

2010 -- S 2891

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

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A N A C T

AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE RECONSTRUCTION OF BRIDGES IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$200,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2011 AND 2012

Introduced By: Senators Doyle, and McBurney

Date Introduced: May 19, 2010

Referred To: Senate 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 two hundred thousand dollars  
3 (\$200,000) from time to time under its corporate name and seal or a facsimile of such. The bonds  
4 of each issue may be issued in the form of serial bonds or term bonds or a combination thereof  
5 and shall be payable either by maturity of principal in the case of serial bonds or by mandatory  
6 sinking fund installments in the case of term bonds, in annual installments of principal, the first  
7 installment to be not later than three (3) years and the last installment not later than thirty (30)  
8 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  
17 shall be expended: (a) for the reconstruction of bridges in the city of Pawtucket (the "project");

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

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

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

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

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

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

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

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

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

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

33 SECTION 10. Bonds and notes may be issued under this act without obtaining the  
34 approval of any governmental agency or the taking of any proceedings or the happening of any

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

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

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

23 SECTION 13. The question of the approval of this act shall be submitted to the electors  
24 of the city at the next general election but if a special city-wide election or special state election,  
25 in either case other than a primary, is called for a date earlier than the date of such general  
26 election, the mayor may direct that the question of the approval of this act be submitted at such  
27 special election. The question shall be submitted in substantially the following form: "Shall an act  
28 passed at the 2010 session of the general assembly entitled 'An act authorizing the city of  
29 Pawtucket to provide for the reconstruction of bridges in the city of Pawtucket and authorizing  
30 the financing thereof, including the issue of not more than \$200,000 bonds and notes therefor, to  
31 fund the Capital Improvement Program for the two fiscal years 2011 and 2012' be approved?" and  
32 the warning for the election shall contain the question to be submitted. From the time the election  
33 is warned and until it is held, it shall be the duty of the city clerk to keep a copy of the act  
34 available at his or her office for public inspection, but the validity of the election shall not be

1 affected by this requirement. To the extent of any inconsistency between this act and the city  
2 charter or any law of special applicability to the city, this act shall prevail.

3 SECTION 14. This section and section 13 shall take effect upon the passage of this act.  
4 The remainder of this act shall take effect upon the approval of this act by a majority of those  
5 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 RECONSTRUCTION OF BRIDGES IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$200,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2011 AND 2012

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1           This act would authorize the city of Pawtucket to issue not more than \$200,000 general  
2 obligation bonds and notes to finance the reconstruction of bridges in the city of Pawtucket to  
3 cover the two fiscal years 2011 and 2012.

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

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