

2020 -- H 8039

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LC005446  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

AUTHORIZING THE CITY OF CRANSTON TO ISSUE NOT TO EXCEED \$147,000,000 GENERAL OBLIGATION BONDS, NOTES AND OTHER EVIDENCES OF INDEBTEDNESS TO FINANCE THE CONSTRUCTION, RENOVATION, IMPROVEMENT, ALTERATION, REPAIR, LANDSCAPING, FURNISHING AND EQUIPPING OF SCHOOLS AND SCHOOL FACILITIES THROUGHOUT THE CITY, SUBJECT TO APPROVAL OF STATE HOUSING AID AT A REIMBURSEMENT RATE OR STATE SHARE RATIO OF NOT LESS THAN 50% AT THE TIME OF ISSUANCE AND PROVIDED THAT THE AUTHORIZATION SHALL BE REDUCED BY THE AMOUNT OF CERTAIN GRANTS RECEIVED FROM STATE BOND PROCEEDS, FROM THE RHODE ISLAND DEPARTMENT OF EDUCATION OR FROM THE RHODE ISLAND SCHOOL BUILDING AUTHORITY

Introduced By: Representatives Mattiello, Lima, Millea, and Handy

Date Introduced: June 18, 2020

Referred To: House Finance

It is enacted by the General Assembly as follows:

1           SECTION 1. The city of Cranston is hereby authorized, in addition to authority previously  
2 granted, to issue bonds and other evidences of indebtedness (hereinafter "bonds") up to an amount  
3 not exceeding one hundred forty-seven million dollars (\$147,000,000) from time to time under its  
4 corporate name and seal or a facsimile of such seal; provided, however, that bonds shall not be  
5 issued unless the conditions of section 2 hereof as to the level of state aid are met. The bonds of  
6 each issue may be issued in the form of serial bonds or term bonds or a combination thereof and  
7 shall be payable either by maturity of principal in the case of serial bonds or by mandatory sinking  
8 fund installments in the case of term bonds, in annual installments of principal, the first installment  
9 to be not later than five (5) years and the last installment not later than thirty (30) years after the  
10 date of the bonds. All such bonds of a particular issue may be issued in the form of zero coupon  
11 bonds, capital appreciation bonds, serial bonds or term bonds or a combination thereof. The amount  
12 of principal appreciation each year on any bonds, after the date of original issuance, shall not be  
13 considered to be principal indebtedness for the purposes of any constitutional, charter or statutory  
14 debt limit or any other limitation. The appreciation of principal after the date of original issue shall

1 be considered interest. Only the original principal amount shall be counted in determining the  
2 principal amount so issued and any interest component shall be disregarded.

3 SECTION 2. The city may be eligible for school housing aid reimbursement on debt  
4 service pursuant to chapter 7 of title 16, or for a grant, loan or other financial assistance from  
5 proceeds of bonds issued by the state of Rhode Island (the "state"), from the Rhode Island  
6 Department of Education ("RIDE") or from the Rhode Island School Building Authority. The  
7 amount of borrowing authorized pursuant to this act shall be reduced by the amount of certain  
8 grants actually received by the city from state bond proceeds, from RIDE or from the Rhode Island  
9 School Building Authority; provided however, that the amount of borrowing authorized shall not  
10 be reduced by the amount of any grant received by the city for any portion of the projects funded  
11 by capital reserve funds. Bonds, notes or other evidences of indebtedness shall not be issued  
12 under this act unless the city has received a letter from RIDE confirming that the then-current school  
13 housing aid reimbursement rate under chapter 7 of title 16, as amended from time to time, or  
14 financial assistance from the School Building Authority Capital Fund, or pursuant to any other law  
15 hereafter enacted providing for funds to municipalities for school housing purposes, is not less than  
16 fifty percent (50%) of debt service for those expenditures which are eligible for state aid.

17 SECTION 3. The bonds shall be signed by the director of finance and by the manual or  
18 facsimile signature of the mayor and be issued and sold in such amounts as the city council may  
19 determine by resolution or order. The manner of sale, denominations, maturities, interest rates and  
20 other terms, conditions and details of any bonds or notes issued under this act may be fixed by the  
21 proceedings of the city council authorizing the issue or by separate resolution or order of the city  
22 council or, to the extent provisions for these matters are not so made, they may be fixed by the  
23 officers authorized to sign the bonds or notes. Notwithstanding anything contained in this act to the  
24 contrary, the city may enter into financing agreements with the Rhode Island Health and  
25 Educational Building Corporation pursuant to chapter 7 of title 16 and chapter 38.1 of title 45 and,  
26 with respect to bonds or notes issued in connection with such financing agreements, if any, the city  
27 may elect to have the provisions of chapter 38.1 of title 45 apply to the issuance of the bonds or  
28 notes issued hereunder to the extent the provisions of chapter 38.1 of title 45 are inconsistent  
29 herewith. In addition, the city may enter into financing agreements with the Rhode Island  
30 Infrastructure Bank pursuant to the provisions of chapter 12.2 of title 46 and, with respect to bonds  
31 or notes issued in connection with such financing agreements, if any, the city may elect to have the  
32 provisions of chapter 12.2 of title 46 apply to the issuance of the bonds or notes issued hereunder  
33 to the extent the provisions of chapter 12.2 of title 46 are inconsistent herewith. Such election may  
34 be fixed by the proceedings of the city council authorizing such issuance or by separate resolution

1 or order of the city council, or, to the extent provisions for these matters are not so made, they may  
2 be fixed by the officers authorized to sign the bonds or notes. The proceeds derived from the sale  
3 of the bonds shall be delivered to the director of finance, and such proceeds, exclusive of premiums  
4 and accrued interest, shall be expended: (1) For the construction, renovation, improvement,  
5 alteration, repair, landscaping, furnishing and equipping of schools and school facilities throughout  
6 the city of Cranston and all costs related thereto (the "projects"); (2) In payment of the principal of  
7 or interest on temporary notes issued under section 4; (3) In repayment of advances under section  
8 5; (4) In payment of related costs of issuance of any bonds or notes; and/or (5) In payment of  
9 capitalized interest during construction of the projects. No purchaser of any bonds or notes under  
10 this 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 7 and 10 shall be deemed appropriated for  
13 the purposes of this act without further action than that required by this act. The bonds authorized  
14 by this act may be consolidated for the purpose of issuance and sale with any other bonds of the  
15 city heretofore or hereafter authorized, provided that, notwithstanding any such consolidation, the  
16 proceeds from the sale of the bonds authorized by this act shall be expended for the purposes set  
17 forth above.

18 SECTION 4. The city council may by resolution or order authorize the issuance from time  
19 to time of interest bearing or discounted notes in anticipation of the issue of bonds under section 3  
20 or in anticipation of the receipt of federal or state aid for the purposes of this act. The amount of  
21 original notes issued in anticipation of bonds may not exceed the amount of bonds which may be  
22 issued under this act and the amount of original notes issued in anticipation of federal or state aid  
23 may not exceed the amount of available federal or state aid as estimated by the director of finance.  
24 Temporary notes issued hereunder shall be signed by the manual or facsimile signatures of the  
25 director of finance and the mayor and shall be payable within five (5) years from their respective  
26 dates, but the principal of and interest on notes issued for a shorter period may be renewed or paid  
27 from time to time by the issue of other notes hereunder, provided the period from the date of an  
28 original note to the maturity of any note issued to renew or pay the same debt or the interest thereon  
29 shall not exceed five (5) years. Any temporary notes in anticipation of bonds issued under this  
30 section may be refunded prior to the maturity of the notes by the issuance of additional temporary  
31 notes, provided that no such refunding shall result in any amount of such temporary notes  
32 outstanding at any one time in excess of two hundred percent (200%) of the amount of bonds which  
33 may be issued under this act, and provided further that if the issuance of any such refunding notes  
34 results in any amount of such temporary notes outstanding at any one time in excess of the amount

1 of bonds which may be issued under this act, the proceeds of such refunding notes shall be deposited  
2 in a separate fund established with the bank which is the paying agent for the notes being refunded.  
3 Pending their use to pay the notes being refunded, monies in the fund shall be invested for the  
4 benefit of the city by the paying agent at the direction of the director of finance in any investment  
5 permitted under section 6. The monies in the fund and any investments held as a part of the fund  
6 shall be held in trust and shall be applied by the paying agent solely to the payment or prepayment  
7 of the principal of and interest on the notes being refunded. Upon payment of all principal of and  
8 interest on the notes, any excess monies in the fund shall be distributed to the city. The city may  
9 pay the principal of and interest on notes in full from other than the issuance of refunding notes  
10 prior to the issuance of bonds pursuant to section 1 hereof. In such case, the city's authority to issue  
11 bonds or notes in anticipation of bonds under this act shall continue provided that: (1) The city  
12 council passes a resolution or order evidencing the city's intent to pay off the notes without  
13 extinguishing the authority to issue bonds or notes; and (2) That the period from the date of an  
14 original note to the maturity date of any other note shall not exceed five (5) years.

15 SECTION 5. Pending any authorization or issue of bonds hereunder or pending or in lieu  
16 of any authorization or issue of notes hereunder, the director of finance, with the approval of the  
17 city council may, to the extent that bonds or notes may be issued hereunder, apply funds in the  
18 general treasury of the city to the purposes specified in section 3, such advances to be repaid without  
19 interest from the proceeds of bonds or notes subsequently issued or from the proceeds of applicable  
20 federal or state assistance or from other available funds.

21 SECTION 6. Any proceeds of bonds or notes issued hereunder or of any applicable federal  
22 or state assistance, pending their expenditure may be deposited or invested by the director of  
23 finance, in demand deposits, time deposits or savings deposits in banks which are members of the  
24 Federal Deposit Insurance Corporation or in obligations issued or guaranteed by the United States  
25 of America or by any agency or instrumentality thereof or as may be provided in any other  
26 applicable law of the state of Rhode Island or resolution or order of the city council or pursuant to  
27 an investment policy of the city.

28 SECTION 7. Any accrued interest received upon the sale of bonds or notes hereunder shall  
29 be applied to the payment of the first interest due thereon. Any premiums arising from the sale of  
30 bonds or notes hereunder and, to the extent permitted by applicable federal laws, any net earnings  
31 or profits realized from the deposit or investment of funds hereunder shall, in the discretion of the  
32 director of finance, be applied to the cost of preparing, issuing, and marketing bonds or notes  
33 hereunder to the extent not otherwise provided, to the payment of the cost of the projects, to the  
34 payment of the principal of or interest on bonds or notes issued hereunder, to the revenues of the

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

12 SECTION 8. All bonds and notes issued under this act and the debt evidenced hereby shall  
13 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 § 45-12-2 and any provision of the city  
15 charter. No such obligation shall at any time be included in the debt of the city for the purpose of  
16 ascertaining its borrowing capacity. The city shall annually appropriate a sum sufficient to pay the  
17 principal and interest coming due within the year on bonds and notes issued hereunder to the extent  
18 that monies therefor are not otherwise provided. If such sum is not appropriated, it shall  
19 nevertheless be added to the annual tax levy. In order to provide such sum in each year and  
20 notwithstanding any provisions of law to the contrary, all taxable property in the city shall be  
21 subject to ad valorem taxation by the city without limitation as to rate or amount.

22 SECTION 9. 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 any  
25 or all of such officers shall for any reason have ceased to hold office.

26 SECTION 10. The city, acting by resolution or order of its city council is authorized to  
27 apply for, contract for and expend any federal or state advances or other grants of assistance which  
28 may be 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, may  
32 be repaid as a cost of the projects under section 3.

33 SECTION 11. Bonds and notes may be issued under this act without obtaining the approval  
34 of any governmental agency or the taking of any proceedings or the happening of any conditions

1 except as specifically required by this act for such issue. In carrying out any project financed in  
2 whole or in part under this act, including where applicable the condemnation of any land or interest  
3 in land, and in the levy and collection of assessments or other charges permitted by law on account  
4 of any such project, all action shall be taken which is necessary to meet constitutional requirements  
5 whether or not such action is otherwise required by statute, but the validity of bonds and notes  
6 issued hereunder shall in no way depend upon the validity or occurrence of such action.

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

15 SECTION 13. All or any portion of the authorized but unissued authority to issue bonds  
16 and notes under this act may be extinguished by resolution or order of the city council, without  
17 further action by the general assembly, seven (7) years after the effective date of this act.

18 SECTION 14. The question of the approval of this act shall be submitted to the electors of  
19 the city at the general election to be held on November 3, 2020 or, if so determined by the city  
20 council, at a special city-wide election, other than a primary, held on a date to be determined by  
21 resolution or order of the city council. The question shall be submitted in substantially the following  
22 form: "Shall an act passed at the 2020 session of the general assembly entitled 'AN ACT  
23 AUTHORIZING THE CITY OF CRANSTON TO ISSUE NOT TO EXCEED \$147,000,000  
24 GENERAL OBLIGATION BONDS, NOTES AND OTHER EVIDENCES OF INDEBTEDNESS  
25 TO FINANCE THE CONSTRUCTION, RENOVATION, IMPROVEMENT, ALTERATION,  
26 REPAIR, LANDSCAPING, FURNISHING AND EQUIPPING OF SCHOOLS AND SCHOOL  
27 FACILITIES THROUGHOUT THE CITY, SUBJECT TO APPROVAL OF STATE HOUSING  
28 AID AT A REIMBURSEMENT RATE OR STATE SHARE RATIO OF NOT LESS THAN 50%  
29 AT THE TIME OF ISSUANCE AND PROVIDED THAT THE AUTHORIZATION SHALL BE  
30 REDUCED BY THE AMOUNT OF CERTAIN GRANTS RECEIVED FROM STATE BOND  
31 PROCEEDS, FROM THE RHODE ISLAND DEPARTMENT OF EDUCATION OR FROM THE  
32 RHODE ISLAND SCHOOL BUILDING AUTHORITY' be approved?" and the warning for the  
33 election shall contain the question to be submitted. From the time the election is warned and until  
34 it is held, it shall be the duty of the city clerk to keep a copy of the act available at the clerk's office

1 for public inspection, but the validity of the election shall not be affected by this requirement. To  
2 the extent of any inconsistency between this act and the city charter or any law of special  
3 applicability to the city, this act shall prevail.

4 SECTION 15. This act shall constitute an enabling act of the general assembly that is  
5 required pursuant to § 16-7-44. Any bonds, notes or other evidences of indebtedness issued under  
6 this act for school projects shall not be eligible for state aid reimbursement pursuant to § 16-7-44  
7 unless the school projects described herein have been approved by RIDE.

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

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EXPLANATION

OF

A N A C T

AUTHORIZING THE CITY OF CRANSTON TO ISSUE NOT TO EXCEED \$147,000,000  
GENERAL OBLIGATION BONDS, NOTES AND OTHER EVIDENCES OF  
INDEBTEDNESS TO FINANCE THE CONSTRUCTION, RENOVATION, IMPROVEMENT,  
ALTERATION, REPAIR, LANDSCAPING, FURNISHING AND EQUIPPING OF SCHOOLS  
AND SCHOOL FACILITIES THROUGHOUT THE CITY, SUBJECT TO APPROVAL OF  
STATE HOUSING AID AT A REIMBURSEMENT RATE OR STATE SHARE RATIO OF  
NOT LESS THAN 50% AT THE TIME OF ISSUANCE AND PROVIDED THAT THE  
AUTHORIZATION SHALL BE REDUCED BY THE AMOUNT OF CERTAIN GRANTS  
RECEIVED FROM STATE BOND PROCEEDS, FROM THE RHODE ISLAND  
DEPARTMENT OF EDUCATION OR FROM THE RHODE ISLAND SCHOOL BUILDING  
AUTHORITY

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1           This act would authorize the city of Cranston to issue not more than \$147,000,000 general  
2 obligation bonds, notes and other evidences of indebtedness to finance the construction, renovation,  
3 improvement, alteration, repair, landscaping, furnishing and equipping of schools and school  
4 facilities throughout the city of Cranston and all costs related thereto, subject to approval of State  
5 Housing Aid at a reimbursement rate or state share ratio of not less than 50% at the time of issuance  
6 and provided that the authorization shall be reduced by the amount of certain grants received from  
7 State bond proceeds, from the Rhode Island Department of Education or from the Rhode Island  
8 School Building Authority.

9           This act would constitute an enabling act of the general assembly that is required pursuant  
10 to § 16-7-44. Any bonds, notes or other evidences of indebtedness issued under this act for school  
11 projects shall not be eligible for state aid reimbursement pursuant to § 16-7-44 unless the school  
12 projects described herein have been approved by the Rhode Island Department of Education  
13 ("RIDE").

14           Sections 14 and 15 would take effect upon passage. The remainder of the act would take  
15 effect upon approval of the question provided for in section 14.

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