

September 6, 2022

To:

Council President, Daniel M. Gendron
Council Vice-President, John F. Ward
Council Member James Cournoyer
Council Member Valerie Gonzalez
Council Member Roger Jalette
Council Member David Soucy
Mayor Lisa Baldelli-Hunt
City Clerk Christina Harmon
169 Main Street, Woonsocket, RI 02895

COMPLAINT

I, Denise D. Sierra, a member of the Woonsocket City Council, pursuant to the provisions of Chapter XVI, Article 2 of the City of Woonsocket Home Rule Charter, do hereby submit this Complaint seeking Mayor Lisa Baldelli-Hunt's removal from office based on the foregoing Charges contained herein.

CHAPTER XVI, ARTICLE 2. REMOVAL FROM OFFICE / RECALL.

Sec. 1. Authorized.

The council, by resolution, may remove from office any of its members and may remove any other elective or appointive officers of the city, including the mayor.

Sec. 2. Grounds.

The following causes shall constitute causes for impeachment:

- (1) Willful violation of any provisions of the charter or ordinances;
- (2) Incompetency to perform the duties of this office;
- (3) Substance abuse;
- (4) Willful neglect of duty;
- (5) Corrupt or willful malfeasance in office; and
- (6) Willful misconduct to the injury of public service. (Election of 11-6-01)

Sec. 3. Initiation of proceedings.

Removal proceedings may be initiated by any member of the council or by any fifty (50) electors as hereinafter provided. Upon the filing with the council of a complaint in writing specifying any matter or thing made cause for removal under this charter, which complaint shall be signed by at least one member of the council or by not less than fifty (50) electors of the city, which said complaint, in either case, shall be verified by the oath of at least one of the signers, the council shall proceed to hear and determine the matter as herein provided.

Sec. 4. Copy of charges required; hearing required.

No officer shall be removed unless he is first furnished with a copy of the charges in writing and allowed to be heard in his defense with the aid of counsel; and for such purposes the council shall have the power to compel the attendance of witnesses and the production of papers by subpoena or written order, and the council shall compel the attendance of such witnesses and the production of such papers by subpoena or written order for such hearing as such officer may in writing request.

Sec. 5. Time for hearing.

The council shall hear and determine said charges within ten (10) days after the officer against whom the charges have been brought has been furnished with a copy of said charges, unless said proceedings shall be adjourned for cause to a time not exceeding thirty (30) days in all, or unless, through no fault of the council, the charges cannot be heard and determined within the time hereinabove set forth, in which case the council shall hear and determine the charges within the time hereinabove set forth when the cause for delay has been removed.

BACKGROUND

1. Pursuant to Chapter IV, Section 3 of the Woonsocket Home Rule Charter (“Charter”), the duties of the Mayor are as follows (with emphasis added):

Duties enumerated.

It shall be the duty of the mayor:

- (a) To see that the laws and ordinances are enforced;*
- (b) To see that all terms and conditions imposed in favor of the city in any contract or franchise are faithfully kept and performed;*
- (c) To keep the council informed at all times concerning the financial condition and needs of the city and other pertinent matters relating to its administration;*
- (d) To recommend to the council such measures as he may consider necessary or expedient;*
- (e) To prepare and recommend to the council an annual budget;*
- (f) To prepare and present to the council a comprehensive annual report of the financial transactions and other activities of the city following the close of each fiscal year;*
- (g) To make any study or investigation which in his opinion may be for the best interests of the city of which may be ordered by the council by resolution;*
- (h) To review all rules and regulations of the several administrative officers and departments, and only upon his approval shall they become effective;*
- (i) To perform such other duties as may be required of him by ordinance or resolution of the council*

2. In December 2019, the Woonsocket City Council passed ordinance 19070 (copy attached as Exhibit 1) that, in part, states (with emphasis added) “*The City of Woonsocket Annual Action Plan for the application of CDBG funding ...shall be subject to...approval of the City Council by an appropriation ordinance prior to the filing of the plan to the U.S. Department of Housing and Urban Development*”
3. On July 28, 2021, the City Solicitor issued a written legal opinion (copy attached as Exhibit 2) affirming, in part, that the Mayor is required to adhere to the aforementioned Ordinance 19070.
4. On August 16, 2021, the City Council unanimously passed Ordinance 21056 establishing, in part, the 2021/2022 Community Development Action Plan and Allotments (copy attached as Exhibit 3), which, in part, importantly included a \$310,215 allotment to fund the purchase of a Fire Engine.
5. On August 25, 2021 the City Solicitor issued a written legal opinion (copy attached as Exhibit 4) affirming, in part, that the Mayor is required to adhere to Ordinances and Resolutions duly passed by the City Council.

6. On September 13, 2021, The Woonsocket City Council took up and passed Resolution 21R66 (copy attached as Exhibit 5) censuring Mayor Lisa Baldelli-Hunt, *in her capacity as Mayor* of the City of Woonsocket, for acting in a manner that was not in compliance with the aforementioned mayoral duties and responsibilities as prescribed by the City of Woonsocket Home Rule Charter and for multiple specific violations of her mayoral duties that included, in part, the following:
 - i) Failure to preform duties as required pursuant to Resolutions that were duly passed by the City Council-specifically failure to have a shade pavilion installed at the animal shelter located at 105 Cumberland Hill Road as instructed via Resolution 18 R 111 and Resolution 19 R 37.
 - ii) Failure to keep the Council informed with respect to unilateral changes made in connection to the animal shelter pavilion.
 - iii) Failure to adhere to explicit provisions of a contract, specifically the contract between Lakeside Trading LLC which called for a pavilion to be designed and installed at the animal shelter located at 105 Cumberland Hill Road.
 - iv) Failure to issue a public RFP/Bid for the design and installation of a pavilion at River's Edge Park.
7. On July 25, 2022, the Woonsocket City Council unanimously passed Resolution 22 R 93 (copy attached as Exhibit 6) ratifying two collective bargaining agreements between the City and the New England Police Benevolent Association, Local 808 covering the periods *July 1, 2020 through June 30, 2022* and *July 1, 2022 through July 30, 2024*. The Resolution authorize "the Mayor or the City Council President" to execute the agreements.
8. On July 25, 2022, the Woonsocket City Council unanimously passed Ordinance 22 O 40 (copy attached as Exhibit 7) authorizing either the "Woonsocket City Council President or the Mayor" to execute two contracts between the City and the New England Police Benevolent Association, Local 808 covering the periods *July 1, 2020 through June 30, 2022* and *July 1, 2022 through July 30, 2024*.
9. On August 15, 2022, the City Council unanimously over-rode the Mayor's veto of Ordinance 22 O 40 and Council President Daniel M. Gendron signed and executed the aforementioned two contracts between the City of Woonsocket and the New England Police Benevolent Association, Local 808.
10. The City failed to process and pay to the members of the New England Police Benevolent Association, Local 808 the contractual pay increases called for in the aforementioned executed collective bargaining agreement contracts for both the August 19, 2022 and September 2, 2022 pay periods (see email from Council President Gendron dated September 2, 2022 at Exhibit 8).

11. Chapter XIV, Article 2, Section 1 of the Charter provides that “*The council, by resolution, may remove from office any of its members and may remove any other elective or appointive officers of the city, including the mayor.*”, with grounds for removal being as follows:

The following causes shall constitute causes for impeachment:

- (1) Willful violation of any provisions of the charter or ordinances;
- (2) Incompetency to perform the duties of this office;
- (3) Substance abuse;
- (4) Willful neglect of duty;
- (5) Corrupt or willful malfeasance in office; and
- (6) Willful misconduct to the injury of public service.

CHARGE I

12. Willful violation of any provisions of the charter or ordinances.

Specifically, pursuant to Chapter IV, Section 3 of the Woonsocket Home Rule Charter, the duties of the Mayor include the following: ***(a) To see that the laws and ordinances are enforced.*** The Mayor willfully violated the aforementioned Charter provision by ignoring, violating and failing to enforce Ordinance 19070 and Ordinance 21056.

As noted above, Ordinance 19070 explicitly requires the Annual Action Plan for the Community Development Block Grants be approved by the City Council **prior to** submission to the U.S. Department of Housing and Urban Development (“HUD”).

The City Council unanimously passed Ordinance 21056 (following passage of Resolution 21R57 on August 5, 2022), which established the 2021/2022 Community Development Action Plan as required per Ordinance 19070.

Notwithstanding the clear and explicit requirements of Ordinance 19070, the Mayor nonetheless ignored the subject ordinances and circumvented the City Council by submitting a 2021/2022 Action Plan to HUD that was different from and not in compliance with the Action Plan approved by the Council via both Ordinance 21056 and Resolution 21R57. The Action Plan submitted to HUD by the Mayor was violative of Ordinance 21056 that contained the Action Plan approved by the Council, as well as Ordinance 19070 and Resolution 21R57.

Importantly, the Solicitor’s Legal Opinion issued on July 28, 2021 made clear that the Mayor is required to follow and adhere to Ordinance 19070, and the Solicitor’s August 25, 2021 Legal Opinion makes clear that the Mayor must follow and adhere to Ordinances and Resolutions passed by the City Council.

This violation is evidenced, in part, by Ordinance 22O16 (copy attached as Exhibit 9) that the Mayor brought to the City Council in April 2022 to amend the 2021/2022 Community Development Block Grant Action Plan to make adjustments to the amounts submitted and approved by HUD, which were **not** the amounts approved by the City Council via Ordinance 21O56, chief among the changes being the \$300,000 funding for the Fire Engine that the Council had included in Ordinance 21O56 and Resolution 21R57 but which the Mayor did not include in the original submission to HUD.

CHARGE II

13. **Willful violation of any provisions of the charter or ordinances and Willful neglect of duties.**

Specifically, pursuant to Chapter IV, Section 3 of the Woonsocket Home Rule Charter, the duties of the Mayor include the following (with emphasis added): ***(a) To see that the laws and ordinances are enforced, (c) To keep the council informed at all times concerning the financial condition and needs of the city and other pertinent matters relating to its administration and (i) To perform such other duties as may be required of him by ordinance or resolution of the council.*** Also, pursuant to Chapter V, Section 6 of the Woonsocket Home Rule Charter, monthly financial reports shall be prepared. Specifically, Section 6 states the following (with emphasis added: ***Monthly, annual reports*** *The finance department shall prepare a **monthly statement** of receipts and disbursements in sufficient detail to show the exact financial condition of the city and each department or agency thereof. Within three (3) months following the close of each fiscal year, the department shall prepare and publish a comprehensive annual report containing a complete statement of the financial operations and indebtedness of the city during the fiscal year. All such monthly annual statements shall include comparisons of actual receipts and disbursements to the amounts budgeted and the prior year's receipts disbursements for the comparable period. The statements may also include additional information such as percentage changes and cash flow.* Moreover, Resolution 16R18 (copy attached as Exhibit 10) requires the Mayor and her administration to provide monthly financial reports to the Council within 25 days after the end of each month. Lastly, Ordinance 20O62 (copy attached as Exhibit 11) requires the **monthly** financial reports.

The Mayor willfully violated and failed to follow and enforce, the aforementioned Charter provisions, as well as Resolution 16R18 and Ordinance 20O62. She willfully neglected her duties as enumerated in the Charter. As of August 15, 2022, the Council has only received financial reports through December 31, 2021. The November 2021 report was not provided until March 15, 2022 and the December 2021 report was not provided until August 10, 2022 (copies attached as Exhibit 12).

CHARGE III

14. Willful violation of any provisions of the charter or ordinances and Willful neglect of duties.

Specifically, pursuant to Chapter IV, Section 3 of the Woonsocket Home Rule Charter, the duties of the Mayor include the following: *(a) To see that the laws and ordinances are enforced, (c) To keep the council informed at all times concerning the financial condition and needs of the city and other pertinent matters relating to its administration.*

Pursuant to Chapter X, Article 1, Section 2 provides the following:

(a) The City Solicitor shall be the attorney for the city and legal advisor to the Mayor, City Council and all other departments (except the School Department), offices and agencies of the city. The city solicitor shall appear for and protect the rights of the city in all actions, suits or proceedings, civil or criminal, in law or equity, brought by or against it or for or against any of its departments, officers, (offices) or agencies and shall perform such other duties appropriate to the office as the mayor and/or city council may require.

(c) The city solicitor shall decide all questions and controversies relative to the legal construction of any and all laws and ordinances affecting the city as well as the city charter and the division of powers and duties created or implied therein.

Additionally, Ordinance 17 O 74 (copy attached as Exhibit 13) explicitly prohibits the hiring of attorneys and/or outside legal counsel without approval from the City Council via Resolution.

The Mayor engaged in a willful violation of the aforementioned Charter and Ordinance provisions regarding legal services. Invoice number 23843 in the amount of \$912.00 for legal services from attorney Robert Corrente, along with two Purchase Orders, numbers P221178 in the amount of \$40,000 and P221180 in the amount of \$36,000, in connection with the engagement of the law firm Whelan, Corrente Flanders LLP are attached as Exhibit 14. Not only did the Mayor fail to keep the Council informed on these matters pursuant to her enumerated duties, but her actions are also violative of Ordinance 17 O 74 which requires City Council approval in connection with the engagement of legal services. Moreover, the Mayor's engagement of this law firm was not approved by the City Solicitor, nor was the Solicitor even notified or consulted in regard to these legal services activities.

CHARGE IV

15. **Willful violation of any provisions of the charter or ordinances and Willful neglect of duties.**

Specifically, pursuant to Chapter IV, Section 3 of the Woonsocket Home Rule Charter, the duties of the Mayor include the following: *(a) To see that the laws and ordinances are enforced, (b) To see that all terms and conditions imposed in favor of the city in any contract or franchise are faithfully kept and performed; (c) To keep the council informed at all times concerning the financial condition and needs of the city and other pertinent matters relating to its administration.*

Additionally, Chapter III, Section 3 of the Woonsocket Home Rule Charter requires **Compensation** to be set by Ordinance. In Fiscal Year 2020, Fiscal Year 2021 and Fiscal Year 2022, the City Council set compensation via the annual budget ordinances.

Further, Ordinance 20 O 18 (copy attached as Exhibit 15) prohibits employees in any fiscal year from being paid a weekly salary in excess of “...1/52nd of the total budgeted salary of the respective position...”.

The Mayor violated the above noted provisions of the Charter, the annual budget ordinances and Ordinance 20 O 18 when she directed compensation payments to a limited, select group of employees (see Exhibit 16) above and beyond the compensation that was approved and authorized by the City Council via Ordinance or Resolution. As well, several of the unauthorized compensation payments were made to union employees, thus violating the compensation terms and conditions of collective bargaining contracts.

CHARGE V

16. Willful violation of any provisions of the charter or ordinances and Willful neglect of duties.

Specifically, pursuant to Chapter IV, Section 3 of the Woonsocket Home Rule Charter, the duties of the Mayor include the following: *(a) To see that the laws and ordinances are enforced, (c) To keep the council informed at all times concerning the financial condition and needs of the city and other pertinent matters relating to its administration.*

Additionally, the City's Code of Ordinances at Section 2-14.4 explicitly **prohibits** the provision of healthcare benefits to part-time employees (less than 30 hours per week) via the following provision: *"No health or dental benefits shall be provided either in full or in any prorated amounts or coverage for part-time (less than 30 hours per week) employees of the City."*

The Mayor willfully violated the code of Ordinances in providing health insurance to Ms. Elyse Pare who is not a full-time employee of the City. The violation is evidenced by an appointment letter dated March 2, 2022 signed by the Mayor (copy attached as Exhibit 17).

Importantly, it should be noted that the Administration, in denying a departed employee's (Ms. Laurie Perry) medical buyback payment, stated the following (with emphasis added): *"...you elected to reduce your hours to **part-time** status in late **March 2022**. Therefore, you are **not entitled** to a medical buyback."* (copy attached as Exhibit 18).

Thus, on the one hand, in March 2022 the Mayor provided a part-time employee (Ms. Elyse Pare) with healthcare benefits in violation of the City's code of ordinances which explicitly prohibits healthcare benefits for part-time employees, while on the other hand, advised another (former) employee (Ms. Laurie Perry) that she was not entitled to healthcare, in part, because she was allegedly a "part-time" employee as of "late March 2022".

CHARGE VI

17. Willful violation of any provisions of the charter or ordinances; Willful neglect of duties; malfeasance in office; Willful misconduct to the injury of public service .

Specifically, pursuant to Chapter IV, Section 3 of the Woonsocket Home Rule Charter, the duties of the Mayor include the following (with emphasis added): *(a) To see that the laws and ordinances are enforced and (b) To see that all terms and conditions imposed in favor of the city in any contract or franchise are faithfully kept and performed and (i) To perform such other duties as may be required of him by ordinance or resolution of the council (with emphasis added).*

Additionally, Chapter X, Article 1, Section 2 of the Woonsocket Home Rule Charter provides, in part, the following:

(c) The city solicitor shall decide all questions and controversies relative to the legal construction of any and all laws and ordinances affecting the city as well as the city charter and the division of powers and duties created or implied therein.

The Mayor willfully violated provisions of the City Charter that explicitly require the Mayor to “*see that ordinances are enforced*”, to see that contracts are “*faithfully kept and performed*” and to perform other such duties as may be required “*by ordinance or resolution of the council*”.

By willfully not paying the members of the New England Police Benevolent Association, Local 808 pursuant to the executed contracts between the City and the New England Police Benevolent Association, Local 808, the Mayor has committed violations of both the City Charter (which expressly requires that the mayor *see that all terms and conditions imposed in favor of the city in any contract or franchise are faithfully kept and performed*), as well as Ordinance 22O40 and Resolution 22R93 (which approved and authorized the execution of the aforementioned contracts).

Moreover, the Mayor was explicitly advised by the Solicitor that the contracts were valid and needed to be enforced (copy attached as Exhibit 19). The City Charter makes the Solicitor, not the Mayor, responsible for such determinations. Upon being advised of the obvious validity of the contracts, the Mayor proceeded to *willfully* not enforce them in violation of her duties as prescribed by the Charter.

The Mayor’s failure to faithfully perform validly executed contracts constitutes a “*willful neglect of duties*” and a “*willful misconduct to the injury of public service*”, as her actions, in part, put at risk the City’s ability to attract, retain and motivate employees needed to provide necessary public services, including public safety.

CHARGE VII

18. **Willful violation of any provisions of the charter or ordinances and Willful neglect of duties.**

On November 14, 2021, the City Council unanimously passed a series of Resolutions addressing long overdue improvements to the Albert G. Brien Memorial Animal Shelter located at 105 Cumberland Hill Road (“Shelter”). Specifically, Resolutions 21R101, 21R102 and 21R103 directed the Administration to go out to bid, for vendors to (a) erect a Shade pavilion at the Shelter with the identical specifications as the one erected at Rivers Edge Park (b) construct an addition to the Shelter measuring 20 ft x 20 ft, to be utilized as an area to house small animals and (c) paint the interior and exterior of the Shelter (copies attached as Exhibit 20)

On or about November 16, 2021, the Mayor appeared on WNRI, Upfront Radio Talk Show stating that “she does not pay much attention to Resolutions, but does follow Ordinances”. In an earnest effort to work with the Mayor, the City Council re-issued Resolution 21R101, 21R102 and 21R103 in the form of an Ordinance. Ordinance 21O74, unanimously passed for a second time on November 29, 2021 and explicitly stated the RFP was to be advertised no later than December 13, 2021 and with results to be provided to the City Council on December 20, 2021 (copy attached as Exhibit 21).

On or about December 23, 2021, the City Council received an email from the Mayor requesting a three week extension of the deadline. On January 24, 2022, the City Council inquired as to the status of the RFP and warned both via email and verbally, at a televised City Council meeting that the Administration was in violation of the Ordinance (copy attached as exhibit 22). The Administration received one response to the RFP which was submitted on or about February 22, 2022, **six weeks after the extended deadline.** (copy attached as Exhibit 23).

CHARGE VIII

19. **Willful violation of any provisions of the charter or ordinances and Willful neglect of duties.**

Upon learning that the City's strays were being housed in Lincoln due to the failure to make the previously requested improvements to the Albert G. Brien Memorial Animal Shelter at 105 Cumberland Street, the City Council unanimously passed Ordinance 22017 on May 2, 2022 authorizing the Mayor and her Administration to go out to bid for a contract(s) to make necessary improvements at the animal shelter (copy attached as Exhibit 24).

Ordinance 22017 required the Administration to solicit bids **no later than May 30, 2022**, and to provide results of the RFP to the City Council on or before June 14, 2022. On May 31, 2022 an email was sent to the Administration inquiring as to the status of the RFP relating to the improvements at Animal Shelter which revealed that the RFP was not completed nor advertised as mandated by Ordinance. The RFP was not published until June 1, 2022, thirteen days before the results were due to the council (copy attached as Exhibit 25).

CHARGE IX

20. Willful violation of any provisions of the charter or ordinances and Willful neglect of duties.

On April 18, 2022, the City Council unanimously passed Ordinance 22014 which directed the Administration to go out to bid for a contract(s) to install landscaping as well as acquire and install equipment at the Skatepark located at the Susan D. Menard Middle Schools. 22014 required the Administration to solicit bids no later than May 2, 2022 and to provide the results of the request to the City Council on or before May 16, 2022 (copy attached as Exhibit 26).

On June 6, 2022 at a televised meeting, the Council inquired as to the status of the results of the RFP relating to the improvements at the Skatepark, which were due on or before May 16, 2022. It was revealed that the RFP had not yet been drafted nor advertised as mandated by Ordinance.

CONCLUSION

Despite having received a clear, unambiguous warning via a formal Censure issued in September 2021 pursuant to Resolution 22R65 (copy attached as Exhibit 5), Mayor Lisa Baldelli-Hunt has continued her pattern of misconduct via willful violations of the Charter and failing to enforce and willfully violating City Ordinances in a regular effort to circumvent the City Council, the City Charter and City Ordinances.

Her actions demonstrate a prolonged and ongoing contempt for our form of government that, via our City Charter, calls for consensus, collaboration and respect between and amongst all elected officials of the City. Her disdain for the City Charter and the City Council's role in government is palpable. It has shown no signs of abating and it is without question a detriment to the City and an injury to public service.

For these reasons and more, the Mayor should be removed from office pursuant to Chapter XIV, Article 2 of the Woonsocket Home Rule Charter.

Councilor,



Denise D. Sierra

Date: 9/6/2022

Witness: 

Date: 9/6/22