

2010 -- H 8130

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LC02627
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

**AUTHORIZING THE TOWN OF NORTH KINGSTOWN TO FINANCE RENOVATIONS,
ALTERATIONS, ADDITIONS AND OTHER IMPROVEMENTS AND/OR RELATED
EQUIPMENT FOR THE WICKFORD ELEMENTARY SCHOOL REUSE FOR A COMBINED
TOWN HALL AND SCHOOL DEPARTMENT ADMINISTRATION FACILITY AND TO
ISSUE NOT MORE THAN \$5,000,000 BONDS AND NOTES THEREFOR**

Introduced By: Representative Kenneth Carter

Date Introduced: May 13, 2010

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. The Town of North Kingstown is hereby empowered, in addition to
2 authority previously granted, to issue bonds to an amount not exceeding Five Million Dollars
3 (\$5,000,000.00) from time to time under its corporate name and seal or a facsimile of such seal.
4 The bonds of each issue may be issued in the form of serial bonds or term bonds or a combination
5 thereof and shall be payable either by maturity of principal in the case of serial bonds or by
6 mandatory serial redemption in the case of term bonds, in annual installments of principal, the
7 first installment to be not later than five years and the last installment not later than thirty years
8 after the date of the bonds. For each issue the amounts payable annually for principal and interest
9 combined either shall be as nearly equal from year to year as is practicable in the opinion of the
10 officers authorized to issue the bonds, or shall be arranged in accordance with a schedule
11 providing for a more rapid amortization of principal.

12 SECTION 2. The bonds shall be signed by the manual or facsimile signatures of the
13 town treasurer and the president of the Town Council and shall be issued and sold in such
14 amounts as the Town Council may authorize by resolution. The manner of sale, denominations,
15 maturities, interest rates and other terms, conditions and details of any bonds or notes issued
16 under this act may be fixed by the resolution of the Town Council authorizing the issue or by

1 separate resolution of the Town Council or, to the extent provisions for these matters are not so
2 made, they may be fixed by the officers authorized to sign the bonds or notes. The proceeds
3 derived from the sale of the bonds shall be delivered to the town treasurer, and such proceeds
4 exclusive of premiums and accrued interest shall be expended for (a) renovation, alterations,
5 additions and other improvements and/or related equipment for the Wickford Elementary School
6 reuse for a combined Town Hall and School Department Administration facility and all costs
7 incidental thereto, (b) in payment of the principal of or interest on temporary notes issued under
8 Section 3 of this act or (c) in repayment of advances under Section 4 of this act. No purchaser of
9 any bonds or notes under this act shall be in any way responsible for the proper application of the
10 proceeds derived from the sale thereof. The projects shall be carried out and all contracts made
11 therefor on behalf of the Town by a Building Committee appointed by the Town Council or as
12 may be otherwise directed by the Town Council. The proceeds of bonds or notes issued under this
13 act, any applicable federal or state assistance and the other monies referred to in Section 6 of this
14 act shall be deemed appropriated for the purposes of this act without further action than that
15 required by this act. The bond issue authorized by this act may be consolidated for the purposes
16 of issuance and sale with any other bond issue of the town heretofore or hereafter authorized,
17 provided that, notwithstanding any such consolidation, the proceeds from the sale of the bonds
18 authorized by this act shall be expended for the purposes set forth above.

19 SECTION 3. The Town Council may by resolution authorize the issue from time to time
20 of interest bearing or discounted notes in anticipation of the authorization or issue of bonds or in
21 anticipation of the receipt of federal or state aid for the purposes of this act. The amount of
22 original notes issued in anticipation of bonds may not exceed the amount of bonds which may be
23 issued under this act and the amount of original notes issued in anticipation of federal or state aid
24 may not exceed the amount of available federal or state aid as estimated by the treasurer.
25 Temporary notes issued hereunder shall be signed by the treasurer and by the president of the
26 Town Council and shall be payable within five years from their respective dates, but the principal
27 of and interest on notes issued for a shorter period may be renewed or paid from time to time by
28 the issue of other notes hereunder, provided the period from the date of an original note to the
29 maturity of any note issued to renew or pay the same debt or the interest thereon shall not exceed
30 five years.

31 SECTION 4. Pending any authorization or issue of bonds hereunder or pending or in lieu
32 of any authorization or issue of notes hereunder, the treasurer, with the approval of the Town
33 Council, may, to the extent that bonds or notes may be issued hereunder, apply funds in the
34 treasury of the Town to the purposes specified in Section 2, such advances to be repaid without

1 interest from the proceeds of bonds or notes subsequently issued or from the proceeds of
2 applicable federal or state assistance or from other available funds.

3 SECTION 5. Any proceeds of bonds or notes issued hereunder or of any applicable
4 federal or state assistance, pending their expenditure may be deposited or invested by the
5 treasurer, in demand deposits, time deposits or savings deposits in banks which are members of
6 the Federal Deposit Insurance Corporation or in obligations issued or guaranteed by the United
7 States of America or by any agency or instrumentality thereof or as may be provided in any other
8 applicable law of the State of Rhode Island.

9 SECTION 6. Any accrued interest received upon the sale of bonds or notes hereunder
10 shall be applied to the payment of the first interest due thereon. Any premiums arising from the
11 sale of bonds or notes hereunder and any earnings or net profit realized from the deposit or
12 investment of funds hereunder shall, in the discretion of the treasurer, be applied to the cost of
13 preparing, issuing and marketing bonds or notes hereunder to the extent not otherwise provided,
14 to the payment of the cost of the projects or to the cost of additional improvements coming within
15 the description of the projects in Section 2 of this act, to the payment of the principal of or interest
16 on bonds or notes issued hereunder or to any one or more of the foregoing. The cost of
17 preparing, issuing and marketing bonds or notes hereunder may also, in the discretion of the
18 treasurer, be met from bond or note proceeds exclusive of accrued interest or from other monies
19 available therefor. Any balance of bond or note proceeds remaining after payment of the cost of
20 the projects and said additional improvements and the cost of preparing, issuing and marketing
21 bonds or notes hereunder shall be applied to the payment of the principal of or interest on bonds
22 or notes issued hereunder. In exercising any discretion under this Section, the treasurer shall be
23 governed by any instructions adopted by resolution of the Town Council. The treasurer is
24 authorized to take any action deemed by him or her necessary (1) to assure that interest on the
25 bonds or notes issued hereunder remains excludable from gross income of the recipients thereof
26 for federal income tax purposes, including, without limitation, paying to the federal government
27 any rebate of earnings derived from the deposit or investment of the proceeds of such bonds or
28 notes that may be required therefor and (2) to comply with the requirements of federal law,
29 including without being limited to regulations and other requirements of the Securities and
30 Exchange Commission and the Municipal Securities Rulemaking Board, imposed directly on the
31 Town or on the underwriters of such bonds and notes.

32 SECTION 7. All bonds or notes issued under this act and the debts evidenced thereby
33 shall be obligatory on the town in the same manner and to the same extent as other debts lawfully
34 contracted by it and shall be excepted from the operation of Section 45-12-2 of the General Laws.

1 No such obligation shall at any time be included in the debt of the town for the purpose of
2 ascertaining its borrowing capacity. The town shall annually appropriate a sum sufficient to pay
3 the principal and interest coming due within the year on bonds and notes issued hereunder to the
4 extent that moneys therefor are not otherwise provided. If such sum is not appropriated, it shall
5 nevertheless be added to the annual tax levy. In order to provide such sum in each year and
6 notwithstanding any provision of law to the contrary, all taxable property in the town shall be
7 subject to ad valorem taxation by the town without limitation as to rate or amount.

8 SECTION 8. Any bonds or notes issued under the provisions of this act, if properly
9 executed by officers of the town in office on the date of execution, shall be valid and binding
10 according to their terms notwithstanding that before the delivery thereof and payment therefor
11 any or all of such officers shall for any reason have ceased to hold office.

12 SECTION 9. The town, acting by resolution of its Town Council is authorized to apply
13 for, contract for and expend any federal or state advances or other grants or assistance which may
14 be available for the purposes of this act, and any such expenditures may be in addition to other
15 moneys provided in this act. To the extent of any inconsistency between any law of this state and
16 any applicable federal law or regulation, the latter shall prevail. Federal and state advances, with
17 interest where applicable, whether contracted for prior to or after the effective date of this act,
18 may be repaid as project costs under Section 2.

19 SECTION 10. Bonds and notes may be issued under this act without obtaining the
20 approval of any governmental agency or the taking of any proceedings or the happening of any
21 conditions except as specifically required by this act for such issue. In carrying out any project
22 financed in whole or in part under this act, including where applicable the condemnation of any
23 land or interest in land, and in the levy and collection of assessments or other charges permitted
24 by law on account of any such project, all action shall be taken which is necessary to meet
25 constitutional requirements whether or not such action is otherwise required by statute; but the
26 validity of bonds and notes issued hereunder shall in no way depend upon the validity or
27 occurrence of such action. To the extent of any inconsistency between this act and the Town
28 Charter, this act shall prevail.

29 SECTION 11. The question of the approval of this act shall be submitted to the electors
30 of the town at an election on a date to be determined by the Town Council which occurs at least
31 thirty days after the passage of this act. The question shall be submitted in substantially the
32 following form: "Shall an act, passed at the 2010 session of the General Assembly, entitled 'AN
33 ACT AUTHORIZING THE TOWN OF NORTH KINGSTOWN TO FINANCE
34 RENOVATIONS, ALTERATIONS, ADDITIONS AND OTHER IMPROVEMENTS AND/OR

1 RELATED EQUIPMENT FOR THE WICKFORD ELEMENTARY SCHOOL REUSE FOR A
2 COMBINED TOWN HALL AND SCHOOL DEPARTMENT ADMINISTRATION FACILITY
3 AND TO ISSUE NOT MORE THAN \$5,000,000 BONDS AND NOTES THEREFOR' be
4 approved?" and the warning for the election shall contain the question to be submitted. The
5 Town Board of Canvassers may combine any two or more voting districts for the election and
6 when so combined shall be treated as a voting district. If so combined, the Town Board of
7 Canvassers shall advertise the combination of districts in a newspaper of general circulation in the
8 Town. From the time the election is warned and until it is held, it shall be the duty of the Town
9 Clerk to keep a copy of the act available at his or her office for public inspection, but the validity
10 of the election shall not be affected by this requirement.

11 SECTION 12. This Section and Section 11 shall take effect upon passage. The
12 remainder of this act shall take effect upon the approval of this act by a majority of those voting
13 on the question at the election prescribed by Section 11.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would authorize the town of North Kingstown to issue not more than \$5,000,000
2 bonds and notes to finance renovations, alterations, additions and other improvements related to
3 the reuse of the Wickford elementary school as a combined town hall and school department
4 administration building.

5 Section 11 and Section 12 would take effect upon passage. The remainder of this act
6 would take effect upon the approval of this act by a majority of those voting on the question at the
7 election prescribed by Section 11.

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