


OFFICE OF THE CITY SOLICITOR
MEMORANDUM

TO: Jeanne Marie Napolitano, Mayor and Members of the Council
for the City of Newport

CC: Girard Galvin, Esq., Assistant City Solicitor
Joseph J. Nicholson, Jr., Esq., City Manager
Patricia Reynolds, Director of Planning & Economic Development

FROM: Christopher J. Behan, Esq., City Solicitor 

DATE: October 6, 2021

RE: Green and Complete Streets Policy

By Resolution of the City Council read and passed on December 11, 2019, the Planning Office was tasked with working together with the Solicitor's Office, Public Services, Public Utilities, as well as the City's Bicycle and Pedestrian Advisory Commission, and representatives from various civic groups to prepare an ordinance that will ensure that the development of a new street grid in Newport will incorporate the latest standards in green and complete streets. It was further resolved that the ordinance should ensure that any major street improvement project in the City also incorporate green and complete streets standards.

In response to this Resolution, a working group was formed, led by Peter Friedrichs and Trish Reynolds. Over a fourteen month period of time, the working group prepared a final draft City of Newport, Rhode Island Green and Complete Streets Policy, dated June 17, 2021 to be effective July 1, 2022. A copy of this was forwarded to you on September 17, 2021. Bill Riccio and at the time, Julia Forgue, reviewed and approved the final draft policy since their departments will be most affected by any adoption of the same. I also have reviewed the various drafts, including the latest draft presented to you for approval.

Instead of adopting the Policy into the body of an ordinance, I have recommended that the Policy be first approved by the Council by resolution and that a new ordinance merely state that City street and right of way projects involving the construction of new streets and public rights of way or improvements to existing streets or rights of way conform to the Green and Complete Streets Policy.

By doing it this way, if the Policy needs to be fine tuned or otherwise amended for whatever reason, the Council need only amend the Policy by resolution and need not amend the ordinance which would require two readings.

The other reason why the Policy and ordinance should be separated is because the policy is just that. It is a statement of best practices, including goals and objectives, while an ordinance is more of a regulatory provision which speaks to do's and don'ts.

In order to implement the Policy, you will need to pass and adopt the accompanying resolution and ordinance.

If you have any questions, please don't hesitate to contact me.