

2010 -- H 8134

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE CONSTRUCTION AND RECONSTRUCTION OF STREETS AND SIDEWALKS IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$1,000,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2011 AND 2012

Introduced By: Representatives E Coderre, Kilmartin, Messier, San Bento, and JP O`Neill

Date Introduced: May 13, 2010

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. The city of Pawtucket is hereby authorized, in addition to authority
2 previously granted, to issue bonds up to an amount not exceeding one million dollars
3 (\$1,000,000) from time to time under its corporate name and seal or a facsimile of such. The
4 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 sinking fund installments in the case of term bonds, in annual installments of
7 principal, the first installment to be not later than three (3) years and the last installment not later
8 than thirty (30) years after the date of the bonds.

9 SECTION 2. The bonds shall be signed by the city treasurer and by the manual or
10 facsimile signature of the mayor and be issued and sold in such amounts as the city council may
11 determine by resolution. The manner of sale, denominations, maturities, interest rates and other
12 terms, conditions and details of any bonds or notes issued under this act may be fixed by the
13 proceedings of the city council authorizing the issue or by separate resolution of the city council
14 or, to the extent provisions for these matters are not so made, they may be fixed by the officers
15 authorized to sign the bonds or notes. The proceeds derived from the sale of the bonds shall be
16 delivered to the city treasurer, and such proceeds exclusive of premiums and accrued interest

1 shall be expended: (a) for the construction and reconstruction of streets and sidewalks in the city
2 of Pawtucket (the “project”); (b) in payment of the principal of or interest on temporary notes
3 issued under section 3; (c) in repayment of advances under section 4; (d) in payment of related
4 costs of issuance of any bonds or notes; and/or (e) in payment of capitalized interest during
5 construction of the project. There being no local election planned for the calendar year 2011 in
6 the city of Pawtucket, the amounts authorized by this act to finance the project are intended to
7 fund appropriations for two fiscal years. The city, however, is not required to issue the bonds and
8 notes authorized by this act during the fiscal years ending June 30, 2011 or June 30, 2012, but
9 may issue them at any time, or from time to time. No purchaser of any bonds or notes under this
10 act shall be in any way responsible for the proper application of the proceeds derived from the
11 sale thereof. The proceeds of bonds or notes issued under this act, any applicable federal or state
12 assistance and the other monies referred to in sections 6 and 9 shall be deemed appropriated for
13 the purposes of this act without further action than that required by this act.

14 SECTION 3. The city council may by resolution authorize the issuance from time to time
15 of interest bearing or discounted notes in anticipation of the issue of bonds under section 2 or in
16 anticipation of the receipt of federal or state aid for the purposes of this act. The amount of
17 original notes issued in anticipation of bonds may not exceed the amount of bonds which may be
18 issued under this act and the amount of original notes issued in anticipation of federal or state aid
19 may not exceed the amount of available federal or state aid as estimated by the city treasurer.
20 Temporary notes issued hereunder shall be signed by the manual or facsimile signatures of the
21 city treasurer and the mayor and shall be payable within five (5) years from their respective dates,
22 but the principal of and interest on notes issued for a shorter period may be renewed or paid from
23 time to time by the issue of other notes hereunder, provided the period from the date of an
24 original note to the maturity of any note issued to renew or pay the same debt or the interest
25 thereon shall not exceed five (5) years. Any temporary notes in anticipation of bonds issued
26 under this section may be refunded prior to the maturity of the notes by the issuance of additional
27 temporary notes, provided that no such refunding shall result in any amount of such temporary
28 notes outstanding at any one time in excess of two hundred percent (200%) of the amount of
29 bonds which may be issued under this act, and provided further that if the issuance of any such
30 refunding notes results in any amount of such temporary notes outstanding at any one time in
31 excess of the amount of bonds which may be issued under this act, the proceeds of such refunding
32 notes shall be deposited in a separate fund established with the bank which is the paying agent for
33 the notes being refunded. Pending their use to pay the notes being refunded, moneys in the fund
34 shall be invested for the benefit of the city by the paying agent at the direction of the city

1 treasurer in any investment permitted under section 5. The moneys in the fund and any
2 investments held as a part of the fund shall be held in trust and shall be applied by the paying
3 agent solely to the payment or prepayment of the principal of and interest on the notes being
4 refunded. Upon payment of all principal of and interest on the notes, any excess moneys in the
5 fund shall be distributed to the city. The city may pay the principal of and interest on notes in full
6 from other than the issuance of refunding notes prior to the issuance of bonds pursuant to section
7 1 hereof. In such case, the city's authority to issue bonds or notes in anticipation of bonds under
8 this act shall continue provided that 1) the city council passes a resolution evidencing the city's
9 intent to pay off the notes without extinguishing the authority to issue bonds or notes and 2) that
10 the period from the date of an original note to the maturity date of any other note shall not exceed
11 five (5) years. Section 5-106 of the city charter shall not apply to the issue of notes in anticipation
12 of bonds.

13 SECTION 4. Pending any authorization or issue of bonds hereunder or pending or in lieu
14 of any authorization or issue of notes hereunder, the city treasurer, with the approval of the city
15 council may, to the extent that bonds or notes may be issued hereunder, apply funds in the general
16 treasury of the city to the purposes specified in section two, such advances to be repaid without
17 interest from the proceeds of bonds or notes subsequently issued or from the proceeds of
18 applicable federal or state assistance or from other available funds.

19 SECTION 5. Any proceeds of bonds or notes issued hereunder or of any applicable
20 federal or state assistance, pending their expenditure may be deposited or invested by the city
21 treasurer, in demand deposits, time deposits or savings deposits in banks which are members of
22 the Federal Deposit Insurance Corporation or in obligations issued or guaranteed by the United
23 States of America or by any agency or instrumentality thereof or as may be provided in any other
24 applicable law of the state of Rhode Island or resolution of the city council or pursuant to an
25 investment policy of the city.

26 SECTION 6. Any accrued interest received upon the sale of bonds or notes hereunder
27 shall be applied to the payment of the first interest due thereon. Any premiums arising from the
28 sale of bonds or notes hereunder and, to the extent permitted by applicable federal laws, any net
29 earnings or profits realized from the deposit or investment of funds hereunder shall, in the
30 discretion of the city treasurer, be applied to the cost of preparing, issuing, and marketing bonds
31 or notes hereunder to the extent not otherwise provided, to the payment of the cost of the project,
32 to the payment of the principal of or interest on bonds or notes issued hereunder, to the revenues
33 of the city and dealt with as part of the revenues of the city from property taxes to the extent
34 permitted by federal law, or to any one or more of the foregoing. The cost of preparing, issuing,

1 and marketing bonds or notes hereunder may also, in the discretion of the city treasurer, be met
2 from bond or note proceeds exclusive of premium and accrued interest or from other monies
3 available therefor. Any balance of bond or note proceeds remaining after payment of the cost of
4 the projects and the cost of preparing, issuing and marketing bonds or notes hereunder shall be
5 applied to the payment of the principal of or interest on bonds or notes issued hereunder. To the
6 extent permitted by applicable federal laws, any earnings or net profit realized from the deposit or
7 investment of funds hereunder may, upon receipt, be added to and dealt with as part of the
8 revenues of the city from property taxes. In exercising any discretion under this section, the city
9 treasurer shall be governed by any instructions adopted by resolution of the city council. Any
10 balance of bond or note proceeds remaining after completion of the project shall be subject to
11 section 5-109 of the city charter.

12 SECTION 7. All bonds and notes issued under this act and the debt evidenced hereby
13 shall be obligatory on the city in the same manner and to the same extent as other debts lawfully
14 contracted by it and shall be excepted from the operation of section 45-12-2 of the general laws
15 and any provision of the city charter. No such obligation shall at any time be included in the debt
16 of the city for the purpose of ascertaining its borrowing capacity. The city shall annually
17 appropriate a sum sufficient to pay the principal and interest coming due within the year on bonds
18 and notes issued hereunder to the extent that monies therefor are not otherwise provided. If such
19 sum is not appropriated, it shall nevertheless be added to the annual tax levy. In order to provide
20 such sum in each year and notwithstanding any provision of law to the contrary, all taxable
21 property in the city shall be subject to ad valorem taxation by the city without limitation as to rate
22 or amount.

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

27 SECTION 9. The city, acting by resolution of its city council is authorized to apply for,
28 contract for and expend any federal or state advances or other grants of assistance which may be
29 available for the purposes of this act, and any such expenditures may be in addition to other
30 monies provided in this act. To the extent of any inconsistency between any law of this state and
31 any applicable federal law or regulation, the latter shall prevail. Federal and state advances, with
32 interest where applicable, whether contracted for prior to or after the effective date of this act,
33 may be repaid as a cost of the project under section 2.

34 SECTION 10. Bonds and notes may be issued under this act without obtaining the

1 approval of any governmental agency or the taking of any proceedings or the happening of any
2 conditions except as specifically required by this act for such issue. In carrying out any project
3 financed in whole or in part under this act, including where applicable the condemnation of any
4 land or interest in land, and in the levy and collection of assessments or other charges permitted
5 by law on account of any such project, all action shall be taken which is necessary to meet
6 constitutional requirements whether or not such action is otherwise required by statute, but the
7 validity of bonds and notes issued hereunder shall in no way depend upon the validity or
8 occurrence of such action. Without limiting the generality of the foregoing, the validity of bonds
9 and notes issued hereunder shall in no way be affected by sections 2-308 and 4-1602 of the city
10 charter, and the purposes of this act shall be deemed to constitute a single project under article V
11 of the city charter.

12 SECTION 11. The city treasurer and the mayor, on behalf of the city are hereby
13 authorized to execute such instruments, documents or other papers as either of the foregoing
14 deem necessary or desirable to carry out the intent of this act and are also authorized to take all
15 actions and execute all documents necessary to comply with federal tax and securities laws,
16 which documents or agreements may have a term coextensive with the maturity of the bonds
17 authorized hereby, including Rule 15c2-12 of the Securities and Exchange Commission (the
18 Rule) and to execute and deliver a continuing disclosure agreement or certificate in connection
19 with the bonds or notes in the form as shall be deemed advisable by such officers in order to
20 comply with the Rule.

21 SECTION 12. All or any portion of the authorized but unissued authority to issue bonds
22 and notes under this act may be extinguished by resolution of the city council, without further
23 action by the general assembly, seven (7) years after the effective date of this act

24 SECTION 13. The question of the approval of this act shall be submitted to the electors
25 of the city at the next general election but if a special city-wide election or special state election,
26 in either case other than a primary, is called for a date earlier than the date of such general
27 election, the mayor may direct that the question of the approval of this act be submitted at such
28 special election. The question shall be submitted in substantially the following form: "Shall an act
29 passed at the 2010 session of the general assembly entitled 'An act authorizing the city of
30 Pawtucket to provide for the construction and reconstruction of streets and sidewalks in the city
31 of Pawtucket and authorizing the financing thereof, including the issue of not more than
32 \$1,000,000 bonds and notes therefor, to fund the Capital Improvement Program for the two fiscal
33 years 2011 and 2012' be approved?" and the warning for the election shall contain the question to
34 be submitted. From the time the election is warned and until it is held, it shall be the duty of the

1 city clerk to keep a copy of the act available at his or her office for public inspection, but the
2 validity of the election shall not be affected by this requirement. To the extent of any
3 inconsistency between this act and the city charter or any law of special applicability to the city,
4 this act shall prevail.

5 SECTION 14. This section and section 13 shall take effect upon the passage of this act.
6 The remainder of this act shall take effect upon the approval of this act by a majority of those
7 voting on the question at the election prescribed by the foregoing section.

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EXPLANATION

OF

A N A C T

AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE CONSTRUCTION AND RECONSTRUCTION OF STREETS AND SIDEWALKS IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$1,000,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2011 AND 2012

1 This act would authorize the city of Pawtucket to issue not more than \$1,000,000 general
2 obligation bonds and notes to finance the construction and reconstruction of streets and sidewalks
3 in the city of Pawtucket to cover the two fiscal years 2011 and 2012.

4 Sections 13 and 14 would take effect upon passage. The remainder of the act would take
5 effect upon approval of the question provided for in section 13.

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