

2014 -- S 2199

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

AUTHORIZING THE TOWN OF NARRAGANSETT TO FINANCE THE IMPROVEMENT,  
RENOVATION, REPAIR, RECONSTRUCTION AND/OR RESTORATION OF AND  
EQUIPMENT FOR THE TOWN OF NARRAGANSETT PUBLIC SAFETY BUILDING AND  
TO ISSUE NOT MORE THAN \$2,000,000 BONDS AND NOTES THEREFOR

Introduced By: Senators Sheehan, Hodgson, Cote, DiPalma, and Conley

Date Introduced: January 30, 2014

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1           SECTION 1. The Town of Narragansett is hereby empowered, in addition to authority  
2 previously granted, to issue bonds to an amount not exceeding two million dollars (\$2,000,000)  
3 from time to time under its corporate name and seal or a facsimile of such seal. The bonds of each  
4 issue may be issued in the form of serial bonds or term bonds or a combination thereof and shall  
5 be payable either by maturity of principal in the case of serial bonds or by mandatory serial  
6 redemption in the case of term bonds, in annual installments of principal, the first installment to  
7 be not later than five (5) years and the last installment not later than thirty (30) years after the date  
8 of the bonds. For each issue the amounts payable annually for principal and interest combined  
9 either shall be as nearly equal from year to year as is practicable in the opinion of the officers  
10 authorized to issue the bonds, or shall be arranged in accordance with a schedule providing for a  
11 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 (a) The improvement, renovation, repair, reconstruction and/or  
4 restoration of and equipment for the town of Narragansett public safety building and all costs  
5 incidental thereto; (b) In payment of the principal of or interest on temporary notes issued under  
6 Section 3 of this act; or (c) In repayment of advances under Section 4 of this act. No purchaser of  
7 any bonds or notes under this act shall be in any way responsible for the proper application of the  
8 proceeds derived from the sale thereof. The projects shall be carried out and all contracts made  
9 therefor on behalf of the town by the town council or as may be otherwise directed by the town  
10 council. The proceeds of bonds or notes issued under this act, any applicable federal or state  
11 assistance and the other monies referred to in Section 6 of this act shall be deemed appropriated  
12 for the purposes of this act without further action than that required by this act. The bond issue  
13 authorized by this act may be consolidated for the purposes of issuance and sale with any other  
14 bond issue of the town heretofore or hereafter authorized, provided that, notwithstanding any  
15 such consolidation, the proceeds from the sale of the bonds authorized by this act shall be  
16 expended for the purposes set forth above.

17 SECTION 3. The town council may by resolution authorize the issue from time to time of  
18 interest bearing or discounted notes in anticipation of the authorization or issue of bonds or in  
19 anticipation of the receipt of federal or state aid for the purposes of this act. The amount of  
20 original notes issued in anticipation of bonds may not exceed the amount of bonds which may be  
21 issued under this act and the amount of original notes issued in anticipation of federal or state aid  
22 may not exceed the amount of available federal or state aid as estimated by the treasurer.  
23 Temporary notes issued hereunder shall be signed by the treasurer and by the president of the  
24 town council and shall be payable within five (5) years from their respective dates, but the  
25 principal of and interest on notes issued for a shorter period may be renewed or paid from time to  
26 time by the issue of other notes hereunder, provided the period from the date of an original note  
27 to the maturity of any note issued to renew or pay the same debt or the interest thereon shall not  
28 exceed five (5) years.

29 SECTION 4. Pending any authorization or issue of bonds hereunder or pending or in lieu  
30 of any authorization or issue of notes hereunder, the treasurer, with the approval of the town  
31 council, may, to the extent that bonds or notes may be issued hereunder, apply funds in the  
32 treasury of the town to the purposes specified in Section 2, such advances to be repaid without  
33 interest from the proceeds of bonds or notes subsequently issued or from the proceeds of  
34 applicable federal or state assistance or from other available funds.

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

7           SECTION 6. Any accrued interest received upon the sale of bonds or notes hereunder  
8 shall be applied to the payment of the first interest due thereon. Any premiums arising from the  
9 sale of bonds or notes hereunder and any earnings or net profit realized from the deposit or  
10 investment of funds hereunder shall, in the discretion of the treasurer, be applied to the cost of  
11 preparing, issuing and marketing bonds or notes hereunder to the extent not otherwise provided,  
12 to the payment of the cost of the projects or to the cost of additional improvements coming within  
13 the description of the projects in Section 2 of this act, to the payment of the principal of or interest  
14 on bonds or notes issued hereunder or to any one or more of the foregoing. The cost of preparing,  
15 issuing and marketing bonds or notes hereunder may also, in the discretion of the treasurer, be  
16 met from bond or note proceeds exclusive of accrued interest or from other monies available  
17 therefor. Any balance of bond or note proceeds remaining after payment of the cost of the  
18 projects and said additional improvements and the cost of preparing, issuing and marketing bonds  
19 or notes hereunder shall be applied to the payment of the principal of or interest on bonds or notes  
20 issued hereunder. In exercising any discretion under this section, the treasurer shall be governed  
21 by any instructions adopted by resolution of the town council. The treasurer is authorized to take  
22 any action deemed by him or her necessary: (1) To assure that interest on the bonds or notes  
23 issued hereunder remains excludable from gross income of the recipients thereof for federal  
24 income tax purposes, including, without limitation, paying to the federal government any rebate  
25 of earnings derived from the deposit or investment of the proceeds of such bonds or notes that  
26 may be required therefor; (2) To qualify the bonds under Sections 54AA, 1400U-1, 1400U-2, or  
27 6431 of the Internal Revenue Code of 1986, as amended, as Build America Bonds and/or  
28 Recovery Zone Economic Development Bonds or other similar federal programs; and (3) To  
29 comply with the requirements of federal law, including without being limited to regulations and  
30 other requirements of the Securities and Exchange Commission and the Municipal Securities  
31 Rulemaking Board, imposed directly on the 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 § 45-12-2 of the General Laws. No

1 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 for,  
13 contract for and expend any federal or state advances or other grants or assistance which may be  
14 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 the general election on November 4, 2014. The question shall be submitted in  
31 substantially the following form: "Shall an act, passed at the 2014 session of the General  
32 Assembly, entitled 'AN ACT AUTHORIZING THE TOWN OF NARRAGANSETT TO  
33 FINANCE THE IMPROVEMENT, REPLACEMENT, RENOVATION, REPAIR,  
34 RECONSTRUCTION AND/OR RESTORATION OF AND EQUIPMENT FOR THE TOWN

1 OF NARRAGANSETT PUBLIC SAFETY BUILDING AND TO ISSUE NOT MORE THAN  
2 \$2,000,000 BONDS AND NOTES THEREFOR' be approved?" and the warning for the election  
3 shall contain the question to be submitted. The town board of canvassers may combine any two  
4 (2) or more voting districts for the election and when so combined shall be treated as a voting  
5 district. If so combined, the town board of canvassers shall advertise the combination of districts  
6 in a newspaper of general circulation in the town. From the time the election is warned and until  
7 it is held, it shall be the duty of the town clerk to keep a copy of the act available at his or her  
8 office for public inspection, but the validity of the election shall not be affected by this  
9 requirement.

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

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