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September 26, 2022

Woonsocket City Council  
169 Main Street  
Woonsocket, RI 02895

Dear Council Members:

I am writing in response to the current controversy involving the City Council's invocation of the municipal charter to remove Mayor Baldelli-Hunt from office. The purpose of this letter is not to address any legal issues regarding the Council's actions in this matter, including those from the recently dismissed lawsuit filed by the Mayor. We also offer no position on the substance or merits of the pending complaint against the Mayor before the Council. Instead, we wish to focus on significant public policy concerns that we believe are raised by the Charter's *procedures*, and to urge the Council to propose revisions to that Article of the Charter in the upcoming months.

Let me begin by noting that the ACLU of RI recognizes, and does not oppose, the important safety valve that a recall/removal provision offers to allow municipalities to deal with public officials who may be violating the public trust in consequential ways or who have, under a variety of circumstances, become unfit for office. Similarly, the specific procedures established by Chapter XVI, Article 2 of the City Charter for removing elected and appointed officials from office, *taken individually*, might not seem objectionable or out-of-the ordinary. When taken together, however, Article 2's removal process does serious damage to democratic principles, in our opinion, by setting an extremely low threshold for overruling the will of the public determined through the electoral process. We briefly explain below:

- The process established for initiating a removal proceeding against an elected official is dangerously simple. All it takes is one Councilperson to file a written complaint, and formal proceedings to initiate removal of an elected official must commence. Duly elected officials simply should not be so easily subjected to such a momentous process.<sup>1</sup>

- The minimal procedures established for recalling officials are woefully inadequate. Establishing a 10-day default time period to complete the decision-making process for something as significant as the recall of an elected official is incredibly rushed. Although that time can be extended "for cause," it is solely up to the Council to make that determination, which can therefore demand that the elected official be prepared to defend themselves within an unconscionably short timeframe.

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<sup>1</sup> While this letter focuses on elected officials and the removal process, rather than the procedures for recall by the public or their use against appointed officials, many of the concerns expressed herein also apply in those contexts.

- By the Charter’s silence and the lack of any implementing ordinances, we presume that a vote to remove an official can be accomplished by a regular majority vote of the Council, rather than any type of super-majority, and that the determination of finding grounds for removal is made on a “preponderance of the evidence” standard, the lowest burden of proof allowable. We believe more demanding criteria should be in place before a City Council should be able to essentially overturn the results of an election.

- The grounds that are available for a Councilperson to file a complaint and officially begin the recall of an elected official are extremely broad. Amorphous standards like “willful neglect of duty” and “willful misconduct to the injury of public service” might be appropriate with other procedural safeguards in place, but in the absence of such safeguards, these criteria can too easily be used to target officials for a fraught impeachment process.

To better appreciate the problems with the Charter’s minimal requirements, it’s worth noting that while one Councilperson can initiate this impeachment process, a simple resolution congratulating the New England Patriots on a winning season would need a second to move forward. Passage of a minor ordinance requires at least two readings before the Council and, by Charter restriction, cannot be passed until *at least* 10 days have elapsed since its introduction.

We realize that this Charter provision has been around for many years, and we have no knowledge of it being abused in the past. However, it remains a dangerous tool as it currently exists. We therefore urge the Council to initiate steps in the coming months to revise this Charter provision by tightening the standards and procedures for removing elected or appointed officials from office, and by offering those changes to the voters for consideration at the next scheduled election. We encourage this action to ensure that the removal process is fair and will not be misused.

Thank you for considering our views.

Sincerely,



Steven Brown  
Executive Director

cc: The Hon. Lisa Baldelli-Hunt  
John DeSimone, City Solicitor