

Rhode Island Home Rule Supreme Court Cases

Chronological Listing

<u>Year</u>	<u>Case Name</u>	<u>Citation</u>
1952	ADVISORY OPINION to HOUSE of REPRESENTATIVES	79 R.I. 277
	Questions answered: 1) Authority of general assembly after adoption of home rule charter? 2) Affirmatively answers questions concerning general assembly's power to legislate concerning the following issues: a) local officers and tenure of office b) fixing time of town meeting c) fixing time of beginning and ending of fiscal year d) parking meters 3) Effect of charters enacted prior to adoption of home rule amendment ?	
1952	ADVISORY OPINION to SENATE	79 R.I. 291
	Questions answered: 1) Acts involving imposition of tax or expenditure of money must be submitted for approval at a general or special election, but cannot be submitted to a financial town meeting; 2) Special acts must also be submitted for approval to a financial town meeting; 3) Special acts must provide essential details concerning elective process.	
1953	ADVISORY OPINION to HOUSE of REPRESENTATIVES	80 R.I. 288
	Questions answered: 1) General assembly has express and exclusive authority concerning how general municipal elections should be conducted; 2) General assembly may, by appropriate legislation, validate any provisions in a home rule charter inconsistent with advisory opinion of supreme court.	
1953	STATE ex rel FLYNN v. MC CAUGHEY	81 R.I. 143
	Home rule amendment did not constitute a general grant of power to city to adopt a home rule charter under which it might control manner of nominating candidates and conducting elections.	

1963	DAVIS v. COUSINEAU	97 R.I. 85
	Removal Issue: Mayor had power to remove officers only on the basis of legal cause as provided by charter language.	
	Appointment Issue: Since charter provisions conflict on power to appoint police officers, court finds that public safety board has this power due to legislative intent to place effective control of police department in the board.	
1964	STATE v. KRZAK	97 R.I. 156
	Police power of state was not transferred to municipalities by home rule amendment, therefore municipality, when implementing penalty ordinance, cannot exceed limitations contained in statute of authorization.	
1964	COLLIER v. CUCULO	98 R.I. 68
	Specific charter language conveyed evidence of legislative intent to confer authority upon town council to acquire land for use as a public dump.	
1964	MORGAN v. THOMAS	98 R.I. 20
	Under civil service system created by charter, personnel cannot be disciplined without notice of grounds and right to a hearing. Personnel appeal board sits as a quasi-judicial body at such a hearing.	
1964	RANELLI v. EDWARDS	98 R.I. 394
	Concerning mayor's authority to appoint city solicitor as acting judge of probate, public laws enacted by general assembly in this case should not be so narrowly construed so as to limit this delegated authority.	
1964	HOWLAND v. THOMAS	98 R.I. 470
	<ol style="list-style-type: none"> 1) Mayor can remove police officer if proper notice and right to hearing given; 2) Personnel appeal board must conduct an impartial hearing, but oral argument not required; 3) Discipline imposed by board was not excessive and beyond authority of board. 	

- 1965 **ADVISORY OPINION to HOUSE of REPRESENTATIVES** 99 R.I. 472
- Question answered: The home rule amendment does not vest the general assembly with the power to legislate that charter commissions be elected to amend the charter. This method is not the prescribed method.
- 1965 **FOX v. CRANSTON PERSONNEL APPEAL BOARD** 99 R.I. 566
- Sound public policy barred collateral attack by individuals on the validity of a de facto municipal corporation, and in this case the validity of the adoption of the home rule charter.
- 1965 **MELLOR v. LEIDMAN** 100 R.I. 80
- Charter provided that removal of city clerk occurs through a quasi-judicial proceeding. As a result, removal required a valid ground for dismissal despite clerk's appointment for an indefinite term by city council.
- 1966 **HENRY v. THOMAS** 100 R.I. 54
- Issue considered by supreme court was timeliness of personnel hearing requested by a classified employee. Conclusion of hearing must occur within a reasonable time after commencement date which is charter mandated.
- 1966 **WALSH v. PAWTUCKET PERSONNEL BOARD** 101 R.I. 187
- Charter vested primary jurisdiction in personnel board to hear appeals of personnel decisions. Decision of the board is subject to judicial review by supreme court under its inherent power to grant certiorari in the exercise of its supervisory function.
- 1967 **REYNOLDS v. LAMB** 102 R.I. 557
- Under charter language no public hearing is required unless requested in a removal from office by the city council situation. Removal from office by city council for lack of residency was valid grounds.
- 1968 **NUGENT v. CITY of EAST PROVIDENCE** 103 R.I. 518
- The reservoir of powers reserved to the general assembly as a repository of the sovereignty of the state includes the power to regulate and control by licensing the conduct of business in an exercise of its police power. Municipalities cannot exercise licensing power unless lawfully delegated by legislature. The right to license is not conferred by authority granted to municipalities to acquire, hold, and dispose of property.

1980 **WARWICK SCHOOL COMMITTEE v. GIBBONS** 410 A.2d 1354

Since, in this instance , there is a legislative charter, it should be looked at to discern the intention of the general assembly regarding the conferring of powers upon the school committee and the finance director. The finance director had a legal duty to determine there was a sufficient unencumbered balance in the budget of the school committee before honoring purchase orders.

1980 **COVENTRY SCHOOL COMM. v. RICHTARIK** 411 A.2d 912

Public education is the responsibility of the state, and various municipal school committees, when discharging their responsibilities, act as agents of the state. The town charter, as expressly validated by the general assembly, was controlling on issue of school committee's right to retain an attorney who was not part of town solicitor's staff.

1980 **MERCIER v. CITY of CENTRAL FALLS** 412 A2d 927

City council possessed authority to enact ordinance mandating retirement age, derived from legislative grant of power to create and regulate pension funds as contained in home rule charter.

1981 **FLYNN, JR. v. KING; WEST GLOCESTER FIRE DISTRICT v. FLYNN, JR.** 433 A.2d 172

Limiting eligibility to vote and hold office in fire district to owners of taxable property within the district denied equal protection to otherwise qualified voters since fire protection was governmental function that substantially affects all residents in the district.

1981 **MONTAQUILA v. ST. CYR** 433 A.2d 206

Charter provisions stating town solicitor and assistant town solicitors serve at the pleasure of someone were not unconstitutional. Also charter provision prohibiting removal because of political affiliation did not apply to this situation.

1981 **STATE v. COOK** 437 A.2d 1360

Although the General Laws do not specifically list a city manager as an official empowered to administer oaths, the city manager under the charter makes all appointments to the police department and is designated as chief executive officer. These duties served to empower manager to administer oaths to officers.

- 1986 **LOCAL NO. 799, I.A.F. v. NAPOLITANO** 516 A.2d 1347
- City charter’s residency requirement for city employees, as specifically validated by state legislature, takes precedence as a special act over any inconsistent general laws prohibiting such residency requirements for teachers and firefighters.
- 1987 **MELLOR v. CLANCY** 520 A.2d. 1278
- Superintendent of schools was employee of school committee, and as such was municipal employee since home rule charter, validated by state legislature, included department of public schools among town’s administrative departments.
- 1987 **WOMEN & INFANT’S HOSPITAL v. CITY of PROV.** 527 A.2d. 651
- Antidiscrimination ordinance enacted prior to adoption of home rule charter was invalid. Municipality lacking home rule charter could not enact antidiscrimination ordinance without specific authorization by general assembly.
- 1988 **CELONA v. RHODE ISLAND ETHICS COMMISSION** 544 A.2d 582
- Town council passage of a resolution authorizing payment of monthly expenses in a fixed sum contravened charter provision prohibiting such form of payment. Town council also violated conflict of interest law by not filing report with conflict of interest commission before taking its action.
- 1989 **PROV. TEACH. UNION LOC. NO. 958 V. NAPOLITANO** 554 A.2d 641
- City employees, employed prior to effective date of home rule charter section imposing residency requirement, were exempt from requirement under grandfather clause.
- 1989 **BRUCKSHAW v. PAOLINO** 557 A.2d 1221
- Regulation of city’s employee pension plan that directly affected only residents of city was not a matter of statewide concern over which state continued to maintain sovereignty after adoption of city home rule charter.

- 1993 **ADVISORY OPINION to HOUSE of REPRESENTATIVES** 628 A.2d 537
- Question asked: Constitutionality of pending legislation which would approve new voting districts in town and remove current office holders?
- Answer: Reapportionment of local voting districts was a matter reserved to cities and towns by home rule article as a local matter relating to property, affairs, and government, and they are free to delineate their own voting districts for local election purposes.
- 1994 **MARRAN, JR. v. BAIRD** 635 A.2d 1174
- Statute vesting the director of state Dept. of Administration with power to appoint a budget and review commission in any city or town was not violative of home rule amendment. Although implementation of statute might affect each town differently, statute, on its face, applied equally to all. Also statute did not alter town's form of government, but merely had an incidental, temporary impact.
- 1994 **PROVIDENCE CITY COUNCIL v. CIANCI, JR.** 650 A.2d 499
- City ordinance requiring ratification of collective bargaining agreements by city council was not in contravention of home rule charter. It was not inconsistent with provision in charter which instructed director of personnel to aid mayor in negotiations with collective bargaining unit.
- 1995 **RETIREMENT BD. of EMPLOYEES' RETIREMENT SYST. v. CITY COUNCIL of CITY of PROVIDENCE** 660 A.2d 721
- The statutes granting the retirement board the authority to invest pension funds were superseded by the home rule charter. The source of the board's authority to invest was not the charter, and, thus, the city council could transfer that authority by ordinance without voter approval.
- 1996 **WARWICK MALL TRUST v. STATE OF RHODE ISLAND** 684 A.2d 252
- Legislation authorizing Economic Development Corporation and city to enter into long-term tax exemption agreement was within general assembly's exclusive reserved power to authorize local taxation, and home rule provision did not require local voter approval.
- 1997 **PROV. TEACHERS UNION v. PROVIDENCE SCHOOL BD.** 689 A.2d 388
- Under home rule charter and other pertinent ordinances, the city council, as the ultimate arbiter of school expenditures, was vested with the final authority to ratify or reject the contract negotiated by the school board and teachers union.

- 1997 **PROVIDENCE TEACHERS UNION v. NAPOLITANO** 690 A.2d 855
- Home rule charter provision requiring all city employees, including those of the school department, to be residents of the city during their employment has never been applied to substitute teachers.
- 1998 **TOWN of WEST WARWICK v. LOCAL 2045, AFSCME** 714 A.2d 613
- Issue of termination of employee was not arbitrable because charter required termination. Charter, as ratified by the legislature, had same force and effect as a statute and, therefore, any dispute relating to its terms was not arbitrable.
- 1998 **HOURIHAN v. TOWN of MIDDLETOWN** 723 A.2d 790
- Under the charter the town council has the power to enact ordinances for the preservation of the public peace, health, safety, comfort and welfare. Ordinances prohibiting the riding of horses on public beaches during the summer months fall within the authorization granted by the above charter provision.
- 1999 **PROV. LODGE NO. 3 FRATERNAL ORDER of POLICE v. CITY of PROVIDENCE; CITY of PROVIDENCE v. PROV. FIREFIGHTERS, LOCAL 799** 730 A.2d 17
- The Municipal Police Arbitration Act and the Firefighters Arbitration Act are acts of general application that supersede an inconsistent home rule charter provision. Ordinances adopted pursuant to a charter provision do not have the same limiting effect as state statutes on an interest arbitration panel.
- 1999 **MUNROE v. TOWN of EAST GREENWICH** 733 A.2d 703
- Development and Subdivision Review Enabling Act, which requires city and town councils to empower planning boards to control land development, was act of general application that would supersede inconsistent home rule charter provision directing town council to act as planning board. Local legislation embodied in charter, ordinance or other regulation is preempted by statewide legislation if local legislation disrupts state's overall scheme of regulation.
- 2000 **TOWN of LINCOLN v. CITY of PAWTUCKET** 745 A.2d 139
- Remediation of pollution of Narragansett Bay is a matter of statewide concern. Home rule provisions are not implicated, since the legislature reserves the power to act upon matters of statewide concern.

