

**2017 -- S 0850 SUBSTITUTE A**

LC002611/SUB A/2

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2017**

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE I-195 REDEVELOPMENT  
ACT OF 2011

Introduced By: Senators Ruggerio, Goodwin, Lombardi, Miller, and Lynch Prata

Date Introduced: May 02, 2017

Referred To: Senate Rules, Government Ethics and Oversight

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 42-64.14-6 and 42-64.14-7 of the General Laws in Chapter 42-  
2 64.14 entitled "The I-195 Redevelopment Act of 2011" are hereby amended to read as follows:

3 **42-64.14-6. The I-195 redevelopment district commission.**

4 (a) The powers of the district to achieve the purposes of this chapter shall be exercised by  
5 a commission as herein provided:

6 The I-195 redevelopment district commission shall consist of seven (7) voting members.  
7 The governor of the State of Rhode Island shall appoint, with the advice and consent of the  
8 senate, the seven (7) voting members of the commission.

9 The mayor of the city of Providence shall within thirty (30) days of passage of this act  
10 submit to the governor a list of names of at least six (6) individuals which the governor shall give  
11 due consideration to appointing three (3) individuals from the list. The speaker of the house of  
12 representatives shall within thirty (30) days of passage of this act submit to the governor a list of  
13 names of three (3) individuals of which the governor shall give due consideration to appointing  
14 one individual from the list. The governor shall also appoint three (3) individuals without regard  
15 to the lists submitted by the mayor of the city of Providence or the speaker of the house of  
16 representatives and the governor shall designate one of the members to serve as chairperson of  
17 the commission. The governor shall within forty (40) days of passage of this act submit to the  
18 senate for advice and consent the initial list of individuals for appointment to the commission

1 including any individuals appointed by the governor from the lists presented by the mayor of the  
2 city of Providence and the speaker of the house of representatives within the time limits set forth  
3 in this subsection.

4 Three (3) members shall be appointed for a term of two (2) years; three (3) members shall  
5 be appointed for a term of three (3) years; and one member, who shall be the chair, shall be  
6 appointed for a term of four (4) years. Appointments made thereafter shall be for four (4) year  
7 terms. Any vacancy occurring in the commission shall be filled by the governor of the State of  
8 Rhode Island in the same manner prescribed for the original appointments including those seats  
9 by recommendation of the mayor of the city of Providence and the speaker of the house of  
10 representatives being selected from a similar prepared list from those parties. A member  
11 appointed to fill a vacancy of a director appointed by the governor of the State of Rhode Island  
12 shall be appointed for the unexpired portion of the term of office of the member whose vacancy is  
13 to be filled. Members of the commission whose terms expire shall continue to serve until their  
14 successors are appointed and qualified.

15 In addition to these voting members, there shall be two (2) ex officio, non-voting  
16 members as follows: the city of Providence planning director, or his or her designee and the chief  
17 executive officer of the Rhode Island commerce corporation, or his or her designee.

18 (b) The commissioners shall receive no compensation for the performance of their duties  
19 under this chapter, but each commissioner may be reimbursed for his or her reasonable expenses  
20 incurred in carrying out those duties, however said reimbursement must be approved at a public  
21 meeting of the commission. A commissioner may engage in private employment, or in a  
22 profession or business.

23 (c) The chairperson shall designate a vice chairperson from the commission who shall  
24 serve at the pleasure of the chairperson. Four (4) voting commissioners shall constitute a quorum,  
25 and any action to be taken by the commission under the provisions of this chapter may be  
26 authorized by resolution approved by a majority of the commissioners present and entitled to vote  
27 at any regular or special meeting at which a quorum is present. A vacancy in the membership of  
28 the commission shall not impair the right of a quorum to exercise all of the rights and perform all  
29 of the duties of the commission. Notwithstanding anything in this chapter to the contrary, in the  
30 event that a vacancy is not filled within thirty (30) days of such vacancy, a quorum shall be  
31 deemed to exist with a majority of the then duly authorized voting commissioners present.

32 (d) The commission shall appoint a secretary and such additional officers and staff  
33 members as they shall deem appropriate and shall determine the amount of reasonable  
34 compensation, if any, each shall receive. The chair shall appoint the executive director with the

1 approval of the commission provided that the position of the executive director must be  
2 advertised and the appointment must be approved at a public meeting of the commission. The  
3 commission may vest in an executive director or the director's subordinates the authority to  
4 recommend additional staff members and to determine the amount of compensation each  
5 individual shall receive, which shall then be approved by the commission at a public meeting.

6 (e) No full-time employee shall during the period of his or her employment by the  
7 commission engage in any other private employment, profession, or business, except with the  
8 approval of the commissioners.

9 (f) Any action taken by the commission under the provisions of this chapter may be  
10 authorized by vote at any regular or special meeting, and each vote shall take effect immediately,  
11 unless otherwise expressly indicated by the commission.

12 (g) Employees of the commission shall not, by reason of their employment, be deemed to  
13 be employees of the state or the city for any purpose, any other provision of the general laws,  
14 charter, or ordinance to the contrary notwithstanding except for the provisions of the ethics code  
15 as set forth in Rhode Island general law 36-14. Further, no employee of the commission shall be  
16 entitled to or accrue pension benefits with the city of Providence or state during such  
17 employment.

18 (h) It shall be the responsibility of the commission to conduct a training course for newly  
19 appointed and qualified members within six (6) months of their qualification. The training shall  
20 encompass ethics, including the minimum applicable standards established in the code of ethics  
21 as set forth in chapter 14 of title 36 ("code of ethics").

22 (i) The commission shall be subject to the provisions of the open meetings act contained  
23 in chapter 46 of title 42 ("open meetings"); provided, however, weekends and state holidays shall  
24 be excluded in the count of hours contained in §§42-46-6(b) and 42-46-6(c). Every meeting of the  
25 commission shall be open unless it is closed pursuant to the exemptions as set forth in §42-46-5,  
26 with the following exceptions:

27 (1) For purposes of determining what constitutes a compliant closed or executive session,  
28 the provisions as set forth in §42-46-5(a)(5) shall not apply to the commission. However, an  
29 additional exemption to those provided for in §42-46-5, allowing for a closed or executive  
30 session, shall apply to the commission in accordance with subsection(i)(2) of this section.

31 (2) To consider the purchase, exchange, lease or value of real property if the commission  
32 declares in open session that an open meeting would have a detrimental effect on the negotiating  
33 position of the commission with other parties to the negotiation; provided, however, any vote  
34 taken in a closed session under this subsection, and any minutes of a closed session taken under

1 this subsection, shall be made public once the disclosure would no longer jeopardize the  
2 commission's negotiating position.

3 (j) In every case where the commission holds a closed or executives session, an audio  
4 recording of the closed session shall be made. The audio recording shall be kept as minutes in  
5 accordance with §42-46-7.

6 (k) The commission shall be subject to the provisions set forth in chapter 2 of title 38  
7 ("access to public records").

8 **42-64.14-7. Powers and duties of the commission.**

9 The commission shall have all the rights and powers reasonably necessary to carry out  
10 and effectuate this chapter, including, including, but not limited to, the rights and powers:

11 (1) To sue and be sued, complain and defend, in its corporate name.

12 (2) To have a seal which may be altered at pleasure and to use the seal by causing it, or a  
13 facsimile of the seal, to be impressed or affixed, or in any other manner reproduced.

14 (3) To purchase, take, receive, lease, or otherwise acquire, own, hold, improve, use, and  
15 otherwise deal in and with, real or personal property, or any interest in real or personal property,  
16 wherever situated.

17 (4) To acquire and to dispose of real property, subject to the provisions of this chapter,  
18 without the necessity of obtaining the approval of the state properties committee or otherwise  
19 complying with the provisions of title 37.

20 (5) To sell, convey, mortgage, pledge, lease, exchange, transfer, and otherwise dispose of  
21 all or any part of its property and assets for any consideration and upon any terms and conditions  
22 as the commission shall determine.

23 (6) To make contracts and guarantees and incur liabilities, borrow money at any rates of  
24 interest as the commission may determine.

25 (7) To make and execute agreements of lease, conditional sales contracts, installment  
26 sales contracts, loan agreements, mortgages, construction contracts, operation contracts, and other  
27 contracts and instruments necessary or convenient in the exercise of the powers and functions of  
28 the commission granted by this chapter.

29 (8) To invest and reinvest its funds, and at its option to take and hold real and personal  
30 property as security for the payment of funds so loaned or invested.

31 (9) To acquire or contract to acquire, from any person, firm, corporation, municipality,  
32 the federal government, or the state, or any agency of either the federal government or the state,  
33 by grant, purchase, lease, gift, condemnation, or otherwise, or to obtain options for the acquisition  
34 of any property, real or personal, improved or unimproved, and interests in land less than the fee

1 thereof; and to own, hold, clear, improve, develop, and rehabilitate, and to sell, assign, exchange,  
2 transfer, convey, lease, mortgage, or otherwise dispose or encumber that property for the  
3 purposes of carrying out the provisions and intent of this chapter, for any consideration as the  
4 commission shall determine, and with the approval of the commission to retain a master  
5 developer for all or any portion of a project. Any master developer position shall be subject to  
6 advertising and solicitation of applicants shall be approved at a duly posted public meeting of the  
7 commission.

8 (10) To conduct its activities, carry on its operations, and have offices and exercise the  
9 powers granted by this chapter, within the state.

10 (11) To make and alter by-laws, not inconsistent with this chapter, for the administration  
11 and regulation of the affairs of the district in a manner that is publicly accountable and  
12 transparent.

13 (12) To be a promoter, partner, member, associate, or manager of any partnership,  
14 enterprise, or venture within the district and to engage in promotional, marketing, and similar  
15 activities for the benefit of the district.

16 (13) To enter into contracts, agreements, and cooperative agreements with the city and its  
17 agencies and instrumentalities and the State and its agencies and instrumentalities for the sharing  
18 of personnel and other resources.

19 (14) To have and exercise all powers reasonably necessary to effect its purposes;  
20 provided, however, that the commission shall not have any power to create, empower or  
21 otherwise establish any corporation, subsidiary corporation, corporate body, any form of  
22 partnership, or any other separate entity without the express approval and authorization of the  
23 general assembly.

24 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE I-195 REDEVELOPMENT  
ACT OF 2011

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1           This act would require the I-195 commission to conduct training for new commission  
2 members which would include training in ethics. It would make the commission subject to the  
3 open meetings act, the access to public records act, and their exemptions. The act would also  
4 mandate that the commission exercise its powers in a publicly accountable and transparent  
5 manner.

6           This act would take effect upon passage.

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