purpose of acting jointly with the school committee in the direction of school construction only and for no other purpose and for no longer period of time.

*Reasons for change:*

*Certain changes to the Charter would require the school committee to share some of its control with the mayor and the city council.*

**6. Section 9-6 shall be amended to read as follows:**

**9-6. Superintendent of schools.**

The ~~school committee shall appoint a superintendent of schools as its chief administrative agent~~search committee to locate, interview and recommend the hiring of a superintendent of schools and such other administrative ~~officers~~officer as shall be deemed necessary shall be comprised of three members, one of which shall be appointed by the school committee, one of which shall be appointed by the city council and one of which shall be appointed by the mayor. This committee shall bring its final recommendations to the school committee for ratification.

*Reasons for change:*

*Currently, the head of every other major city department is selected by the mayor. The superintendant is a noted exception, with no mayoral or city council input. While the Commission believes the final decision as to hiring of the superintendant and other school department administrative officers should be made by the school committee, it believes that the mayor and city council should be part of the search committee so that they are informed of, and have input into, the process.*

**7. Section 9-8 shall be amended to read as follows:**

**9-8. Budget estimates.**

The school committee shall submit budget estimates in the same manner as city departments, ~~but~~and the city council shall have the authority to review, recommend, approve and reject the budget estimates and appropriations ~~shall be considered by the council in total only~~on a line item basis. The allocation of the amounts appropriated shall be determined by the school committee, after receipt of the recommendation by the finance subcommittee.

*Reasons for changes:*

*Currently, every other city department's annual budget is subject to scrutiny by the mayor and the city council. The Commission believes that the mayor and city council should have the same power to review, recommend, approve and reject each proposed line item in the school department's budget. In addition, the Commission believes that this scrutiny would facilitate*

*the identification of areas where the city and the school department could consolidate expenses and save what ultimately is the Warwick taxpayers' money. In fiscal year 2009-2010, the school department budget represented approximately 58% of the total city budget. It is the mayor and city council who are responsible for taxing the citizens of Warwick and they should have some control over expenditures by the school department.*

**8. Section 9-9 shall be amended to read as follows:**

**9-9. Purchases and Finance Subcommittee.**

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.

[The school committee shall establish a finance subcommittee consisting of two appointed school committee members and one elected school committee member.] [The school committee shall establish a finance subcommittee consisting of three school committee members.] The finance subcommittee shall approve all expenditures to be made by the school department over a designated threshold amount at a separate meeting to be held for this purpose. At this separate subcommittee meeting, there shall be an opportunity for members of the public to review and question such expenditures. The entire school committee shall ratify the decisions of the finance subcommittee before they shall take effect. Purchases in excess of \$1,000 shall be subject to the same purchasing guidelines as set forth in Section 6-12 of this Charter, except that wherever there is a reference to the city council or mayor, that reference shall be deemed to be to the school committee.

***Reasons for changes:***

*The Commission believes that the school committee should be required to form a finance subcommittee that will consider requests for school department expenditures before those requests go to the full school committee for approval. Requiring that the finance subcommittee meetings to be open to the public and that there be an opportunity for questions and comments from the public would give greater transparency to school department financial decisions and go a long way toward making the school department accountable to the citizens of Warwick.*

*The Commission was given a copy of the School Committee's purchasing guidelines and are aware that this threshold is lower than that currently in use by the City. We believe that this lower threshold would mean that more purchases would be brought forward in an open environment which allows for public comment and discussion.*

*The bracketed items would be worded according to whether members of the School Committee are elected and appointed or are all appointed.*

9. Section 9-12 shall be amended to read as follows:

**9-12. Financial ~~Report~~Reports.**

(a) The school committee shall prepare a financial report showing expenditures to date and an estimate of projected expenditures through the end of each fiscal year, in each case compared to the budget for the comparable period. This report shall be as of a date no earlier than 60 days prior to the close of that fiscal year and shall be submitted to the mayor and city council no later than 30 days prior to the close of that fiscal year.

(b) The school committee shall prepare a financial report of its activities which shall be submitted to the mayor and city council within ninety (90) days after the close of the fiscal year, and within six (6) months of the close of the fiscal year, an audited complete financial statement. ~~(Ref. of 11-3-98)~~

***Reasons for Change:***

*One source of frustration for citizens of Warwick is the lack of communication from the school department and school committee over the status of the budget, particularly at the end of the fiscal year when a new budget is being proposed. The changes to this section would require the school committee to prepare a report that gives the current state of expenditures and an estimate of projected expenditures through the end of the fiscal year. This would better inform the budget process for the next fiscal year's budget and give greater transparency to the budget process.*

10. Section 9-14 shall be amended to read as follows:

**9-14. Meetings.**

All meetings of the school committee shall be open to the public and all decisions made by the school committee shall be made publicly; provided, however, nothing herein shall deny to the school committee the right to require a meeting closed to the public when the nature of the meeting involves ~~personalities~~private personnel matters or would be detrimental to education or the public welfare. A majority of the members present shall be necessary to declare a meeting closed to the public. Any decision made during a closed meeting shall be made and announced publicly.

***Reason for Change:***

*The Commission believes that this wording change better describes the nature of the matters that should be kept private by the school committee.*

11. Section 9-15 shall be deleted from Article IX.

~~9-15. —Alteration of school committee election districts.~~

~~The city council shall, by resolution, prior to the first Tuesday following the first Monday in June before the 1968 general election, realign the school committee election districts to form three districts as nearly equal in population as possible.  
(P.L. 1966, ch. 191, § 4; P.L. 1967, ch. 130, § 1)~~

*Reason for Change:*

*This section of the Charter is no longer necessary.*

12. A new Section 9-15 shall be added read as follows:

9-15 Consolidation.

Once a fiscal quarter, the head of the finance department of the city and the head of the finance department of the school department shall meet with the finance subcommittee of the school committee and the finance subcommittee of the city council to discuss and consider areas where the school department and city can consolidate services and purchases in an efficient manner. Areas to be discussed include personnel, benefits, payroll, purchasing, buildings and grounds, information technology, telephone and any other areas that a member of this group believes could be combined for the mutual benefit of the city and the school department. The head of the finance department of the city shall be responsible for organizing this meeting, which shall be open to the public and to public comment. The recommendations for consolidation or decision not to consolidate (and the reasons why) shall be made public and shall be presented to the city council and school committee for approval by each before implementation.

*Reason for Change:*

*The Commission asked the heads of both the city and school department finance departments to appear before the Commission. While both indicated that they are willing to consider consolidations in functions in order to save taxpayer funds, there is nothing in the Charter currently that requires this. This new Charter section would require a quarterly meeting to discuss such consolidations. This change would also bring transparency to the process.*

*The Commission believes that the level of consolidation that might be achieved going forward is limitless. Staffing what amounts to two separate administrations is a waste of money and efficiency.*

*The Commission notes that voters in Westerly approved the concept of consolidating town and school department support staff through a non-binding referendum question put before them*

*in November. The town manager and school superintendent have presented a plan to the Westerly Town Council and School Committee to share one finance director. [This proposal was recently approved by both bodies].*

13. A new Section 9-16 shall be added read as follows:

**9-16 Collective Bargaining Agreements.**

**Collective bargaining agreements relating to the school department, including those for teachers, other teaching personnel and staff/maintenance, shall be negotiated by a team consisting of at least three members, one of which shall be appointed by the school committee, one of which shall be appointed by the city council and one of which shall be appointed by the mayor. The school committee member shall direct the process of this team. Following such negotiations, the city council shall ratify the agreement before it is presented to the school committee for final approval.**

***Reason for Changes:***

*Salaries and benefits relating to the school department account for approximately 85% of this year's school department budget and almost one-half of the city's overall budget. While under the Commission's recommendation, ultimate control of the process stays with the school committee, the Commission believes that representatives of the mayor and city council should be part of the team negotiating those contracts in order to bring those contracts in line with other city contracts. Having representatives from the city also would help make the process cooperative with all constituencies represented.*

*The Commission notes that the teachers' collective bargaining agreement expires on August 31, 2011 and that police, fire and municipal contracts expire on June 30, 2012. The Commission would recommend that the school department and the city work together so that these contracts are negotiated at the same time.*

## **Other Observations**

### **For the Good of Warwick**

The Commission has been deliberating issues relating to our charge for close to over ten months. Over the course of our deliberations, we have heard and discussed a number of issues that do not fall squarely within the charge of our Commission. Nonetheless, for the good of Warwick, we would like to bring these to the attention of the Mayor, City Council, School Committee and the public.

1. The draft of the 2010-2011 school department budget that was provided for this Commission looked like a cobbled together collection of copies. Typeset was varied. There were no footnotes or references. It brought one Commissioner to suggest that, “if an entity wanted to conceal something or confuse an auditor this is what they would give them.” We certainly are not suggesting that is the case, but this type of presentation continues the obfuscation and failure to communicate that plagues the relationship between the City and the School Committee. We believe the school department and School Committee should take more care in presenting its budget to the Mayor, City Council and Warwick citizens with a view toward providing solid and useful information.
2. Section 9-9 of the Charter, as interpreted by case law, provides for the finance department of the City to approve requisitions of the School Committee to ensure that any such purchases do not exceed the school department’s overall budget. We discovered that the approval for the release of funds by the City to the school department is accomplished by a school department clerk affixing the electronic signature of the City’s Purchasing Director. The Commission believes that this use of an electronic signature does not constitute good business practice.
3. During the deliberations of the Commission, it came to our attention that the school department Business Director and the City treasurer are partners living in the same household. The Commission was unable to determine whether there are any circumstances in which action can be taken to release funds based on the signatures of only these two individuals. We would urge the Mayor, City Council and School Committee to examine the controls and procedures relating to these two positions to ensure that there is proper oversight.
4. We understand that the school department’s current policy does not require bidding procedures to be followed for the awarding of professional services for engineering, legal and auditing. We believe that this should change to replicate the City’s bid requirements.
5. We believe that, even if the City Council and School Committee are not in agreement that they should negotiate school department collective bargaining agreements as a team, there should be a concerted effort to negotiate all municipal contracts at the same time.
6. The Mayor and City Council should initiate the process and push to change Warwick’s charter status from a legislative charter to a home rule charter so the City has power over its own destiny.

## **Appendices**

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**Appendix A**  
**Resolution PCR-147-09 and Amendments**  
**[following this page]**

THE CITY OF WARWICK  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

NO. R-02-134 DATE 9/29/09

APPROVED *[Signature]* MAYOR

RESOLUTION TO ESTABLISH A CHARTER REVIEW COMMISSION  
TO EXAMINE THOSE SECTIONS OF THE CITY CHARTER  
RELATING TO THE SCHOOL COMMITTEE

Resolved that,

1 WHEREAS, the health, safety and welfare of the citizens of the City of Warwick are  
2 matters of paramount importance to the City Council; and

3  
4 WHEREAS, Article XIII of the Rhode Island Constitution and the City's Charter sets  
5 forth a procedure for amending the City Charter; and

6  
7 WHEREAS, there is an interest in reviewing those sections of the City Charter related to  
8 the functions, powers and duties of the School Committee; and

9  
10 WHEREAS, there is an interest in limiting the scope of the Charter Review Commission  
11 to a single topic, namely, those sections of the City Charter related to the functions, powers and  
12 duties of the School Committee; and

13  
14 WHEREAS, limiting the number of people on the Commission will allow the  
15 Commission to work more efficiently and make recommendations for Charter revisions, if any,  
16 by December 31, 2009 so that said recommendations can be reviewed and approved by the City  
17 Council and approved by the General Assembly, as is required before submittal of any Charter  
18 revisions to voters for approval in 2010.

19  
20 NOW, THEREFORE, BE IT RESOLVED that a Charter Review Commission is hereby  
21 established which shall be comprised of five electors of the City of Warwick, with one member  
22 to be selected by the City Council; one member to be selected by the Mayor; and three members  
23 selected through the mutual agreement of the City Council and the Mayor. No member of the  
24 Commission shall be an elected official or a former elected official. The Chairperson of the  
25 Commission shall be elected by the majority vote of the members of the Commission. The  
26 Charter Review Commission shall review those sections of the City Charter related to the  
27 functions, powers and duties of the School Committee and make recommendations for Charter  
28 revisions, if any may be necessary, to those sections of the existing City Charter. The  
29 Commission shall complete its work by December 31, 2009 and shall issue its findings to the  
30 City Council by that date.

31  
32 IT IS FURTHER RESOLVED that the Charter Review Commission established by  
33 Resolution No. R-07-51 in March, 2007 shall remain in existence for items not relating to the  
34 School Committee.

35  
36 The City Clerk is hereby directed to forward a copy of this Resolution to the Mayor.

37  
38 This Resolution shall take effect upon passage.

SPONSORED BY: COUNCIL PRESIDENT PLACE

COMMITTEE: INTERGOVERNMENTAL

THE CITY OF WARWICK  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

NO. R-10-5A..... DATE 4/13/2010.....

APPROVED..... *[Signature]*..... MAYOR

RESOLUTION TO EXTEND THE SUNSET PROVISION OF THE CHARTER REVIEW  
COMMISSION ESTABLISHED TO STUDY CHARTER PROVISIONS RELATIVE TO  
THE SCHOOL COMMITTEE AND THE SCHOOL DEPARTMENT

Resolved that,

- 1 WHEREAS, the health, safety and welfare of the citizens of the City of Warwick are
- 2 matters of paramount importance to the City Council; and
- 3
- 4 WHEREAS, the City Council established a Charter Review Commission to study
- 5 provisions of the City Charter relative to the School Committee and the School Department; and
- 6
- 7 WHEREAS, said Charter Review Commission was established by PCR-147-09; and
- 8
- 9 WHEREAS, said Resolution contained a sunset provision; and
- 10
- 11 WHEREAS, the Charter Review Commission needs additional time to complete its
- 12 work; and
- 13
- 14 WHEREAS, extending the sunset date to October 31, 2010 would allow the Commission
- 15 time to complete its work.
- 16
- 17 NOW, THEREFORE BE IT RESOLVED that the sunset provision for the Charter
- 18 Review Commission established by PCR-147-09 is hereby extended to October 31, 2010.
- 19
- 20 The City Clerk is hereby directed to forward a copy of this Resolution to the members of
- 21 the Charter Review Commission
- 22
- 23 This Resolution shall take effect upon passage.

SPONSORED BY: COUNCIL PRESIDENT PLACE

COMMITTEE: INTERGOVERNMENTAL

THE CITY OF WARWICK  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

NO. .... Resolution 1.238 ..... DATE 10/18/2010

APPROVED *[Signature]* MAYOR

RESOLUTION TO EXTEND THE SUNSET PROVISION OF THE CHARTER REVIEW  
COMMISSION ESTABLISHED TO STUDY CHARTER PROVISIONS RELATIVE TO  
THE SCHOOL COMMITTEE AND THE SCHOOL DEPARTMENT

Resolved that,

1 WHEREAS; the health, safety and welfare of the citizens of the City of Warwick are  
2 matters of paramount importance to the City Council; and  
3

4 WHEREAS; the City Council established a Charter Review Commission to study  
5 provisions of the City Charter relative to the School Committee and the School Department; and  
6

7 WHEREAS; said Charter Review Commission was established by PCR-147-09; and  
8

9 WHEREAS; said Resolution contained a sunset provision; and  
10

11 WHEREAS; the Charter Review Commission needs additional to time to complete its  
12 work; and  
13

14 WHEREAS; extending the sunset date to January 31, 2011 would allow the Commission  
15 time to complete its work.  
16

17 NOW, THEREFORE BE IT RESOLVED that the sunset provision for the Charter  
18 Review Commission established by PCR-147-09 is hereby extended to January 31, 2011.  
19

20 The City Clerk is hereby directed to forward a copy of this Resolution to the members of  
21 the Charter Review Commission  
22

23 This Resolution shall take effect upon passage.

SPONSORED BY: COUNCIL PRESIDENT PLACE

COMMITTEE: INTERGOVERNMENTAL

**Appendix B**  
**Minutes from Commission Meetings**  
**[following this page]**

Meeting of the Charter Review Commission  
April 5, 2010  
Warwick City Hall  
Lower Level Conference Room  
3275 Post Road  
Warwick, RI 02886  
6:30 pm

Members:

Lori Caine - Absent  
Richard Cascella – Present  
William Russo – Present  
Jonathan Seamans- Present  
Laura Wilkinson- Present

Attendees:

Council President Place  
Joanne Cournoyer- Minutes

No members of the public were present.

Time Started: 6:30 pm

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**Guest Speaker: Council President Bruce Place, City of Warwick**

- Introductions and Contact information for each member
- Overview of City Budget vs School Budget
- Discussion of Procedures and Goals of the School Charter Commission
- Discussion of Purchasing Procedures for the City and School Department
- Discussion of the Warwick City Charter- Section 9-9
- Discussion of Carruolo Act
- Discussion Home Rule Charter

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**Vote for Chairperson and Recording Secretary**

- Unanimous vote for Chairperson- **Bill Russo**
- Unanimous vote for Secretary- **Laura Wilkinson**

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**Future Meeting Date**

April 27<sup>th</sup> 6:30 pm – First Choice  
April 26<sup>th</sup> 6:30pm- Second Choice

Will email everyone date when confirmed

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**Possible Agenda for next meeting**

Invite Purchasing Directors for both the City and the School for Overview?  
Mission Statement?

Meeting Adjourned: 9:00pm

**Meeting of the Charter Review Commission**  
**April 27, 2010**  
**Warwick City Hall**  
**Lower Level Conference Room**  
**3275 Post Road**  
**Warwick, RI 02886**  
**6:30 pm**

**Members:**

Lori Caine - Absent  
Richard Cascella – Present  
William Russo – Present  
Jonathan Seamans- Present  
Laura Wilkinson- Present

**Attendees:**

City Purchasing Director: Jim Marcello  
School Department Business/Purchasing Manager: Ed Place  
School Department Director of Business Affairs: Leonard Flood

No members of the public were present.

Time Started: 6:40 pm

**Guest Speakers: City Purchasing Director Jim Marcello, City of Warwick ; City of Warwick School Department Business/Purchasing Manager Ed Place; and City of Warwick School Department Director of Business Affairs Leonard Flood**

Chairman Russo opened the meeting with a brief overview of the mission of the Charter Commission.

Each of Messrs. Marcello, Place and Flood described the purchasing functions of the City and the School Department, respectively. Members of the commission asked questions of the guests to clarify their policies and procedures.

The commission asked Mr. Marcello and Mr. Flood to send the commission copies of their purchasing policies and procedures.

Chairman Russo thanked the guests and they left the meeting.

**Mission Statement:**

Chairman Russo asked for comments on the Mission Statement drafted by Laura Wilkinson. With the changes noted, Laura will revise the Mission Statement and send it by e-mail to the members of the commission.

**Future Meeting Dates**

May 11, 25

June 8, 22

Will email everyone date when confirmed.

**Possible Agenda for next meeting**

Discussion of city versus school department purchasing

Meeting Adjourned: 9:30pm

**Meeting of the Charter Review Commission  
May 11, 2010  
Warwick City Hall  
Lower Level Conference Room  
3275 Post Road  
Warwick, RI 02886  
6:30 pm**

**Members:**

Richard Cascella – Present  
William Russo – Present  
Jonathan Seamans- Present  
Laura Wilkinson- Present

**Attendees:**

No members of the public were present.

Time Started: 6:40 pm

**Minutes:**

The minutes from the April 5, 2010 and April 27, 2010 meetings were reviewed and unanimously approved, with changes.

**Mission Statement:**

Chairman Russo presented the revised Mission Statement to the Commission. A discussion ensued on the language of the Mission Statement, which was unanimously approved with changes.

**Discussion:**

The members of the Commission discussed issues relating to City and School Department purchasing. Questions were raised about a variety of issues, including:

- The City of Warwick electronic signature of Jim Marcello that is attached by the School Department automatically.
- How does e-Rate work? Under what circumstances can the School Department lose that rate?
- What would be the issues with combining the purchasing functions of the City and the School Department?

The members then turned to a discussion of Section 9-9 of the City Charter and the effect of the Gibbons case. The members decided that they needed a legal review of that by the City council

solicitor. Since the Commission may have other questions, it was decided to use the next meeting to develop a list of legal questions on which we need answers, and ask Rosemary Healey of the School Department and John Harrington of the City to attend a future meeting.

**Possible Agenda for next meeting**

Develop questions for the legal discussion.

Meeting Adjourned: 8:35 pm

**Meeting of the Charter Review Commission  
May 25, 2010  
Warwick City Hall  
Lower Level Conference Room  
3275 Post Road  
Warwick, RI 02886  
6:30 pm**

**Members:**

Richard Cascella – Present  
William Russo – Present  
Jonathan Seamans- Present  
Laura Wilkinson- Present

**Attendees:**

No members of the public were present.

Time Started: 6:40 pm

**Minutes:**

The minutes from the May 11, 2010 meetings were reviewed and unanimously approved, with changes.

**Discussion:**

Laura Wilkinson presented the members of the Commission with a summary of RI law and the Warwick charter relating to issues of education, as well as copies of some court cases interpreting the state law. The members then discussed issues relating to that material. Questions were raised about those materials, and whether the state law and case law would even permit the City Council to have budgeting and expenditure approval over school department funds. The Commission decided to ask Chairman Place to have the Council's attorney made available for questions.

The members of the Commission decided to poll other cities and towns in Rhode Island to see what power the City Council or comparable has over education spending, and report back at our next meeting.

The Commission authorized Chairman Russo to contact Council President Place regarding the issue of obtaining legal opinions on state law pertaining to our mission.

Meeting Adjourned: 8:35 pm

**Meeting of the Charter Review Commission**  
**June 8, 2010**  
**Warwick City Hall**  
**Lower Level Conference Room**  
**3275 Post Road**  
**Warwick, RI 02886**  
**6:30 pm**

**Members:**

Richard Cascella – Present  
William Russo – Present  
Jonathan Seamans- Present  
Laura Wilkinson- Present

**Attendees:**

There was one member of the public present.

Time Started: 6:40 pm

**Minutes:**

The minutes from the May 25, 2010 meetings were reviewed and unanimously approved, with changes.

**Discussion:**

The members of the Commission reported on the conversations they were able to have with officials of other cities and towns with respect to the relationship between the city and the school department.

Cranston (Rich Cascella). Richard spoke with Mayor Fung, who indicated there was no line item approval by the city over the school department budget and no oversight over spending. When asked what he would do differently, he said he would want ratification over union contracts and would try to combine the purchasing functions of the city and the school department.

West Warwick (Bill Russo). Bill spoke with Luke Peterson, the liaison to the WW town manager. Luke indicated that he did not think the town has line item veto over school department budget, but the town manager approves all expenditures. When asked what they would do to improve relations between school and the town, he said the would try to understand the school's constraints and problems better so the town can make better suggestions. It would help if someone from the council knows school issues. Finally Luke stated that there is an effort to consolidate school and town finance departments and thinking about consolidating payroll, human resource and custodian functions.

Pawtucket, EP and Coventry (Laura Wilkinson). Laura spoke with two attorneys who either represent or are/were city/town officials in those cities. In the case of EP, it passed a charter amendment giving the city council the right to ratify all CBAs adopted by the school department. Coventry has a charter commission that has recommended the same thing, and Pawtucket also has a charter commission looking at that. These attorneys indicated that all cities and towns have the separation of city and school department because of the preserved powers to the General Assembly

Jon did not have any luck getting anyone in Providence to talk to him, so Laura was going to try. She was also going to try to talk to Joe Larisa of EP who is an expert on the issue to see if having approval over the budget and spending is legal in RI.

The members then discussed the eRate, and Jon indicated that he didn't think it was a large number in the school department budget so that we shouldn't get bogged down too much with that issue.

Jon also reported that he reviewed last year's school department budget that was provided to us as part of our binder. He indicated that the budget was very difficult to follow and in fact did not follow conventional budgeting guidelines—numbers didn't track from the summary to the detail and other problems existed. The members discussed whether there were any steps they could recommend so that the budget would be more meaningful, such as requiring two members of the public being appointed to the school committee solely for budgeting purposes by the city council and mayor to participate in the budget process.

The member of the public who attended the meeting spoke and noted that he didn't think that the city ratifying CBAs would work. He thought that the mayor should appoint the school committee so that there is more accountability to the city.

Meeting Adjourned: 8:00 pm

**Meeting of the Charter Review Commission**  
**June 25, 2010**  
**Warwick City Hall**  
**Lower Level Conference Room**  
**3275 Post Road**  
**Warwick, RI 02886**  
**6:30 pm**

**Members:**

Richard Cascella – Present  
William Russo – Present  
Jonathan Seamans- Present  
Laura Wilkinson- Present

**Attendees:**

There was one member of the public present.

Time Started: 6:40 pm

**Minutes:**

The minutes from the June 8, 2010 meetings were reviewed and unanimously approved.

**Discussion:**

Mr. Russo reported that he spoke with McKay and Osaka from the City of Warwick MIS about the eRate. They said that they have inquired about trying to combine, but the RI Department of Education stonewalls them because RIDE doesn't want anything to upset the apple cart and hurt the program. Since the savings would only be in the neighborhood of \$200,000 a year, they didn't think the savings would be worth the fight.

The members then discussed topics for future meetings as follows:

1. Ask city department heads of the following departments to attend future meetings to give us an overview of how they might incorporate their functions with those of the School Department, and to estimate the savings from such incorporation: purchasing, finance, buildings and grounds, human resources, payroll, custodial and MIS.
2. Ask City Council members and the Mayor to appear before the Commission to discuss their goals for the Commission and why they think changes would help the City. Also discuss with the City Council members and the Mayor whether there are powers under the charter and other laws that they are not fully taking advantage of.

3. Explore the possibility of a button on the City website to solicit comments and ideas for the Commission.
4. Write an op-ed piece for the Warwick Beacon to appear in September.

The members then set future meetings through the end of September: July 13, 27; August 10, 31; and September 14, 28.

Meeting Adjourned: 8:10 pm

**Meeting of the Charter Review Commission  
July 13, 2010  
Warwick City Hall  
City Council Chambers  
3275 Post Road  
Warwick, RI 02886  
6:30 pm**

**Members:**

Richard Cascella – Absent  
William Russo – Present  
Jonathan Seamans- Present  
Laura Wilkinson- Present

Attendees: Robert W. Martin, e-Government Specialist, MIS, City of Warwick

There were no members of the public present.

Time Started: 6:45 pm

**Minutes:**

The minutes from the June 25, 2010 meetings were reviewed, corrected and unanimously approved as corrected.

**Discussion:**

Mr. Martin gave the Commission a demonstration of a beta site for our Commission where we could put up a survey with questions for the public to answer. Ms. Wilkinson had prepared a list of survey questions that the Commissioners will review and comment on for our next meeting.

The Commissioners also discussed the possibility of creating a press kit to send to the Warwick Beacon in September in order to inform the public about our mission. The release would include notice of a special public forum to be held to give citizens the right to be heard on our issues.

The members also discussed finding articles on certain of our topics to put on the website.

The next meeting will be held on July 27.

Meeting Adjourned: 8:20 pm

**Meeting of the Charter Review Commission  
July 27, 2010  
Warwick City Hall  
Lower Level Conference Room  
3275 Post Road  
Warwick, RI 02886  
6:30 pm**

**Members:**

Richard Cascella – Present  
William Russo – Present  
Jonathan Seamans- Present  
Laura Wilkinson- Present

There were no members of the public present.

Call to order: 6:50 pm

**Minutes:**

The minutes from the July 13, 2010 meetings were reviewed, corrected and unanimously approved as corrected.

**Discussion:**

The Commissioners reviewed the draft survey questions prepared by Commissioner Wilkinson and gave comments. Ms. Wilkinson will send a revised draft in time for discussion at the next meeting.

The next meeting will be held on August 10, 2010.

Meeting Adjourned: 7:45 pm

**Meeting of the Charter Review Commission**  
**August 10, 2010**  
**Warwick City Hall**  
**Lower Level Conference Room**  
**3275 Post Road**  
**Warwick, RI 02886**  
**6:30 pm**

**Members:**

Richard Cascella – Absent  
William Russo – Present  
Jonathan Seamans- Present  
Laura Wilkinson- Present

There were no members of the public present.

Call to order: 6:37 pm

**Minutes:**

The minutes from the July 27, 2010 meetings were reviewed and unanimously approved.

**Agenda:**

It was noted that the agenda for this meeting erroneously referred to August 27 as the Commission's last meeting instead of July 27.

**Discussion:**

The Commissioners reviewed the draft survey questions prepared by Commissioner Wilkinson and gave comments. Questions were raised about who actually prepares the budget and has taxing authority, and Chairman Russo will confirm and get back to Ms. Wilkinson so the survey can be finalized at the next meeting. Once final, she will prepare a duplicate survey for elected officials that will omit questions 1, 2 and 12.

Chairman Russo will prepare a draft e-mail to send to public officials for the rest of the Commissioners to review and comment on. That e-mail will attach the survey and will invite them to attend one of our future meetings.

The next meeting will be held on August 31, 2010.

Meeting Adjourned: 7:34 pm

**Meeting of the Charter Review Commission**  
**August 31, 2010**  
**Warwick City Hall**  
**Lower Level Conference Room**  
**3275 Post Road**  
**Warwick, RI 02886**  
**6:30 pm**

**Members:**

Richard Cascella – Present  
William Russo – Present  
Jonathan Seamans- Absent  
Laura Wilkinson- Present

There were no members of the public present.

Call to order: 6:35 pm

**Minutes:**

The minutes from the August 10, 2010 meetings were reviewed and unanimously approved.

**Discussion:**

*Draft Survey.* The Commissioners gave final sign off on the draft survey questions prepared by Commissioner Wilkinson.

*E-Mail to Public Officials.* Chairman Russo prepared a draft e-mail to send to public officials for the rest of the Commissioners to review and comment on. That e-mail will attach the survey and invite them to attend one of our future meetings to be held on September 15 or 28 or October 12. Ms. Wilkinson had some suggestions so will revise and e-mail to the rest of the Commissioners for approval. Once approved, Chairman Russo will send to Joanne for her to e-mail to the elected officials. The survey will be attached.

*Future Meeting Dates.* The Commissioners voted to move its next meeting to September 15 to avoid holding a meeting on the night of the primary election. It also set its October meetings for October 12 and 26.

*Public Forum.* The date of the public forum is tentatively set for October 26, assuming that the City Council Chamber is available. Chairman Russo will check with Joanne and let us know.

Mr. Cascella suggested that the Commission send a notice about the public forum to all of the Warwick School PTAs for them to distribute to their members. He will get an e-mail list of the PTA Presidents for that purpose.

Ms. Wilkinson will draft a press release for the Warwick Beacon for our next meeting. It would need to be finalized and sent to the Beacon by October 15 so that it gets into the paper in time for the public forum.

*Extension of Due Date for Report.* The Commissioners agreed to ask City Council Chairman Place for a 90-day extension until January 31, 2011 to finish and present its report.

The next meeting will be held on September 15, 2010 [**note change in date**].

Meeting Adjourned: 7:25 pm

**Meeting of the Charter Review Commission**  
**September 15, 2010**  
**Warwick City Hall**  
**Lower Level Conference Room**  
**3275 Post Road**  
**Warwick, RI 02886**  
**6:30 pm**

**Members:**

Richard Cascella – Absent  
William Russo – Present  
Jonathan Seamans- Present  
Laura Wilkinson- Present

There were no members of the public present.

Call to order: 6:45 pm

**Location of Meeting:**

The meeting was moved to council chambers because there were boxes of ballots from the primary election in the Lower Level Conference Room. Ms. Wilkinson posted a sign in case any member of the public tried to attend.

**Minutes:**

The minutes from the August 31, 2010 meetings were reviewed and unanimously approved.

**Discussion:**

*Draft Survey.* Chairman Russo talked to Mr. Martin about putting the survey on the website. He has been very busy since he met with us on other City website issues, but will get to this as soon as he can.

*E-Mail to Public Officials.* The e-mail with the survey was sent to public officials to invite them to attend one of our future meetings to be held on September 15 or 28 or October 12. Mayor Avedisian completed the survey and sent it back. Chairman Friel will be attending our September 28 meeting. Two other members of the school committee responded, but have not yet told the Commission when they will attend. Other than those officials, we have had no other response to the e-mail. Commissioners will have questions ready to ask Mr. Friel at the next meeting.

*Future Meeting Dates.* The Commissioners voted to move its next meeting to September 15 to avoid holding a meeting on the night of the primary election. It also set its October meetings for October 12 and 26.

*Public Forum.* The date of the public forum is set for October 26 in the City Council Chambers. Ms. Wilkinson drafted a notice about the public forum to all of the Warwick School PTAs for them to distribute to their members. Ms. Wilkinson also drafted a press release for the Warwick Beacon for our next meeting. The Commission gave comments and Ms. Wilkinson will revise for the next meeting.

*Extension of Due Date for Report.* Mr. Russo asked City Council Chairman Place for a 90-day extension until January 31, 2011 to finish and present its report. Chairman Place is presenting this to the Council for approval

The next meeting will be held on September 28, 2010.

Meeting Adjourned: 7:25 pm

Meeting of the Charter Review Commission  
September 28, 2010  
Warwick City Hall  
Lower Level Conference Room  
3275 Post Road  
Warwick, RI 02886  
6:30 p.m.

Members:

Richard Cascella - present  
William Russo - present  
Jonathan Seamans - present  
Laura Wilkinson - absent

Members of the public were Thomas Johnson and Eugene Nadeau

The meeting was called to order at 6:35 p.m.

Minutes:

The minutes from the Wednesday, September 15, 2010 meeting were not addressed or approved due to the commission moving right into the interviews of Mr. Christopher Friel and Ms. Lucille Mota-Costa.

Discussion:

Mr. Friel and Ms. Mota-Costa agreed to be tape recorded for the purpose of accuracy and providing information to Ms. Wilkinson who could not be present for the meeting. Notes from that tape recording will become an amendment to these minutes. (Additionally, see attached Letter to the Editor by Mr. Friel that was sent to the Warwick Beacon.)

During the public commentary, Mr. Johnson had no comments. Mr. Nadeau (candidate for School Committee) had comments and they were addressed by both members of the commission and the guest speakers.

The meeting was adjourned at 8:45 p.m.

Tape recorded Charter Review-Schools Meeting notes, September 28, 2010, 6:30 p.m. lower level city hall.

Present: Jonathan Seamans, Richard Cascella, William Russo

Others: Christopher Friel, Lucille Mota-Costa, and public members Thomas Johnson and Eugene Nadeau.

Mr. Friel was told that Laura Wilkinson could not attend the meeting. He was then asked if he had any objections to having the meeting tape-recorded. He answered, "No." To paraphrase, I believe he said something to the effect, "I don't have a problem with that."

The opening statement consisted of Russo stating that we would dispense with the reading of the last meeting's minutes. The mission statement of the committee was then read.

Friel said that he was at the meeting "on my own behalf." He was not speaking in an official capacity as Chairman of the School Committee. He was elected to the SC in 2004 and has been chairman for last four years.

Said there was a trend in the south and west toward appointed SC's. 80% are now elected. (Boston, NY, & Albuquerque are appointed).

He prefers elected. Appointed SC's are answerable to a few people. Elected SC's are answerable to the electorate.

Friel believes SC should be eliminated. Role has been eviscerated and taken over by Fed and state mandates. They have become a "rubber stamp." Now they don't have control over day to day operations. (Lucille Mota-Costa offered Montreal and Quebec have done away with their SC's and the experiment is working well.)

Suggestion; City Council subcommittee. Consolidate some school functions with city; for instance building and grounds, finance, etc.

Regarding the questions on our survey pertaining to has the SC been financially responsible to taxpayers, Friel said yes. Should the CC have line item veto power, he said no. Should the CC ratify school contracts, he answered, "it would be a disaster." (I believe this same word/position was taken by teacher union president at the public forum.) Friel said CC ratification would be in violation of state law.

Friel: taxing authority not a wise decision. He quoted Senate 30-50 pointing out tax caps.

Said there could be (over time) more consolidation like a Kent County School District.

He thought finances would be difficult to merge between city and School Department; in part because Sdept has to send reports to the state on a regular basis.

Ms. Mota-Costa approached table to speak on E-Rate. Said Dept. of Ed and Feds bureaucracy prevents inroads into MIS services. This bureaucracy makes it difficult to monitor. Dept. of Ed says it has to do checks and balances and does not have the staff to do so.

Discussion on taking the SC out of negotiations and have the Mayor negotiate directly with the WISE and teacher unions. (WISE (custodians, plumbers, electricians, groundskeepers, bus monitors & aids, etc.) has historically been apart from managers, middle managers and teachers. They have no binding arbitration.)

Friel: Future of SC not bright. Gave an example of getting involved in decisions regarding parent and community groups wanting to sell ice cream and cupcakes in the school as a fundraiser.

Mota-Costa: Remember, the issue is children and everyday education.

Friel: An elected Superintendent would be hesitant to make difficult decisions.

End.

Meeting of the Charter Review Commission - Schools  
October 12, 2010  
Warwick City Hall  
Lower Level Conference Room  
3275 Post Road  
Warwick, RI 02886  
6:30 p.m.

Members:

Richard Cascella - present  
William Russo - present  
Jonathan Seamans - present  
Laura Wilkinson - absent

Member of the public in attendance was Mr. Thomas Johnson

The meeting was called to order at 6:30 p.m.

Discussion was held to finalize press releases to be released on/about October 15, 2010, to the Warwick Beacon, Providence Journal, and Amy Galipeau of Warwick PTA's.

The release, as prepared by Laura Wilkinson, was accepted with the additional wording to reflect that the public can suggest their own questions and comments to our on-line website hosted under the umbrella of the City of Warwick website.

During the public comment section of the meeting, Mr. Johnson addressed the need for the number of administrators presently employed by the school department to run the system. There was a short discussion on this topic and Mr. Johnson could ask those questions to Mr. Horoshack or other administrators should they speak before this commission.

A motion to close the meeting was made and seconded.

Meeting adjourned at 6:59 p.m.

(Minutes recorded by Mr. Cascella)

**City of Warwick  
Charter Review Commission**

**October 26, 2010**

**Public Forum  
Minutes**

The meeting was called to order at 6:45 p.m.

All commissioners were present.

Eleven members of the public were present.

Chairman **Russo** opened the meeting with the attached remarks.

**Patrick Maloney**, School Committee member, spoke using the survey as a guide.

School committee should be elected by people. He sees himself representing the people electing him. He has received over 1,000 e-mails over the past 2 years so he knows that people are paying attention and want representation.

Line item veto: He feels as he was very responsive to city—at no time if the Mayor or the City Council came to him and told him they had concerns did he not research. He feels that communication is lacking—he often reads about an issue in the media and no one came to him about issue.

**Russo:** How to improve communication with the city? **Maloney:** he would not be opposed to moving to a 7 member committee, 5 elected and 1 appointed by each of Mayor and the City Council. This would give a direct link to the city side. Appointed School Committee would also work as long as the members would represent the people and not those who appointed them.

**Commissioner (not sure who):** Does your role give you enough power to stop something at School Department you don't like. **Maloney:** first, tells people to resolve at that point. If in policy and not followed, then he would bring to the attention of the superintendant. If there is a need for a new policy to deal with the problem, the School Committee would suggest and try to deal with it. Superintendent is reasonable, approachable and listens to the School Committee.

**Maloney:** On RI website, the duties and responsibilities of a School Committee member are there and he refers back to them as he serves.

**Wilkinson:** How much time do you spend on issues relating to education itself vs. money and personnel issue? Could you split these roles between School Committee dealing with education issues and city dealing with money/personnel issues? **Maloney:** School Committee is looked at as a rubber stamp, and doesn't have ability to regulate education. This is true to a certain extent because of state and federal mandates. 87% of budget is salaries/benefits. So everything else

has to be taken out of 13%. They spend 2 to 3 months on the budget. Altogether, he thinks the School Committee spends 75% of its time looking at something other than budget.

**Maloney:** Split the roles between finance and personnel vs. school policy issues. Could consolidate certain areas—look at the way other cities have handled. He wouldn't have a problem consolidating services with other nearby cities. He would like to look at regionalization rather than giving certain roles to the city. He thinks it's important to have people who are specialized in school issues dealing with those issues. Combining things like information technology—would lose money if we did that—he will forward information. However, could combine some roles.

**Cascella:** Wilkinson is asking whether the School Committee could do the educational piece without the finance piece. **Maloney:** Thinks taxpayers would want representation by School Committee members

**Maloney:** Not been in situation where over budget, but communication is bad. Communication is a big problem.

**David Testa:** Father of 3 children. Resident 18 years. Running for School Committee. Little evidence that appointed School Committee is better than elected, other than in large urban districts. 96% of School Committees in US are elected. He feels School Committees are directly accountable to the people. He is worried about political influence because the City Council is inherently political. Obstacle between the School Committee and the people. Reason for this is the circus surrounding budget and a flaw in the personalities. City should have representatives as part of negotiating team, to be ratified by School Committee. Having them at table gives them ability to influence the biggest part of budget.

**Testa:** Nationally, 80% of School Committees have taxing authority—huge issue. Needs to be researched.

**Testa:** Has an issue with this commission not having someone appointed by the School Committee.

**Testa:** He doesn't think there's a systemic problem—it's just a communication issue and relationship between city and School Committee.

**Russo:** 80% have taxing authority? **Testa:** Information comes from ECS.org (?) He can send to us.

**James Ginolfi** (President of teachers' union): Address issue of appointed vs elected School Committee, a question that has been debated and played out many times in US. In RI, only two appointed School Committees, Providence and Central Falls. Has the change from elected to appointed improved public education in those cities? Those who favor elected believe it encourages citizens to take a more active role; elected School Committees are more insulated from local politics; and members are more independent. Those who favor appointed think that

there are people of quality who won't run but would serve ; mayor held more accountable if making appointments.

**Ginolfi:** Examples of effective School Committee: student achievement, resources available to meet needs for achievement and budget; expertise re: policy and regulations; stakeholder engagement—mechanisms for students, taxpayers, etc to be involved.

**Ginolfi:** Decisions made by the School Committee have a long-term effect on the community. Before make decision re: elected vs. appointed—urge us to do extensive research as to pros and cons. Don't let current situation guide decision.

### **Dr. Peter Horoschak**

When he looks at different ways to manage schools, 32 yrs of experience of being superintendant. Deputy commissioner in CT worked with state board. Most significant aspect—learned that very best School Committee members are the ones who are most interested in youth, are knowledgeable about issues and work with School Department, teacher organizations, parents. Takes a great deal of time and commitment and learned expertise. School Committee has many tasks—4 major responsibilities:

1. Setting policy for school district—not just looking at how system operates—determining parameters within which the school department acts—OK with state and fed regulations.
2. School Committee is responsible for hiring the superintendant. Done on a contract basis so no tenure—being able to demonstrate to meet needs of system.
3. Accountability—issues such as appropriate use of finances, seeing that system is run with fairness as to all members of school community
4. Be informed and focused on needs and education of young people—primarily—generally should not be interested in seeking other office because their duty is to children. Issues may be that they have to make hard decisions.

School system operation. He is responsible also to state of RI—much more prescriptive as to responsibility and management and leading educational enterprise. Own personal view is that losing local control is not to benefit of students. Seems to be slipping away as more resources are directed from state and federal so then want more and more control.

When it comes to looking at educational governance, in New England, we are fiscally dependent—depend on city to provide funding. Other system also that of fiscal independence—school system taxes. Either one is workable as long as quality of people is such that they are focused on needs of young people.

What operational matters could be taken over by city—school department functions are much larger than the city's and would overwhelm city because of how much has to be done and because of specialized regulations. No problem, for example, with building and grounds being part of city, as long as there are means that appropriate attention and resources given to school

facilities. Finance, MIS functions would be tough. A lot that would have to be worked out to make operations come together.

Same thing with finances—to assure that they are being properly directed to needs of school system as needed. What assures that—although city allocates local funds, up to the School Committee to determine how they will be spent. Check and balance he thinks is very important. Don't want to pull away from focus, which is the students and their education. Primary importance to community. Therefore whoever governs the schools must have primary focus on needs of young people and their education.

**Russo:** appears that city attempting to consolidate. **Horoschak:** Wrong to think that efforts are being put forth by city and not by school department, or that the school department never approaches city to consolidate anything. Ongoing communication with city administration and appear before city council on matters on which they need to rule. Approached city to release money for bonds to do big work—did not want to raise deficit, so city has very direct influence. School department looked for other opportunities—funding through fed govt.

**Russo:** Does the school department have a full time grant writer? **Horoschak:** No, but someone has responsibility for that as well as for federal funds received. Best example is special education—fed govt has determined what special ed has to be provided but never funded.

**Horoschak:** Elected School Committee keeps it closer to people

**Russo:** any experience with appointed vs. elected School Committee? **Horoschak:** No.

**Seamans:** how would you characterize communication situation between school department and city? **Horoschak:** I've been criticized for not communicating enough. It's something that those who have best interest of schools can figure out. Major accountability of his is to School Committee. Part of his direct responsibility. He feels important aspect of superintendent's job to communicate with city. What means do you have to get out the info? Are you being open to make sure that proper info gets out?

**Wilkinson:** What do you think about city participating in negotiating/ratifying union contracts?

**Horoschak:** Doesn't have experience with that. He does know that there can be very harsh views of how contracts have been structured and managed after being agreed upon. Best arrangement: have local School Committee negotiate contracts and do it with the fiscal realities of community. Better to work out between School Committee and union—his experience.

**Cascela:** what about the issue of getting all contracts in line? **Horoschak:** competent School Committee will better understand the best interests of the educational realm and is in better position to work it out with educators that are collectively bargaining. Different because talking about direct service to young people. Important to maintain that relationship. Things that could be done at the state level—proposal to impose a co-share for all public employees in state—nothing happened with that. Would be easier to deal with unions if state had imposed that.

**Cascela:** from a public relations standpoint, seems like both union and school department would gain goodwill if everyone was on the same page with other unions. **Horoschak:** better if done civilly; matter of leadership.

**Russo:** Opportunity to answer question re: city council being involved in teacher contracts.

**Ginalfi:** if you think we have nightmare now, would be awful if had to sit down and get approval by both. Different interests at stake—he thinks you could not do this. OK to give council full authority or School Committee full authority, but not both. Wouldn't want to be in EP.

**Maloney:**

Out of 23 duties on RI website for School Committee, only 3 have to do with budget. School Committee does not need taxing authority, but needs to stay within budget. Law says that if not within budget, must go to City Council within 5 days with plan of how to get within budget.

Mayor has authority to negotiate union contracts with City Council approval—make it more cumbersome. To bring in entity outside that would put politics in it since School Committee is not party and not political. From union side, would be demoralizing if negotiating for months and then have City Council shoot down.

City and schools should work together to get all union contracts in line so can't point to another contract for what they want. Would propose that some things in benefit packages should be the same across the board—should work toward it together—this is where we need to go. Get continuity in contracts.

School Committee looking out for best interests of schools and unions are looking out for best interest of members and that is their job—don't fault them for that.

Why would unions want to sit down with school department if then City Council then had to ratify. Thinks that in an election year, they would ratify and in non-election year, would get tough and not ratify. Easy to get tough when no down side.

Problems:

State mandates are a problem—many monetary decisions are already made, grant money must be used for what it was applied for.

School Committee often doesn't have choice as to where money goes—very short list of discretionary spending.

Since he has been on School Committee, city side has raised budget and schools have level funded—so if School Committee had taxing authority, you'd see that.

School Committee made sound fiscal decisions—closed schools, stopped programs that are not [?]. Why would City Council make better decisions than School Committee?

**Arthur Chapman:** Resident for 63 years, now lives in West Greenwich. Employed by Warwick. Loves website and survey excellent. Consolidation of services—bldg and transportation should be handled by city. School Committee should handle educational part. That way city can take care of buildings, etc., and let School Committee and school department function on the educational piece. Brought up about City Council and School Committee—reason they're separate. City council has to listen to garbage, etc., complaints. City Council doesn't want to handle both. If School Committee were appointed would come back to City Council so think should keep elected. Only problem—Mayor is only person elected by entire city. What need to do is allow Mayor's dept to work more closely with financial section of school department so there is clarity as to what money is going where.

**Horoschak.** Statement re: overall responsibility. 2 School Committee members are elected at large and other 3 have district. Effective compromise so that all have voice.

**Russo:** please go to website if you have comments and/or want to complete survey. Or go through Joanne Couneyor.

Closed meeting at 8:25.

(Chairman Russo's opening remarks to audience)

Welcome to the Warwick City Charter Review Commission - Schools, Public Forum October 26, 2010

- Opening of meeting (Sec of State website for open meetings w/agenda)
- Please take a copy of Article IX of our city charter and survey
- Introduction of elected officials attending
- Introduction of Commission members
- Who has been invited to this meeting? *Emails to all Warwick elected officials, Warwick School Committee, members of the Warwick School Administration, and the public.*
- What do we hope to accomplish here tonight? *(We want your thoughts, ideas, concerns, questions, and any other pertinent information you can offer to assist us in our mission.)*
- What is our mission? *(It is to hear from the general public on how we can improve Warwick city government as it pertains to the role and authority of the Warwick School Committee. We will be looking into the powers, duties, and functions of the School Committee and to make recommendations to the City Council if necessary.)*
- Recently in the news:

*On Oct. 19, 2010, in a Warwick Beacon front page story, Mr. Christopher Friel, Chairman of the Warwick School Committee offered the idea of doing away with the School Committee. A few ideas he brought forth were: 1) Consolidated budgetary control; 2) Uniformity in personnel matters; 3) Streamlining of local government and 4) Improved intra-governmental relations.*

*In that same article, School Committee Member Lucille Mota-Costa give an opposing view on why we should have a school committee.*

- What will be done with this information? *We are charged with preparing a report to members of the City Council on January 31, 2011. Our report may recommend changes, modifications, or maintenance of the status quo. From there, the City Council will send a report, prepared by them, to the members of the Rhode Island Legislators for review and consideration.*
- Public comments

*Everyone will have a chance to speak*

*The Commission would ask you to be mindful of other persons who wish to speak. The Commission will reserve the right to ask a person to relinquish the microphone after a*

*reasonable amount of time; this person can then address the Commission after everyone else has had a turn.*

*Please identify yourself with your name and address*

*Please speak into the microphone so everyone can hear you*

*Please limit your remarks to the topics at hand*

*\*Note: You may ask general questions of the Commission; however, if the question is determined to have an influential effect on our "report in progress", it will not be answered. Our Commission is still listening to the public and elected officials. We are still listening and gathering facts.*

Let us begin.

## Comments from David Testa

One of the main charges of this Commission is to explore the potential value of an elected vs. an appointed school committee. In this debate nationally, there is little evidence to show that an appointed school committee is any more effective than an elected one by whatever measurement one chooses to use – fiscal responsibility, accountability, student achievement, etc – except perhaps in very large, and troubled, urban districts such as Boston & Los Angeles and even in these instances the results are inconclusive.

Local school committees have been an integral part of public education for nearly 100 years. Of the 14,000 local school committees across the country, 96% are elected. Moreover, in 1992, the State of Virginia, which up to then consisted entirely of appointed school committees, put forth a referendum that allowed citizens to decide whether or not their local school committees should remain appointed or be elected. Over 80% of localities chose an elected school committee. And for good reason.

An elected School Committee is a direct link between the citizen and their school's decision-making body and thus directly accountable to the public. To replace an elected committee with a politically appointed one that, by its very nature, would be subject to political influence, whether direct or indirect is simply wrong. First and foremost, doing so removes that direct link and places an additional layer, or obstacle, between citizens and their schools. Worse, this additional layer is a political one. Mayors and City Councils are inherently political entities and as such the majority of, if not all, their decisions are made from a political calculation as much as any other.

A school committee has a singular focus – education. A school committee appointed by a Mayor and City Council blurs that focus because it would not answer directly to the voters. Further, one can look to the current debate over the efficiency, management, and transparency of one city department, the Sewer Authority – an appointed board many of whose decisions are subject to Council approval – and draw their own conclusions as to efficacy of an appointed school committee.

Perhaps the main reason for this whole exercise is the circus that is the annual budget debate and hearings. The acrimony flies and questions of a dubious nature are asked – in some instances concerning issues that occurred, literally, 10 years ago. This is not a flaw in the current governmental structure – it is a flaw in the personalities that operate within this system. This is not to say that the City can not have a seat at the school department table when it comes to negotiating contracts and forming its budget. In fact, I would favor having representatives of the Mayor and City Council be part of the negotiating team for contracts that are subject to ratification by those elected to oversee the schools – the school committee. Since the overwhelming majority of the school budget is salaries and benefits, having the Mayor and Council at the table when negotiating contracts offers them a say in the line item that most impacts the overall school budget.

Empowering a political entity such as the City Council, to ratify school contracts will result in council members being lobbied in the political arena by those interest groups who have a direct

stake in the contract itself. This lobbying can take various forms among which are political campaign contributions that, to my knowledge, do not exist within the non-partisan, elected school committee.

Perhaps it is now time to begin the debate over whether or not to give a school committee the authority to tax. Nationally, 80% of school districts have that authority and it would be wise to investigate exactly how these systems operate and function and whether or not it could work in Warwick. However, this is not something that should be entered into lightly for serious questions would have to be resolved such as how tax rates would be calculated, what the cap on rates would be, whether or not voter approval would be required for rates and/or budgets and on and on. It may very well turn out that this option would not work for Warwick but no one can know that until it is investigated.

Further, I would note that the very composition of this Committee leads me to question its real intent. For a committee that is “...*charged with the responsibility of reviewing those sections of the Warwick City Charter related to the functions, powers, and duties of the School Committee...*” to consist entirely of members chosen by the Mayor and City Council – and not contain at least one member appointed by the School Committee would lead a reasonable person to question its basic fairness.

In closing, I contend that the current system is not the obstacle here. It is a system that has worked for 100 years, continues to work in the majority of communities and is still, evidently, the system of choice across the country. Rather, I would contend that the problem is the human element – the personalities – of those who have served in this system over the years. We grind axes, especially as budget time approaches, we grandstand, we pontificate, we pander, and on and on. It is adults that fill the seats of the School Committee, City Council and the Mayors office. The system works best when all parties act like adults.

Thank You,  
David Testa  
1107 Narragansett Parkway

**City of Warwick  
Charter Review Commission/Schools  
Public Official Survey Response from Patrick E Maloney Jr.**

**Mission Statement**

The mission of the Commission is to review those sections of the Warwick City Charter related to the functions, powers, and duties of the School Committee and make recommendations to the City Council for Charter revisions, if any may be necessary, to those sections of the existing Charter.

**Survey Questions**

**1. Should the School Committee continue to be elected by the citizens of Warwick?**

☒ Yes                      ☐ No                      ☐ Don't know                      ☐ Don't care

The voting for and having chosen representation is the very cornerstone of democracy. When I was in the military, I was proud to serve so I could support democracy.

**2. If your answer is no, should the School Committee be appointed by the Mayor, with confirmation by the City Council?**

☐ Yes                      ☐ No                      ☐ Don't know                      ☐ Don't care

Currently the Mayor has taxing authority for the City of Warwick (with the City Council having veto power), including funds that are allocated to the School Department. However, the Mayor can only allocate a total amount to the School Department in the budget and neither the Mayor nor the City Council has any approval authority over spending by the School Department.

**3. Should the Mayor/City Council have line item veto approval over items in the school department budget?**

☐ Yes                      ☒ No                      ☐ Don't know                      ☐ Don't care

No, they should communicate their concerns to the School Committee directly and not through the Warwick Beacon and Providence Journal or other media, especially after the fact.

**4. Should the Mayor/City Council have authority to approve School Department purchases that are over a designated amount?**

☐ Yes                      ☒ No                      ☐ Don't know                      ☐ Don't care

If that amount would cause the School Committee to go above their budget for the year, the Mayor and City Council should make their concerns known. The School Department should

never go over budget without making the Mayor and City Council aware of the issue BEFORE going over budget.

- 5. Should the School Committee and not the Mayor/City Council have taxing authority for school purposes (so that the body that is spending the funds is responsible and accountable for taxing)?**

☐ Yes                      ☒ No                      ☐ Don't know                      ☐ Don't care

The School Committee does not need taxing authority; the School Committee needs to stay within the budget. Costs do go up every year in education, salaries, heat, oil, etc. it is a fact. Schools are not exempt from this reality. One reason for a rise in costs is that teachers are not retiring and the only teachers that leave the system each year are new hires. The majority (near 85%) of the teachers in Warwick are at top step. This can be looked at as a benefit to the students that they have teachers with so much experience. This is also a problem that needs to be resolved at the State level through Pension reform and continued use of antiquated business practices like COLA.

- 6. Should the Mayor have the authority to negotiate union contracts for School Department employees, including teachers, with City Council ratification?**

☐ Yes                      ☒ No                      ☐ Don't know                      ☐ Don't care

- 7. Should the School Department continue to have authority to negotiate union contracts for School Department employees, including teachers, but with City Council ratification instead of School Committee ratification?**

☐ Yes                      ☒ No                      ☐ Don't know                      ☐ Don't care

The Mayor negotiates and the City Council ratifies all municipal union contracts, except for union contracts for school department employees. The School Department negotiates and the School Committee ratifies all union contracts for School Department employees, including teachers. If we split up the school and city taxing, the taxpayers would see which entity is causing the taxes to go up. I believe level funding to the schools has happened for the last several years including a cut of 5% to the schools this year. But with that fact, the taxes HAVE gone up each year. If the taxes are going up and the budget on the school side stays the same or goes down 5%, the only reason this would happen is if the city side has additional expenditures and is causing taxes to go up.

I believe it would be beneficial for the Mayor to designate a person and the City Council should designate a person to sit in negotiations with the School Unions so they can be fully aware of the negotiations.

I also believe the City and Schools should work together to get all union terms in line so as to not allow one union to look to another union's benefit package and point to that as what they want. This does not work to the advantage of any city representatives. It only works to the benefit of the Unions.

Why would the School unions want to sit in negotiations with the School Department when the school department would have to present the proposals to the city council for their ratification? They will not. I will tell you now, every year there was an election, the city council would vote to ratify and give the unions what they want. And every non-election year, the city council would vote to not ratify as a way to show how tough they are on the School union. Entering one more body into the negotiation would muddy the waters and would accomplish nothing.

I also do not like the idea of putting the full power into one individual or his appointees. We have seen time and time again in RI, with examples as recently as Johnston and Central Falls what can happen if one or few are involved with the process. There are those that would take advantage of the situation and use it to their advantage and not make decisions for the benefit of the people.

**8. Should School Department union contracts be negotiated by a team made up of representatives of the Mayor and the School Department, with City Council ratification?**

☐ Yes                      ☒ No                      ☐ Don't know                      ☐ Don't care

My feelings on City council ratification: If the city council wants to ratify the school contracts, they should have run for school committee not city council. The school committee is non-partisan for a reason; it keeps the politics out of the decision making of education.

**9. Should School Department union contracts be negotiated by a team made up of representatives of the Mayor and the School Department, with School Committee ratification?**

☒ Yes                      ☐ No                      ☐ Don't know                      ☐ Don't care

I would not be against this as long as the representatives took direction from the School Committee Chair and did not deviate from the agenda of the School Committee. I would also like to have the Mayor and City council or a representative attend each School Committee meeting. They can get any information they need by simply asking for it. In the last 2 years, the only time I have seen a Council member at a School Committee meeting was at the Warwick Neck/Greene School Consolidation meetings. And at that time the city council person did not bring calmness to the situation. They continuously and publicly blasted the School Committee during this emotional time for parents and students and worked the crowd for votes and political gain.

**10. Do you have any ideas, comments or questions on the topic of the relationship between the School Department and the City?**

State mandates are a problem. Outside of salaries, there are still many monetary decisions that are already made for the schools. The schools must follow State guidelines for mandates. The schools must spend money for anything that a Grant that was applied for specified. To say that the City Council or Mayor does not have the power to say where money goes, many times, especially in this economic climate, the School Committee does not have a choice either. We must pay employees, we must have heat and lights, the list of discretionary spending and a very short list as the superintendent stated during the budget hearings. Since my time on the School

Committee if the schools had a separate taxing authority, it would have been easily seen that the city side has raised taxes to cover expenses and the schools have cut expenses to stay within the budget.

When I was elected, I raised my right hand and promised to follow the laws of the State and City. I promised to do the right thing with regards to education and every decision that I make includes thinking about how to pay for what is being implemented. The School Committee is not a rogue committee that must be controlled. The school committee, in recent years, has made sound fiscal decisions including closing schools, which had not been done in 30 years, ending programs; that were loved by faculty and students but were not valid given the requirements the State has imposed as graduation requirements. The School committee has made very difficult decisions recently regarding pay freezes and benefits that the City Council is not prepared to make.

Why would the City Council make better decisions than the School Committee when it seems they are not prepared to make those decisions now for their own respective areas.

In the end, the School Committee, the City Council and the Mayor can be great partners and advocate for each other or they can publicly fight and point fingers at each other rather than work together to accomplish things for the citizens and students of Warwick. I have observed few times when the groups have worked together during the last 2 years, but more often than not, I have been a witness to finger pointing and blaming others for the predicaments we are in now.

I feel that for the city council to take over the demands of the schools would be a daunting task and I believe that the city council is too busy to deal with school issues. They may not even be knowledgeable of school issues. I believe that the politics would not be kept out of education.

I believe that this school committee has done a great job for the citizens of Warwick and to do away with this committee would harm the citizens and taxpayers of Warwick. It has been said many times that the school committee is a rubber stamp for the school administration. I do not believe that the school committee is a rubber stamp for the School Administration to push an agenda.

This has been proven time and time again with each vote that has descent. It is true that many times the School Committee will vote in approval of an administrative recommendation, but many times the school committee has questions of or just outright questions the administration. We have voted down recommendations and changed policies that the public has had issues with despite the administration recommending the opposite. This was most recently seen in the vote to change the end of year student evaluations and exams and a vote against hiring additional staff at the administration building itself. Many times, I will call or email the superintendent with concerns of my constituents or concerns that I have with upcoming events or school issues. I would also like to note that a vote to extend the contract of the superintendent was approved 3-0 and not 5-0. This is a clear indication to me that the school committee IS representing the constituents and questioning the effectiveness at all levels and is not a rubber stamp.

It cannot be ignored that the State and Federal Guidelines for education are constantly increasing. I would like all school committees to get together through the state and make their

concerns known to the Department of Education through entities like the RI Association of School Committees. I believe legislation can be changed to allow schools to educate and legislature to govern without impeding on education.

The School Committee is comprised of individuals who stand up for the citizens of Warwick and many times question the administration privately and publicly for the benefit of the citizens of Warwick. I hope that the Charter Commission was formed to truly get answers to what would work best for the citizens and students of Warwick.

If you have any additional questions for me, please do not hesitate to contact me directly.

Sincerely,

Patrick E. Maloney Jr.  
Warwick School Committee-At-Large

**Meeting of the Charter Review Commission**  
**November 23, 2010**  
**Warwick City Hall**  
**Lower Level Conference Room**  
**3275 Post Road**  
**Warwick, RI 02886**  
**6:30 pm**

Members:

Richard Cascella – :Present  
William Russo – Present  
Jonathan Seamans- Present  
Laura Wilkinson- Present

There were no members of the public present.

Call to order: 6:55 pm

**Minutes:**

The minutes from the public forum held on October 26, 2010 were reviewed and unanimously approved as revised.

**Discussion:**

The Commissioners discussed the comments made at the public forum. It was noted that very few people attended (11) and that the majority of those were “interested” parties, i.e., school committee members, the Superintendent, Union president, so that those comments seemed to be slanted toward the particular speaker.

The Commissioners then discussed generally the different ideas for changes to the charter. It was decided that each Commissioner would bring a copy of Article IX to the next meeting, marked up to show how they would change the language.

*Future Meeting Dates.* Chairman Russo will check with Joanne about future meeting dates and will send those dates and times around via e-mail.

Meeting Adjourned: 7:55 pm

**Meeting of the Charter Review Commission  
December 9, 2010  
Warwick City Hall  
City Council Chambers  
3275 Post Road  
Warwick, RI 02886  
7:00 pm**

Members:

Richard Cascella – :Present  
William Russo – Present  
Jonathan Seamans- Present  
Laura Wilkinson- Present

There were no members of the public present.

Call to order: 7:05 pm

**Minutes:**

The minutes from the November 23, 2010 meeting were reviewed and unanimously approved as revised.

**Discussion:**

The Commissioners discussed the format of the report and initially believe it should be sent to the mayor and city council by e-mail and CD. The Commission would also post its report on the City website.

The Commissioners then discussed each section of Article IX of the charter, using Commissioner Wilkinson's marked copy as a starting point. Chairman Russo will begin drafting the introduction to the report to be presented at the next meeting, and Commissioner Wilkinson will draft changes to the charter. Jonathan Seamans is to send Ms. Wilkinson his justification for a fully appointed school committee and the procedure for nominating used by the Judicial Nominating Commission.

*Future Meeting Dates.* The Commission set meeting dates for January 11, 18 and 25 so it will have sufficient time to finish the report by January 31, 2011. Chairman Russo asked that each Commissioner e-mail Joanne as to their availability on those dates. Next meeting is December 21, 2010 at 7 p.m.

Meeting Adjourned: 8:45 pm

**Meeting of the Charter Review Commission  
December 21, 2010  
Warwick City Hall  
City Council Chambers  
3275 Post Road  
Warwick, RI 02886  
7:00 pm**

Members:

Richard Cascella – :Present  
William Russo – Present  
Jonathan Seamans- Present  
Laura Wilkinson- Present

There were no members of the public present.

Call to order: 7:05 pm

**Minutes:**

The minutes from the December 9, 2010 meeting were reviewed and unanimously approved as revised.

**Discussion:**

The Commissioners discussed each section of Article IX of the charter, using Commissioner Wilkinson's revised version as a starting point. Commissioner Wilkinson will draft changes to the charter. Jonathan Seamans is to send Ms. Wilkinson his justification for a fully appointed school committee and the procedure for nominating used by the Judicial Nominating Commission.

*Future Meeting Dates.* The Commission set meeting dates for January 11, 18 and 25 so it will have sufficient time to finish the report by January 31, 2011. Chairman Russo asked that each Commissioner e-mail Joanne as to their availability on those dates. Next meeting is January 11, 2011 at 6:30 p.m.

Meeting Adjourned: 8:45 pm

**Meeting of the Charter Review Commission**  
**January 18, 2011**  
**Warwick City Hall**  
**City Council Chambers**  
**3275 Post Road**  
**Warwick, RI 02886**  
**6:30 pm**

Members:

Richard Cascella – Present  
William Russo – Present  
Jonathan Seamans- Present  
Laura Wilkinson- Present

There were no members of the public present.

Call to order: 6:35 pm

**Minutes:**

The minutes from the December 21, 2010 meeting were reviewed and unanimously approved as revised.

**Discussion:**

The Commissioners discussed each section of Article IX of the charter, using Commissioner Wilkinson's revised version. Commissioner Wilkinson will draft changes to the charter and put together an outline of the report. Jonathan Seamans is to send Ms. Wilkinson his justification for a fully appointed school committee.

*Presentation to Council.* The Commission will try to finish the report by the January 31, 2011 deadline, and Chairman Russo will ask the Council President how he would like the report presented.

Meeting Adjourned: 8:15 pm

**Meeting of the Charter Review Commission**  
**January 25, 2011**  
**Warwick City Hall**  
**City Council Chambers**  
**3275 Post Road**  
**Warwick, RI 02886**  
**6:30 pm**

Members:

Richard Cascella – Present  
William Russo – Present  
Jonathan Seamans- Present  
Laura Wilkinson- Present

There were two members of the public present.

Call to order: 6:35 pm

**Minutes:**

The minutes from the January 18, 2011 meeting were reviewed and unanimously approved. The minutes from the September 15, 2010 minutes which were not approved last fall were reviewed and unanimously approved.

**Discussion:**

*Presentation to Council.* Chairman Russo informed the Commission that City Council President has allocated time for us to present at the February 23, 2011 City Council meeting. The members discussed whether to prepare a powerpoint presentation or just talk through the Report. They also decided to send the Report to the Council, the Mayor and the School Committee a few days before that meeting so they can review the Report prior to the meeting. Chairman Russo will ask the President whether he intends to have public comment at that meeting, and if so, we would release the Report at the same time as giving it to the officials.

*Discussion.* Before discussing the changes to Article IX and the draft report, Chairman Russo raised a number of issues, including whether to require a criminal background check of the superintendant, whether to give the school committee subpoena power. The other Commissioners did not believe that the background check was an appropriate charter provision and that since the school committee is not asking for subpoena power, why would we give it to them. The Commissioners discussed each section of Article IX of the charter, using Commissioner Wilkinson's revised version. Jonathan Seamans is to send Ms. Wilkinson his justification for a fully appointed school committee. They then discussed Ms. Wilkinson's draft report.

*Next meeting.* The Commission will meet on February 8, 2011, to finalize the report.  
Meeting Adjourned: 8:30 pm

**Meeting of the Charter Review Commission**  
**February 8, 2011**  
**Warwick City Hall**  
**Annex**  
**3275 Post Road**  
**Warwick, RI 02886**  
**6:30 pm**

Members:

Richard Cascella – Present  
William Russo – Present  
Jonathan Seamans- Present  
Laura Wilkinson- Present

There were no members of the public present.

Call to order: 6:45 pm

**Minutes:**

The minutes from the January 25, 2011 meeting were reviewed and unanimously approved as revised. The minutes from the October 12, 2010 minutes which were not approved last fall were reviewed and unanimously approved.

**Discussion:**

*Presentation to Council.* Chairman Russo informed the Commission that City Council President has allocated time for us to present at the February 23, 2011 City Council meeting. The members decided not to prepare a powerpoint presentation and to just talk through the Report. They also decided to send the Report to the Council, the Mayor and the School Committee a few days before that meeting so they can review the Report prior to the meeting. Chairman Russo will ask the President whether he intends to have public comment at that meeting, and if so, we would release the Report at the same time as giving it to the officials.

*Discussion.* The Commissioners discussed each section of the draft Report, using Commissioner Wilkinson's revised version. The goal will be to have a final Report completed and to the Mayor, City Council and School Committee on February 17, 2011.

*Next meeting.* Mr. Russo will set a meeting for February 15, 2011 in case the commissioners want to meet again.

Meeting Adjourned: 9:00 pm

**Meeting of the Charter Review Commission**  
**February 15, 2011**  
**Warwick City Hall**  
**Annex**  
**3275 Post Road**  
**Warwick, RI 02886**  
**6:30 pm**

Members:

Richard Cascella – Present  
William Russo – Present  
Jonathan Seamans- Absent  
Laura Wilkinson- Present

There were no members of the public present.

Call to order: 6:35 pm

**Minutes:**

The minutes from the February 8, 2011 meeting were reviewed and unanimously approved. As we do not have another meeting scheduled, the Commission voted to approve the minutes from this meeting by e-mail.

**Discussion:**

*Presentation to Council.* The Commission decided to send hard copies of the Report to Joanne to distribute and also e-mail a pdf copy of the Report to the Council, and the Mayor, and to e-mail a copy to the School Committee and the Superintendent with an offer to send them a hard copy if they so request.

Chairman Russo talked to the President who said that he does not intend for there to be public discussion of the Report at their February 23 meeting. The Commission then decided to ask Joanne to have the Report posted on the website following the February 23 meeting.

The Commission divided up the presentation. Ms. Wilkinson will send an e-mail confirming the members' responsibilities.

*Discussion.* Mr. Russo and Mr. Cascella gave final comments to the Report. Ms. Wilkinson will circulate a final version tomorrow for final sign-off.

Meeting Adjourned: 7:30 pm

## **Appendix C**

### **Warwick City Charter Article IX (current)**

#### **ARTICLE IX. PUBLIC EDUCATION**

##### **9-1. School committee.**

There shall be a school committee consisting of two members-at-large and one district member from each of the three school committee election districts into which the City of Warwick is divided. Present members of the school committee shall hold their respective offices for the remainder of the term for which they were originally elected and until their successors are elected and qualified. At the biennial election to be held on the first Tuesday after the first Monday of November of the year A.D. 1960, and every four years thereafter, there shall be elected two members-at-large of the school committee to serve for the term of four years and until their successors are elected and qualified. At the biennial election in the year A.D. 1962, and every four years thereafter, there shall be elected three district members of the school committee to serve for a term of four years and until their successors are elected and qualified. The general laws of this state shall apply to the voting for the members of the school committee of said city so far as consistent with the provisions of this act; provided, however, that the voting machines or ballot shall contain in a perpendicular column, in an order drawn by lot and uniform type the name of all candidates nominated as hereinafter provided and shall contain no specifications of party or political principle.  
(P.L. 1966, ch. 11, § 3; Ref. or 11-3-98)

##### **9-2. School committee nominations.**

Nomination papers for candidates at large shall be signed in the aggregate by not less than 200 qualified voters. Nominations of district members shall be made by nomination papers signed in the aggregate for each candidate by not less than 100 voters qualified to vote for each of such candidates. Nomination papers for school committee members shall contain no party designation or political principle. If more than twice the number of candidates to be elected to the office of school committeeman shall be nominated, there shall be a primary election to eliminate all candidates in excess of twice the number to be elected to said office. The primary election shall be held in the manner hereinafter provided on the same date as the party primaries in September before each general election, and not more than fifteen or less than ten days before the date set for a special election to fill a vacancy. The canvassing authority shall appoint primary election officials from lists submitted by the candidates, giving representation to all candidates insofar as possible. Candidates shall appear on the ballot, [in the order] drawn by lot with no party designation. The number of persons being twice the number to be elected to the particular office receiving individually the highest number of votes cast in the primary election for individual candidates shall be declared to be the candidates to be voted upon at the election. If no more candidates than the number of offices to be filled shall file, then these candidates shall be declared elected by the board of canvassers.  
(P.L. 1966, ch. 191, § 5; Ref. of 11-3-98)

**9-3. Filling of vacancies.**

If a vacancy occurs in the school committee more than one hundred and eighty (180) days before the time of holding the next succeeding regular city election, the canvassing authority shall forthwith call a special election for the purpose of filling such vacancy for the remainder of the term. If any such vacancy occurs one hundred and eighty (180) days or less, before the time of holding the next succeeding general election, the council may in its discretion direct the canvassing authority to call a special election for said purpose.

**9-4. Chairman.**

The school committee shall meet for organization on the first Tuesday following the first day of January after the election, at such hour as may be fixed by the said school committee and elect one of its members as chairman to serve until his successor is elected and shall adopt its own rules and order of business.

**9-5. Powers and duties.**

The school committee shall determine and control all policies affecting the administration, construction, maintenance and operation of the public schools. The construction of school buildings, shall also be under the direction of the school committee, except that the mayor is hereby authorized to nominate and appoint as many as four taxpayers, who shall be added to the school committee for the purpose of acting jointly with the school committee in the direction of school construction only and for no other purpose and for no longer period of time.

**9-6. Superintendent of schools.**

The school committee shall appoint a superintendent of schools as its chief administrative agent and such other administrative officers as shall be deemed necessary.

**9-7. Appointments and Removals.**

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 or provisions of this Charter. 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.

**9-8. Budget estimates.**

The school committee shall submit budget estimates in the same manner as city 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.

#### **9-9. Purchases.**

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.

#### **9-10. Restrictions.**

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.

#### **9-11. Maintenance.**

At the request of the school committee, the mayor shall 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.

#### **9-12. Financial Report.**

The school committee shall prepare a financial report of its activities which shall be submitted to the mayor and city council within ninety (90) days after the close of the fiscal year, and within six (6) months of the close of the fiscal year, an audited complete financial statement. (Ref. of 11-3-98)

#### **9-13. Compensation.**

The members of the school committee shall receive such salary, if any, as may be prescribed by ordinance.

**Cross References:** For salary of members of school committee, see § 64-3 of the Code of Ordinances.

#### **9-14. Meetings.**

All meetings of the school committee shall be open to the public and all decisions made by the school committee shall be made publicly; provided, however, nothing herein shall deny to the school committee the right to require a meeting closed to the public when the nature of the meeting involves personalities or would be detrimental to education or the public welfare. A majority of the members present shall be necessary to declare a meeting closed to the public. Any decision made during a closed meeting shall be made and announced publicly.

#### **9-15. Alteration of school committee election districts.**

The city council shall, by resolution, prior to the first Tuesday following the first Monday in June before the 1968 general election, realign the school committee election districts to form three districts as nearly equal in population as possible. (P.L. 1966, ch. 191, § 4; P.L. 1967, ch. 130, § 1)

**Appendix D**  
**Warwick City Charter Article IX**  
**(as proposed to be amended)**

ARTICLE IX.

PUBLIC EDUCATION

**9-1. School committee.**

**Alternative 1 (7 members, 3 elected by district and 4 appointed):** There shall be a school committee consisting of one district member from each of the three school committee election districts into which the City of Warwick is divided and four members appointed by the mayor with city council ratification ("appointed members"). The appointed members shall be chosen from the pool of candidates selected by the nominating commission as provided in the second paragraph of this Section 9-1. Present members of the school committee shall hold their respective offices for the remainder of the term for which they were originally elected and until their successors are elected and qualified. At the biennial election in the year A.D. 2014, and every four years thereafter, there shall be elected three district members of the school committee to serve for a term of four years and until their successors are elected and qualified.] The general laws of this state shall apply to the voting for the members of the school committee of said city so far as consistent with the provisions of this act; provided, however, that the voting machines or ballot shall contain in a perpendicular column, in an order drawn by lot and uniform type the name of all candidates nominated as hereinafter provided and shall contain no specifications of party or political principle. The appointed members shall be appointed for a four-year term beginning January 1, 2013. Successors to the first appointed members shall be appointed for four year terms every four years thereafter, until their successors are duly appointed and ratified.

Beginning in 2012, and every four years thereafter, the mayor shall establish a nominating commission by executive order to seek and screen applicants. The nominating commission shall be comprised of residents of Warwick and shall serve for four years until the next nominating commission is established. No commission member shall be an elected official, or be a candidate for public office. or hold any compensated federal state or municipal public office during his or her tenure. The nominating commission shall recommend candidates to the mayor for appointment or re-appointment by no later than October 31 of their year of appointment. The nominating commission shall only nominate residents of Warwick and shall consider, but is not limited to, the following factors in selecting the best qualified nominees: intellect, ability, temperament, impartiality, diligence, maturity, education, record of public, community and government service and training and experience in education, accounting, budgeting or other professional experience, either in the public sector or private business, as will qualify them to be a member of the school committee. The City Council shall confirm the Mayor's final selections before the new Board members officially assume office in January of

the following year

**Alternative 2 (7 members, all appointed):** There shall be a school committee consisting of seven members appointed by the mayor with city council ratification. The members shall be chosen from the pool of candidates selected by the nominating commission as provided in the second paragraph of this Section 9-1. Present members of the school committee shall hold their respective offices for the remainder of the term for which they were originally elected and until their successors are appointed and ratified. Four members shall be appointed for a four-year term beginning January 1, 2013 to replace the present members of the school committee whose term ends on or around such date. Three members shall be appointed for a four-year term beginning January 1, 2015 to replace the present members of the school committee whose term ends on or around such date. Members shall hold office for four-year terms, until their successors are duly appointed and ratified

Beginning in 2012, and every four years thereafter, the mayor shall establish a nominating commission by executive order to seek and screen applicants. The nominating commission shall be comprised of residents of Warwick and shall serve for four years until the next nominating commission is established. No commission member shall be an elected official, or be a candidate for public office, or hold any compensated federal state or municipal public office during his or her tenure. The nominating commission shall recommend candidates to the mayor for appointment or re-appointment by no later than October 31 of their year of appointment. The nominating commission shall only nominate residents of Warwick and shall consider, but is not limited to, the following factors in selecting the best qualified nominees: intellect, ability, temperament, impartiality, diligence, maturity, education, record of public, community and government service and training and experience in education, accounting, budgeting or other professional experience, either in the public sector or private business, as will qualify them to be a member of the school committee. The City Council shall confirm the Mayor's final selections before the new Board members officially assume office in January of the following year

(P.L. 1966, ch. 11, § 3; Ref. or 11-3-98)

***Reasons for changes:***

*\*Please note that Alternative 1 was approved by the Commission by a 3 to 1 vote. Alternative 2 was the suggestion of the dissenting member.*

1. *As noted in the Executive Summary, the Commission observed that one of the major problems is the issue of communication between the school committee, the city council and the mayor. The Commission believes that requiring four of the school committee members to be appointed by the mayor and ratified by the city council will shift the dynamics of the school committee and encourage more open lines of communication between the school committee and the city.*
2. *The Commission believes that having 4 or 7 members appointed rather than elected will enlarge the pool of potential candidates for school committee because there may be many qualified citizens who wish to hold public office but do not want to campaign*

*for election. Appointment would be an opportunity to tap into talents that might not otherwise be available.*

3. *Increasing the size of the school committee from 5 to 7 members will give the school committee more perspective and provide the opportunity to spread the work around. One of the Commission's recommendations is for the school committee to form a finance subcommittee that will meet separately to approve all expenditures to be made by the school department over a threshold as set forth in that section. If it is not possible to give the city council authority to approve expenditures, the Commission believes that an expansion of the size of the school committee and the formation of a finance subcommittee would go a long way toward making the school department accountable to the citizens of Warwick.*

*Dissenting member's view:*

*While the dissenting member agrees with the other members of the Commission that eliminating the two at-large members of the School Committee and replacing them with four appointed members would improve the dynamics, function, and communication between the School Committee and City Government, he believes it does not go far enough. Only through a completely appointed School Committee can the politics of "vote-getting" be eliminated, allowing for a more professional, and less political, School Committee. An appointed School Committee, in concert with the establishment of a School Committee Nominating Commission, would expand the field of qualified, and willing, participants in Warwick public education. This can only result in better outcomes, both for the students and the taxpayers.*

**9-2. School committee nominations. *[delete Section 9-2 if all appointed. Revise as noted if 3 are elected from districts]***

Nominations of district members shall be made by nomination papers signed in the aggregate for each candidate by not less than 150 voters qualified to vote for each of such candidates. Nomination papers for school committee members shall contain no party designation or political principle. If more than twice the number of candidates to be elected to the office of school committeeman shall be nominated, there shall be a primary election to eliminate all candidates in excess of twice the number to be elected to said office. The primary election shall be held in the manner hereinafter provided on the same date as the party primaries in September before each general election, and not more than fifteen or less than ten days before the date set for a special election to fill a vacancy. The canvassing authority shall appoint primary election officials from lists submitted by the candidates, giving representation to all candidates insofar as possible. Candidates shall appear on the ballot, [in the order] drawn by lot with no party designation. The number of persons being twice the number to be elected to the particular office receiving individually the highest number of votes cast in the primary election for individual candidates shall be declared to be the candidates to be voted upon at the election. If no more candidates than the number of offices to be filled shall file, then these candidates shall be declared elected by the board of canvassers.

***Reasons for changes:***

*The changes to this section (or deletion if all members of the school committee are to be appointed) are conforming changes to those made in Section 9-1.*

**9-3. Filling of vacancies.**

Alternative 1 (elected and appointed): If a vacancy occurs in the elected members of the school committee more than one hundred and eighty (180) days before the time of holding the next succeeding regular city election, the canvassing authority shall forthwith call a special election for the purpose of filling such vacancy for the remainder of the term. If any such vacancy occurs one hundred and eighty (180) days or less, before the time of holding the next succeeding general election, the council may in its discretion direct the canvassing authority to call a special election for said purpose. If the vacancy in the school committee is an appointed member, the mayor, with city council ratification, shall appoint a successor for the remainder of the term. The mayor shall convene the nominating commission for this purpose.

Alternative 2 (appointed): If a vacancy occurs in the school committee, the mayor, with city council ratification, shall appoint a successor for the remainder of the term. The mayor shall convene the nominating commission for this purpose.

***Reasons for changes:***

*The changes to this section are conforming changes to those made in Section 9-1.*

**9-4. Chairman.**

Alternative 1 (elected and appointed): The school committee shall meet for organization on the first Tuesday following the first day of January after the election, at such hour as may be fixed by the said school committee and elect one of its members as chairman to serve until his successor is elected or appointed and shall adopt its own rules and order of business.

Alternative 2 (appointed): The school committee shall meet for organization on the first Tuesday following the first day of January after the appointment, at such hour as may be fixed by the said school committee and elect one of its members as chairman to serve until his successor is appointed and ratified and shall adopt its own rules and order of business.

***Reasons for changes:***

*The changes to this section are conforming changes to those made in Section 9-1.*

**9-5. Powers and duties.**

Except as provided in this Charter, the school committee shall determine and control all policies affecting the administration, construction, maintenance and operation of the public schools. The construction of school buildings, shall also be under the direction of the school committee, except that the mayor is hereby authorized to nominate and appoint as many as four taxpayers, who shall be added to the school committee for the purpose of acting jointly with the

school committee in the direction of school construction only and for no other purpose and for no longer period of time.

***Reasons for change:***

*The changes to the Charter would require the school committee to share some of its control with the mayor and the city council.*

**9-6. Superintendent of schools.**

The search committee to locate, interview and recommend the hiring of a superintendant of schools and such other administrative officer as shall be deemed necessary shall be comprised of one representative appointed by each of the school committee, the city council and the mayor. This committee shall bring its final recommendations to the school committee for ratification.

***Reasons for change:***

*Currently, the head of every other major city department is selected by the mayor. The superintendant is a noted exception, with no mayoral or city council input. While the Commission believes the final decision as to hiring of the superintendant and other school department administrative officers should be made by the school committee, it believes that the mayor and city council should be part of the search committee so that they are informed of, and have input into, the process.*

**9-7. Appointments and Removals.**

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 or provisions of this Charter. 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.

**9-8. Budget estimates.**

The school committee shall submit budget estimates in the same manner as city departments, and the city council shall have the authority to review, recommend, approve and reject the budget estimates and appropriations on a line item basis. The allocation of the amounts appropriated shall be determined by the school committee, after receipt of the recommendation by the finance subcommittee.

***Reasons for changes:***

*Currently, every other city department's annual budget is subject to scrutiny by the mayor and the city council. The Commission believes that the mayor and city council should have the same power to review, recommend, approve and reject each proposed line item in the school department's budget. In addition, the Commission believes that this scrutiny would facilitate the identification of areas where the city and the school department could consolidate expenses and save what ultimately is the Warwick taxpayers' money. In fiscal year 2009-2010, the school*

*department budget represented approximately 58% of the total city budget. It is the mayor and city council who are responsible for taxing the citizens of Warwick and they should have some control over expenditures by the school department.*

#### **9-9. Purchases and Finance Subcommittee.**

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.

[The school committee shall establish a finance subcommittee consisting of two appointed and one elected member.] [The school committee shall establish a finance subcommittee consisting of three members.] The finance subcommittee shall approve all expenditures to be made by the school department over a designated threshold amount at a separate meeting to be held for this purpose. At this separate subcommittee meeting, there shall be an opportunity for members of the public to review and question such expenditures. The entire school committee shall ratify the decisions of the finance subcommittee before they shall take effect. Purchases in excess of \$1,000 shall be subject to the same purchasing guidelines as set forth in Section 6-12 of this Charter, except that wherever there is a reference to the city council or mayor, that reference shall be deemed to be to the school committee.

#### ***Reasons for changes:***

*The Commission believes that the school committee should be required to form a finance subcommittee that will consider requests for school department expenditures before those requests go to the full school committee for approval. Requiring that the finance subcommittee meetings to be open to the public and that there be an opportunity for questions and comments from the public would give greater transparency to school department financial decisions and go a long way toward making the school department accountable to the citizens of Warwick.*

*The Commission was given a copy of the School Committee's purchasing guidelines and are aware that this threshold is lower than that currently in use by the City. We believe that this lower threshold would mean that more purchases would be brought forward in an open environment which allows for public comment and discussion.*

*The bracketed items would be worded according to whether members of the School Committee are elected and appointed or are all appointed.*

#### **9-10. Restrictions.**

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.

### **9-11. Maintenance.**

At the request of the school committee, the mayor shall 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.

### **9-12. Financial Reports.**

(a) The school committee shall prepare a financial report showing expenditures to date and an estimate of projected expenditures through the end of each fiscal year, in each case compared to the budget for the comparable period. This report shall be as of a date no earlier than 60 days prior to the close of that fiscal year and shall be submitted to the mayor and city council no later than 30 days prior to the close of that fiscal year.

(b) The school committee shall prepare a financial report of its activities which shall be submitted to the mayor and city council within ninety (90) days after the close of the fiscal year, and within six (6) months of the close of the fiscal year, an audited complete financial statement.

#### ***Reasons for Change:***

*One source of frustration for citizens of Warwick is the lack of communication from the school department and school committee over the status of the budget, particularly at the end of the fiscal year when a new budget is being proposed. The changes to this section would require the school committee to prepare a report that gives the current state of expenditures and an estimate of projected expenditures through the end of the fiscal year. This would better inform the budget process for the next fiscal year's budget and give greater transparency to the budget process.*

### **9-13. Compensation.**

The members of the school committee shall receive such salary, if any, as may be prescribed by ordinance.

**Cross References:** For salary of members of school committee, see § 64-3 of the Code of Ordinances.

### **9-14. Meetings.**

All meetings of the school committee shall be open to the public and all decisions made by the school committee shall be made publicly; provided, however, nothing herein shall deny to the school committee the right to require a meeting closed to the public when the nature of the meeting involves private personnel matters or would be detrimental to education or the public welfare. A majority of the members present shall be necessary to declare a meeting closed to the public. Any decision made during a closed meeting shall be made and announced publicly.

#### ***Reason for Change:***

*The Commission believes that this wording change better describes the nature of the matters that*

*should be kept private by the school committee.*

#### **9-15 Consolidation.**

Once a fiscal quarter, the head of the finance department of the city and the head of the finance department of the school department shall meet with the finance subcommittee of the school committee and the finance subcommittee of the city council to discuss and consider areas where the school department and city can consolidate services and purchases in an efficient manner. Areas to be discussed include personnel, benefits, payroll, purchasing, buildings and grounds, information technology, telephone and any other areas that a member of this group believes could be combined for the mutual benefit of the city and the school department. The head of the finance department of the city shall be responsible for organizing this meeting, which shall be open to the public and to public comment. The recommendations for consolidation or decision not to consolidate (and the reasons why) shall be made public and shall be presented to the city council and school committee for approval by each before implementation.

#### ***Reason for Change:***

*The Commission asked the heads of both the city and school department finance departments to appear before the Commission. While both indicated that they are willing to consider consolidations in functions in order to save taxpayer funds, there is nothing in the Charter currently that requires this. This new Charter section would require a quarterly meeting to discuss such consolidations. This change would also bring transparency to the process.*

*The Commission believes that the level of consolidation that might be achieved going forward is limitless. Staffing what amounts to two separate administrations is a waste of money and efficiency.*

*The Commission notes that voters in Westerly approved the concept of consolidating town and school department support staff through a non-binding referendum question put before them in November. The town manager and school superintendent have presented a plan to the Westerly Town Council and School Committee to share one finance director. This proposal was recently approved by both bodies.*

#### **9-16. Collective Bargaining Agreements.**

Collective bargaining agreements relating to the school department, including those for teachers, other teaching personnel and staff/maintenance, shall be negotiated by a team consisting of at least one representative appointed by each of the school committee, the city council and the mayor. The school committee member shall direct the process of this team. Following such negotiations, the city council shall ratify the agreement before it is presented to the school committee for final approval.

#### ***Reason for Changes:***

*Salaries and benefits relating to the school department account for approximately 85% of this year's school department budget and almost one-half of the city's overall budget. While under the Commission's recommendation, ultimate control of the process stays with the school*

*committee, the Commission believes that representatives of the mayor and city council should be part of the team negotiating those contracts in order to bring those contracts in line with other city contracts. Having representatives from the city also would help make the process cooperative with all constituencies represented.*

*The Commission notes that the teachers' collective bargaining agreement expires on August 31, 2011 and that police, fire and municipal contracts expire on June 30, 2012. The Commission would recommend that the school department and the city work together so that these contracts are negotiated at the same time.*

## **Appendix E**

### **Citizen Survey**

#### **City of Warwick Charter Review Commission/Schools Citizen Survey**

#### **Mission Statement**

The mission of the Commission is to review those sections of the Warwick City Charter related to the functions, powers, and duties of the School Committee and make recommendations to the City Council for Charter revisions, if any may be necessary, to those sections of the existing Charter.

#### **Survey Questions**

- 1. Do you think that the Warwick School Committee is responsive to the citizens of Warwick on matters of school programs and policies?**

☐ Yes                      ☐ No                      ☐ Don't know                      ☐ Don't care

- 2. Do you think that the Warwick School Committee is responsive to the citizens of Warwick on fiscal matters?**

☐ Yes                      ☐ No                      ☐ Don't know                      ☐ Don't care

- 3. Should the School Committee continue to be elected by the citizens of Warwick?**

☐ Yes                      ☐ No                      ☐ Don't know                      ☐ Don't care

- 4. If your answer is no, should the School Committee be appointed by the Mayor, with confirmation by the City Council?**

☐ Yes                      ☐ No                      ☐ Don't know                      ☐ Don't care

Currently the Mayor has taxing authority for the City of Warwick (with the City Council having veto power), including funds that are allocated to the School Department. However, the Mayor can only allocate a total amount to the School Department in the budget and neither the Mayor nor the City Council has any approval authority over spending by the School Department.

- 5. Should the Mayor/City Council have line item veto approval over items in the school department budget?**

☐ Yes                      ☐ No                      ☐ Don't know                      ☐ Don't care

6. **Should the Mayor/City Council have authority to approve School Department purchases that are over a designated amount.**

☐ Yes                      ☐ No                      ☐ Don't know                      ☐ Don't care

7. **Should the School Committee and not the Mayor/City Council have taxing authority for school purposes (so that the body that is spending the funds is responsible and accountable for taxing)?**

☐ Yes                      ☐ No                      ☐ Don't know                      ☐ Don't care

The Mayor negotiates and the City Council ratifies all municipal union contracts, except for union contracts for school department employees. The School Department negotiates and the School Committee ratifies all union contracts for School Department employees, including teachers.

8. **Should the Mayor have the authority to negotiate union contracts for School Department employees, including teachers, with City Council ratification?**

☐ Yes                      ☐ No                      ☐ Don't know                      ☐ Don't care

9. **Should the School Department continue to have authority to negotiate union contracts for School Department employees, including teachers, but with City Council ratification instead of School Committee ratification?**

☐ Yes                      ☐ No                      ☐ Don't know                      ☐ Don't care

10. **Should School Department union contracts be negotiated by a team made up of representatives of the Mayor and the School Department, with City Council ratification?**

☐ Yes                      ☐ No                      ☐ Don't know                      ☐ Don't care

11. **Should School Department union contracts be negotiated by a team made up of representatives of the Mayor and the School Department, with School Committee ratification?**

☐ Yes                      ☐ No                      ☐ Don't know                      ☐ Don't care

12. **Do you have any other questions you think we should add to this survey?**

13. **Do you have any ideas, comments or questions on the topic of the relationship between the School Department and the City?**

## Appendix F

### Public Official Survey

#### City of Warwick Charter Review Commission/Schools Public Official Survey

#### Mission Statement

The mission of the Commission is to review those sections of the Warwick City Charter related to the functions, powers, and duties of the School Committee and make recommendations to the City Council for Charter revisions, if any may be necessary, to those sections of the existing Charter.

#### Survey Questions

**14. Should the School Committee continue to be elected by the citizens of Warwick?**

☐ Yes                      ☐ No                      ☐ Don't know                      ☐ Don't care

**15. If your answer is no, should the School Committee be appointed by the Mayor, with confirmation by the City Council?**

☐ Yes                      ☐ No                      ☐ Don't know                      ☐ Don't care

Currently the Mayor has taxing authority for the City of Warwick (with the City Council having veto power), including funds that are allocated to the School Department. However, the Mayor can only allocate a total amount to the School Department in the budget and neither the Mayor nor the City Council has any approval authority over spending by the School Department.

**16. Should the Mayor/City Council have line item veto approval over items in the school department budget?**

☐ Yes                      ☐ No                      ☐ Don't know                      ☐ Don't care

**17. Should the Mayor/City Council have authority to approve School Department purchases that are over a designated amount?**

☐ Yes                      ☐ No                      ☐ Don't know                      ☐ Don't care

**18. Should the School Committee and not the Mayor/City Council have taxing authority for school purposes (so that the body that is spending the funds is responsible and accountable for taxing)?**

☐ Yes                      ☐ No                      ☐ Don't know                      ☐ Don't care

The Mayor negotiates and the City Council ratifies all municipal union contracts, except for union contracts for school department employees. The School Department negotiates and the School Committee ratifies all union contracts for School Department employees, including teachers.

- 19. Should the Mayor have the authority to negotiate union contracts for School Department employees, including teachers, with City Council ratification?**

☐ Yes                      ☐ No                      ☐ Don't know                      ☐ Don't care

- 20. Should the School Department continue to have authority to negotiate union contracts for School Department employees, including teachers, but with City Council ratification instead of School Committee ratification?**

☐ Yes                      ☐ No                      ☐ Don't know                      ☐ Don't care

- 21. Should School Department union contracts be negotiated by a team made up of representatives of the Mayor and the School Department, with City Council ratification?**

☐ Yes                      ☐ No                      ☐ Don't know                      ☐ Don't care

- 22. Should School Department union contracts be negotiated by a team made up of representatives of the Mayor and the School Department, with School Committee ratification?**

☐ Yes                      ☐ No                      ☐ Don't know                      ☐ Don't care

- 23. Do you have any ideas, comments or questions on the topic of the relationship between the School Department and the City?**

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**From:** Cournoyer Joanne M [joanne.m.cournoyer@warwickri.com]  
**Sent:** Thursday, September 09, 2010 2:47 PM  
**To:** Mayor Scott Avedisian; Christopher Friel; Lucille Mota-Costa; Paul Cannistra; Bethany Furtado; Patrick Maloney, Jr.; Frank G. Ferri; Al Gemma; Joseph McNamara; rep-trillo@rilin.state.ri.us; Michael J. McCaffrey; Leonidas P. Raptakis; William A. Walaska; Eileen S. Naughton; Robert E. Flaherty; Joshua Miller; Erin-P. Lynch; J. Michael Lenihan; Bruce 3; Bruce2; CJ2; Colantuono Steven A; Cournoyer Joanne M; DelGiudice John; DONOVAN JR CHARLES J; Gallucci Raymond E; Helen Taylor; Joe Solomon2; John D2; John H; John H2; Place Bruce S; Ray2; Silvia Brian M; SOLOMON JOSEPH J; Steve C; Steve Merolla; Taylor Helen S; Travis Donna M  
**Cc:** Jonathan Seamans; Wilkinson, Laura; Rick Cascella; Ward 2' Outisde; William Russo  
**Subject:** Warwick City Charter Commission  
**Importance:** High  
**Attachments:** questions for public officials (warwick charter commission).DOC

Honorable Rhode Island State Legislators, Mayor Scott Avedisian, Warwick City Council, and School Committee Members,

On behalf of the Warwick City Charter Commission, please find the email below along with the survey attachment above.

Kindest regards,

Joanne Cournoyer  
City Council Liaison

On April 13, 2010, the Warwick City Council adopted a resolution establishing a Charter Review Commission to examine those sections of the City Charter relating to the School Committee.

The Commission has been considering various options since that time, and would now like to ask you for your assistance in helping Warwick go forward in these challenging times to modify or change how the City of Warwick and its School Department can best meet those challenges. To that end, we would invite you to attend one of our future public meetings to present your thoughts to us on the questions attached to this e-mail.

Our upcoming meeting dates are September 15 and 28 and October 12. We meet at 6:30 p.m. at Warwick City Hall. We will be in the Lower Level Conference Room on September 15 and 28 and in the City Council Chambers on October 12. Ms. Joanne Cournoyer, Liaison to the Warwick City Council, has been our contact person to complete our mission. Please respond to her with a date that you can attend one of our meetings. Her telephone number is 738-2000 ext. 6475 and her e-mail address is [joanne.m.cournoyer@warwickri.com](mailto:joanne.m.cournoyer@warwickri.com).

Thank you and we look forward to seeing you at one of our meetings.

Sincerely,

William Russo, Chairman  
Richard Cascella  
Jonathan Seamans  
Laura Wilkinson