

**2018 -- H 8178**

LC005618

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2018**

A N A C T

AUTHORIZING THE TOWN OF NORTH KINGSTOWN TO FINANCE CONSTRUCTION, RENOVATIONS, REMEDIATION, ALTERATIONS, ADDITIONS AND OTHER IMPROVEMENTS AND/OR RELATED EQUIPMENT AND TO ISSUE NOT MORE THAN \$27,000,000 BONDS AND NOTES THEREFOR, OF WHICH UP TO \$13,500,000 IS FOR SCHOOL PURPOSES AND UP TO \$13,500,000 IS FOR OTHER TOWN PURPOSES

Introduced By: Representatives Casimiro, and Craven

Date Introduced: May 09, 2018

Referred To: House Municipal Government

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 twenty seven million  
3 dollars (\$27,000,000) from time to time under its corporate name and seal or a facsimile of such  
4 seal. The bonds of each issue may be issued in the form of serial bonds or term bonds or a  
5 combination thereof and shall be payable either by maturity of principal in the case of serial  
6 bonds or by mandatory serial redemption in the case of term bonds, in annual installments of  
7 principal, the first installment to be not later than five (5) years and the last installment not later  
8 than thirty (30) years after the date of the bonds. For each issue the amounts payable annually for  
9 principal and interest combined either shall be as nearly equal from year to year as is practicable  
10 in the opinion of the officers authorized to issue the bonds, or shall be arranged in accordance  
11 with a schedule providing for a more rapid amortization of principal.

12           SECTION 2. The bonds shall be signed by the manual or facsimile signatures of the town  
13 treasurer and the president of the town council and shall be issued and sold in such amounts as the  
14 town council may authorize by resolution. The manner of sale, denominations, maturities, interest  
15 rates and other terms, conditions and details of any bonds or notes issued under this act may be  
16 fixed by the resolution of the town council authorizing the issue or by separate resolution of the  
17 town council or, to the extent provisions for these matters are not so made, they may be fixed by

1 the officers authorized to sign the bonds or notes. The proceeds derived from the sale of the bonds  
2 shall be delivered to the town treasurer, and such proceeds exclusive of premiums and accrued  
3 interest shall be expended for: (1) Construction, renovations, remediation, alterations, additions  
4 and other improvements and/or related equipment in the amount of up to thirteen million five  
5 hundred thousand dollars (\$13,500,000) for school purposes and in the amount of up to thirteen  
6 million five hundred thousand dollars (\$13,500,000) for other town purposes including and all  
7 costs incidental thereto; (2) In payment of the principal of or interest on temporary notes issued  
8 under section 3 of this act; or (3) In repayment of advances under section 4 of this act. No  
9 purchaser of any bonds or notes under this act shall be in any way responsible for the proper  
10 application of the proceeds derived from the sale thereof. The projects shall be carried out and all  
11 contracts made therefor on behalf of the town by one or more building committees appointed by  
12 the town council or as may be otherwise directed by the town council. The proceeds of bonds or  
13 notes issued under this act, any applicable federal or state assistance and the other monies referred  
14 to in section 6 of this act shall be deemed appropriated for the purposes of this act without further  
15 action than that required by this act. The bond issue authorized by this act may be consolidated  
16 for the purposes of issuance and sale with any other bond issue of the town heretofore or hereafter  
17 authorized; provided that, notwithstanding any such consolidation, the proceeds from the sale of  
18 the bonds 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 of  
20 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 (5) years from their respective dates, but the  
27 principal of and interest on notes issued for a shorter period may be renewed or paid from time to  
28 time by the issue of other notes hereunder; provided the period from the date of an original note  
29 to the maturity of any note issued to renew or pay the same debt or the interest thereon shall not  
30 exceed five (5) 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 preparing,  
17 issuing and marketing bonds or notes hereunder may also, in the discretion of the treasurer, be  
18 met from bond or note proceeds exclusive of accrued interest or from other monies available  
19 therefor. Any balance of bond or note proceeds remaining after payment of the cost of the  
20 projects and said additional improvements and the cost of preparing, issuing and marketing bonds  
21 or notes hereunder shall be applied to the payment of the principal of or interest on bonds or notes  
22 issued hereunder. In exercising any discretion under this section, the treasurer shall be governed  
23 by any instructions adopted by resolution of the town council. The treasurer is authorized to take  
24 any action deemed by them necessary: (1) To assure that interest on the bonds or notes issued  
25 hereunder remains excludable from gross income of the recipients thereof for federal income tax  
26 purposes, including, without limitation, paying to the federal government any rebate of earnings  
27 derived from the deposit or investment of the proceeds of such bonds or notes that may be  
28 required therefor; (2) To comply with the requirements of federal law, including without being  
29 limited to regulations and other requirements of the Securities and Exchange Commission and the  
30 Municipal Securities Rulemaking Board, imposed directly on the town or on the underwriters of  
31 such bonds and notes; and/or (3) As to bonds for school purposes, to comply with the provisions  
32 of §§ 16-7-35 through 16-7-47 of the Rhode Island general laws, 1956, as amended; including  
33 making all necessary contracts and agreements to issue said bonds and/or notes through the  
34 Rhode Island health and educational building corporation and/or the Rhode Island department of

1 education.

2 SECTION 7. All bonds or notes issued under this act and the debts evidenced thereby  
3 shall be obligatory on the town in the same manner and to the same extent as other debts lawfully  
4 contracted by it and shall be excepted from the operation of § 45-12-2 of the general laws. No  
5 such obligation shall at any time be included in the debt of the town for the purpose of  
6 ascertaining its borrowing capacity. The town shall annually appropriate a sum sufficient to pay  
7 the principal and interest coming due within the year on bonds and notes issued hereunder to the  
8 extent that moneys therefor are not otherwise provided. If such sum is not appropriated, it shall  
9 nevertheless be added to the annual tax levy. In order to provide such sum in each year and  
10 notwithstanding any provision of law to the contrary, all taxable property in the town shall be  
11 subject to ad valorem taxation by the town without limitation as to rate or amount.

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

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

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

33 SECTION 11. The question of the approval of this act shall be submitted to the electors  
34 of the town at the general election on November 6, 2018. The question shall be submitted in

1 substantially the following form: "Shall an act, passed at the 2018 session of the General  
2 Assembly, entitled 'AN ACT AUTHORIZING THE TOWN OF NORTH KINGSTOWN TO  
3 FINANCE CONSTRUCTION, RENOVATIONS, REMEDIATION, ALTERATIONS,  
4 ADDITIONS AND OTHER IMPROVEMENTS AND/OR RELATED EQUIPMENT AND TO  
5 ISSUE NOT MORE THAN \$27,000,000 BONDS AND NOTES THEREFOR, OF WHICH UP  
6 TO \$13,500,000 IS FOR SCHOOL PURPOSES AND UP TO \$13,500,000 IS FOR OTHER  
7 TOWN PURPOSES' be approved?" and the warning for the election shall contain the question to  
8 be submitted. The town board of canvassers may combine any two (2) or more voting districts for  
9 the election and when so combined shall be treated as a voting district. If so combined, the town  
10 board of canvassers shall advertise the combination of districts in a newspaper of general  
11 circulation in the town. From the time the election is warned and until it is held, it shall be the  
12 duty of the town clerk to keep a copy of the act available at the clerk's office for public  
13 inspection, but the validity of the election shall not be affected by this requirement.

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

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