

**2022 -- H 8228 SUBSTITUTE A**

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LC005953/SUB A  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2022**

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**A N A C T**

AUTHORIZING THE CITY OF PAWTUCKET TO ISSUE NOT TO EXCEED \$330,000,000 GENERAL OBLIGATION BONDS, NOTES AND OTHER EVIDENCES OF INDEBTEDNESS TO FINANCE THE ACQUISITION, CONSTRUCTION, IMPROVEMENT, FURNISHING AND EQUIPPING OF A NEW HIGH SCHOOL AND SCHOOL FACILITIES AND ALL EXPENSES INCIDENT THERETO, INCLUDING BUT NOT LIMITED TO, COSTS OF DESIGN, DEMOLITION, ATHLETIC FIELDS, LANDSCAPING AND PARKING, SUBJECT TO APPROVAL OF STATE HOUSING AID AT A REIMBURSEMENT RATE OR STATE SHARE RATIO OF NOT LESS THAN 83.7% FOR EXPENDITURES ELIGIBLE FOR STATE AID AND PROVIDED THAT THE AUTHORIZATION SHALL BE REDUCED BY ANY GRANT RECEIVED FROM THE SCHOOL BUILDING AUTHORITY CAPITAL FUND

Introduced By: Representatives Messier, Alzate, Felix, and Shallcross Smith

Date Introduced: May 11, 2022

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 previously  
2 granted, to issue bonds and other evidences of indebtedness (hereinafter "bonds") up to an amount  
3 not exceeding three hundred thirty million dollars (\$330,000,000) 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 three (3) years and the last installment not later than thirty (30) years after the  
10 date of the bonds.

11           SECTION 2. The city may be eligible for school housing aid reimbursement on debt  
12 service pursuant to chapter 7 of title 16, or for a grant, loan or other "financial assistance" as defined  
13 in § 45-38.2-1(6), from the school building authority capital fund under chapter 38.2 of chapter 45  
14 of the general laws for such projects, as defined in section 3, taking into account the resources and

1 priorities of school building authority capital fund from time to time. The amount of borrowing  
2 authorized pursuant to this act shall be reduced by the amount of any grant received by the city  
3 from the school building authority capital fund. Bonds, notes or other evidences of indebtedness  
4 shall not be issued under this act unless the city has received a letter from the Rhode Island  
5 department of education ("RIDE") confirming that the then-current school housing aid  
6 reimbursement rate under chapter 7 of title 16, as amended from time to time, or financial assistance  
7 from the school building authority capital fund, or pursuant to any other law hereafter enacted  
8 providing for funds to municipalities for school housing purposes, is not less than eighty-three and  
9 seven-tenths percent (83.7%) of debt service for those expenditures which are eligible for state aid.

10 SECTION 3. The bonds shall be signed by the city treasurer and by the manual or facsimile  
11 signature of the mayor and be issued and sold in such amounts as the city council may determine  
12 by resolution. The manner of sale, denominations, maturities, interest rates and other terms,  
13 conditions and details of any bonds or notes issued under this act may be fixed by the proceedings  
14 of the city council authorizing the issue or by separate resolution of the city council or, to the extent  
15 provisions for these matters are not so made, they may be fixed by the officers authorized to sign  
16 the bonds. Notwithstanding anything contained in this act to the contrary, the city may enter into  
17 financing agreements with the Rhode Island health and educational building corporation pursuant  
18 to chapter 7 of title 16 and chapter 38.1 of title 45 and, with respect to bonds or notes issued in  
19 connection with such financing agreements, if any, the city may elect to have the provisions of  
20 chapter 38.1 of title 45 apply to the issuance of the bonds or notes issued hereunder to the extent  
21 the provisions of chapter 38.1 of title 45 are inconsistent herewith. In addition, the city may enter  
22 into financing agreements with the Rhode Island infrastructure bank pursuant to the provisions of  
23 chapter 12.2 of title 46 and, with respect to bonds or notes issued in connection with such financing  
24 agreements, if any, the city may elect to have the provisions of chapter 12.2 of title 46 apply to the  
25 issuance of the bonds or notes issued hereunder to the extent the provisions of chapter 12.2 of title  
26 46 are inconsistent herewith. Such election may be fixed by the proceedings of the city council  
27 authorizing such issuance of by separate resolution of the city council, or, to the extent provisions  
28 for these matters are not so made, they may be fixed by the officers authorized to sign the bonds or  
29 notes. The proceeds derived from the sale of the bonds shall be delivered to the city treasurer, and  
30 such proceeds, exclusive of premiums and accrued interest, shall be expended: (1) For  
31 the acquisition, construction, improvement, furnishing and equipping of a new high school and  
32 school facilities and all expenses incident thereto, including but not limited to, costs of design,  
33 demolition, athletic fields, landscaping and parking and all costs related thereto (the "projects");  
34 (2) In payment of the principal of or interest on temporary notes issued under section 4; (3) In

1 repayment of advances under section 5; (4) In payment of related costs of issuance of any bonds or  
2 notes; and/or (5) In payment of capitalized interest during construction of the projects. No purchaser  
3 of any bonds or notes under this act shall be in any way responsible for the proper application of  
4 the proceeds derived from the sale thereof. The proceeds of bonds or notes issued under this act,  
5 any applicable federal or state assistance and the other monies referred to in sections 7 and 10 shall  
6 be deemed appropriated for the purposes of this act without further action than that required by this  
7 act.

8 SECTION 4. The city council may by resolution authorize the issuance from time to time  
9 of interest bearing or discounted notes in anticipation of the issue of bonds under section 3 or in  
10 anticipation of the receipt of federal or state aid for the purposes of this act. The amount of original  
11 notes issued in anticipation of bonds may not exceed the amount of bonds which may be issued  
12 under this act (without any reduction for any grant to be received from the school building authority  
13 capital fund), and the amount of original notes issued in anticipation of federal or state aid may not  
14 exceed the amount of available federal or state aid as estimated by the city treasurer. Temporary  
15 notes issued hereunder shall be signed by the manual or facsimile signatures of the city treasurer  
16 and the mayor and shall be payable within five (5) years from their respective dates, but the  
17 principal of and interest on notes issued for a shorter period may be renewed or paid from time to  
18 time by the issue of other notes hereunder, provided the period from the date of an original note to  
19 the maturity of any note issued to renew or pay the same debt or the interest thereon shall not exceed  
20 five (5) years. Any temporary notes in anticipation of bonds issued under this section may be  
21 refunded prior to the maturity of the notes by the issuance of additional temporary notes, provided  
22 that no such refunding shall result in any amount of such temporary notes outstanding at any one  
23 time in excess of two hundred percent (200%) of the amount of bonds which may be issued under  
24 this act, and provided further that if the issuance of any such refunding notes results in any amount  
25 of such temporary notes outstanding at any one time in excess of the amount of bonds which may  
26 be issued under this act, the proceeds of such refunding notes shall be deposited in a separate fund  
27 established with the bank which is paying agent for the notes being refunded. Pending their use to  
28 pay the notes being refunded, monies in the fund shall be invested for the benefit of the city by the  
29 paying agent at the direction of the city treasurer in any investment permitted under section 6. The  
30 monies in the fund and any investments held as a part of the fund shall be held in trust and shall be  
31 applied by the paying agent solely to the payment or prepayment of the principal of and interest on  
32 the notes being refunded. Upon payment of all principal of and interest on the notes, any excess  
33 monies in the fund shall be distributed to the city. The city may pay the principal of and interest on  
34 notes in full from other than the issuance of refunding notes prior to the issuance of bonds pursuant

1 to section 1 hereof. In such case, the city's authority to issue bonds or notes in anticipation of bonds  
2 under this act shall continue provided that: (1) The city council passes a resolution evidencing the  
3 city's intent to pay off the notes without extinguishing the authority to issue bonds or notes; and (2)  
4 That the period from the date of an original note to the maturity date of any other note shall not  
5 exceed five (5) years. Section 5-106 of the city charter shall not apply to the issue of notes in  
6 anticipation of bonds.

7 SECTION 5. Pending any authorization or issue of bonds hereunder or pending or in lieu  
8 of any authorization or issue of notes hereunder, the city treasurer, with the approval of the city  
9 council may, to the extent that bonds or notes may be issued hereunder, apply funds in the general  
10 treasury of the city to the purposes specified in section 3, such advances to be repaid without interest  
11 from the proceeds of bonds or notes subsequently issued or from the proceeds of applicable federal  
12 or state assistance or from other available funds.

13 SECTION 6. Any proceeds of bonds or notes issued hereunder or of any applicable federal  
14 or state assistance, pending their expenditure may be deposited or invested by the city treasurer, in  
15 demand deposits, time deposits or savings deposits in banks which are members of the Federal  
16 Deposit Insurance Corporation or in obligations issued or guaranteed by the United States of  
17 America or by any agency or instrumentality thereof or as may be provided in any other applicable  
18 law of the State of Rhode Island or resolution of the city council or pursuant to an investment policy  
19 of the city.

20 SECTION 7. Any accrued interest received upon the sale of bonds or notes hereunder shall  
21 be applied to the payment of the first interest due thereon. Any premiums arising from the sale of  
22 bonds or notes hereunder and, to the extent permitted by applicable federal laws, any net earnings  
23 or profits realized from the deposit or investment of funds hereunder shall, in the discretion of the  
24 city treasurer, be applied to the cost of preparing, issuing, and marketing bonds or notes hereunder  
25 to the extent not otherwise provided, to the payment of the cost of the projects, to the payment of  
26 the principal of or interest on bonds or notes issued hereunder, to the revenues of the city and dealt  
27 with as part of the revenues of the city from property taxes to the extent permitted by federal law,  
28 or to any one or more of the foregoing. The cost of preparing, issuing, and marketing bonds or notes  
29 hereunder may also, in the discretion of the city treasurer, be met from bond or note proceeds  
30 exclusive of premium and accrued interest or from other monies available therefor. Any balance of  
31 bond or note proceeds remaining after payment of the cost of the projects and the cost of preparing,  
32 issuing and marketing bonds or notes hereunder shall be applied to the payment of the principal of  
33 or interest on bonds or notes issued hereunder. To the extent permitted by applicable federal laws,  
34 any earnings or net profit realized from the deposit or investment of funds hereunder may, upon

1 receipt, be added to and dealt with as part of the revenues of the city from property taxes. In  
2 exercising any discretion under this section, the city treasurer shall be governed by any instructions  
3 adopted by resolution of the city council. Any balance of bond or note proceeds remaining after  
4 completion of the projects shall be subject to section 5-109 of the city charter.

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

15 SECTION 9. Any bonds or notes issued under the provisions of this act, if properly  
16 executed by the officers of the city in office on the date of execution, shall be valid and binding  
17 according to their terms notwithstanding that before the delivery thereof and payment therefor any  
18 or all of such officers shall for any reason have ceased to hold office.

19 SECTION 10. The city, acting by resolution of its city council is authorized to apply for,  
20 contract for and expend any federal or state advances or other grants of assistance which may be  
21 available for the purposes of this act, and any such expenditures may be in addition to other monies  
22 provided in this act. To the extent of any inconsistency between any law of this state and any  
23 applicable federal law or regulation, the latter shall prevail. Federal and state advances, with interest  
24 where applicable, whether contracted for prior to or after the effective date of this act, may be  
25 repaid as a cost of the projects under section 3.

26 SECTION 11. Bonds and notes may be issued under this act without obtaining the approval  
27 of any governmental agency or the taking of any proceedings or the happening of any conditions  
28 except as specifically required by this act for such issue. In carrying out any project financed in  
29 whole or in part under this act, including where applicable the condemnation of any land or interest  
30 in land, and in the levy and collection of assessments or other charges permitted by law on account  
31 of any such project, all action shall be taken which is necessary to meet constitutional requirements  
32 whether or not such action is otherwise required by statute, but the validity of bonds and notes  
33 issued hereunder shall in no way depend upon the validity or occurrence of such action. Without  
34 limiting the generality of the foregoing, the validity of bonds and notes issued hereunder shall in

1 no way be affected by section 2-308 of the city charter and section 4-1602 of the city code of  
2 ordinances, and the purposes of this act shall be deemed to constitute a single project under article  
3 V of the city charter.

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

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

15 SECTION 14. The question of the approval of this act shall be submitted to the electors of  
16 the city at the general election to be held on November 8, 2022. The question shall be submitted in  
17 substantially the following form: "Shall an act passed at the 2022 session of the general assembly  
18 entitled 'AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO ISSUE NOT TO EXCEED  
19 \$330,000,000 GENERAL OBLIGATION BONDS, NOTES AND OTHER EVIDENCES OF  
20 INDEBTEDNESS TO FINANCE THE ACQUISITION, CONSTRUCTION, IMPROVEMENT,  
21 FURNISHING AND EQUIPPING OF A NEW HIGH SCHOOL AND SCHOOL FACILITIES  
22 AND ALL EXPENSES INCIDENT THERETO, INCLUDING BUT NOT LIMITED TO COSTS  
23 OF DESIGN, DEMOLITION, ATHLETIC FIELDS, LANDSCAPING AND PARKING,  
24 SUBJECT TO APPROVAL OF STATE HOUSING AID AT A REIMBURSEMENT RATE OR  
25 STATE SHARE RATIO OF NOT LESS THAN 83.7% FOR EXPENDITURES ELIGIBLE FOR  
26 STATE AID AND PROVIDED THAT THE AUTHORIZATION SHALL BE REDUCED BY  
27 ANY GRANT RECEIVED FROM THE SCHOOL BUILDING AUTHORITY CAPITAL FUND'  
28 be approved?" and the warning for the election shall contain the question to be submitted. From the  
29 time the election is warned and until it is held, it shall be the duty of the city clerk to keep a copy  
30 of the act available at the clerk's office for public inspection, but the validity of the election shall  
31 not be affected by this requirement. To the extent of any inconsistency between this act and the city  
32 charter or any law of special applicability to the city, this act shall prevail.

33 SECTION 15. This act shall constitute an enabling act of the general assembly that is  
34 required pursuant to § 16-7-44 of chapter 7 of title 16 of the general laws. Any bonds, notes or

1 other evidences of indebtedness issued under this act for school projects shall not be eligible for  
2 state housing aid reimbursement pursuant to § 16-7-44 of chapter 7 of title 16 of the general laws  
3 unless the school projects described herein have been approved by RIDE.

4 SECTION 16. Sections 14 and 16 shall take effect upon passage. The remainder of this act  
5 shall take effect upon the approval of this act by a majority of those voting on the question at the  
6 election prescribed by section 14.

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EXPLANATION

OF

A N A C T

AUTHORIZING THE CITY OF PAWTUCKET TO ISSUE NOT TO EXCEED \$330,000,000 GENERAL OBLIGATION BONDS, NOTES AND OTHER EVIDENCES OF INDEBTEDNESS TO FINANCE THE ACQUISITION, CONSTRUCTION, IMPROVEMENT, FURNISHING AND EQUIPPING OF A NEW HIGH SCHOOL AND SCHOOL FACILITIES AND ALL EXPENSES INCIDENT THERETO, INCLUDING BUT NOT LIMITED TO, COSTS OF DESIGN, DEMOLITION, ATHLETIC FIELDS, LANDSCAPING AND PARKING, SUBJECT TO APPROVAL OF STATE HOUSING AID AT A REIMBURSEMENT RATE OR STATE SHARE RATIO OF NOT LESS THAN 83.7% FOR EXPENDITURES ELIGIBLE FOR STATE AID AND PROVIDED THAT THE AUTHORIZATION SHALL BE REDUCED BY ANY GRANT RECEIVED FROM THE SCHOOL BUILDING AUTHORITY CAPITAL FUND

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1           This act authorizes the city of Pawtucket to issue not more than three hundred thirty million  
2 dollars (\$330,000,000) general obligation bonds, notes and other evidences of indebtedness to  
3 finance the acquisition, construction, improvement, furnishing and equipping of a new high school  
4 and school facilities and all expenses incident thereto, including but not limited to, costs of design,  
5 demolition, athletic fields, landscaping and parking and all costs related thereto. The city may be  
6 eligible for school housing aid reimbursement pursuant to chapter 7 of title 16, or from the school  
7 building authority capital fund under chapter 38.2 of chapter 45 of the general laws. The amount  
8 of borrowing authorized pursuant to this chapter shall be reduced by the amount of any grant  
9 received by the city from the school building authority capital fund and the issuance of bonds, notes  
10 and other evidences of indebtedness shall be subject to approval of state housing aid at a  
11 reimbursement rate or state share ratio of not less than eighty-three and seven-tenths percent  
12 (83.7%) for expenditures eligible for state aid at the time the indebtedness is issued.

13           This act shall constitute an enabling act of the general assembly that is required pursuant  
14 to § 16-7-44 of chapter 7 of title 16 of the general laws. Any bonds, notes or other evidences of  
15 indebtedness issued under this act for school projects shall not be eligible for state housing aid  
16 reimbursement pursuant to § 16-7-44 of chapter 7 of title 16 of the general laws unless the school  
17 projects described herein have been approved by the Rhode Island department of education.

18           Sections 14 and 16 would take effect upon passage. The remainder of the act would take  
19 effect upon approval of the question provided for in section 14.

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