

2020 -- S 2917

=====
LC005506
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

A N A C T

AUTHORIZING THE CITY OF CRANSTON TO FINANCE THE ACQUISITION, EQUIPPING AND INSTALLATION OF RENEWABLE ENERGY AND ENERGY CONSERVATION IMPROVEMENTS THAT REDUCE ENERGY COSTS AND/OR USE OF FOSSIL FUELS IN PUBLIC BUILDINGS AND FACILITIES IN THE CITY AND ALL ATTENDANT EXPENSES, INCLUDING BUT NOT LIMITED TO, ENGINEERING COSTS BY THE ISSUANCE OF NOT MORE THAN \$5,000,000 GENERAL OBLIGATION BONDS AND NOTES THEREFOR

Introduced By: Senators Gallo, Miller, and Lombardi

Date Introduced: June 18, 2020

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. The city of Cranston is hereby empowered, in addition to authority previously
2 granted, to issue bonds to an amount not exceeding five million dollars (\$5,000,000) from time to
3 time under its corporate name and seal or a facsimile of such seal. The bonds of each issue shall
4 mature in annual installments of principal, the first installment to be not later than five (5) years
5 and the last installment not later than thirty (30) years after the date of the bonds. All such bonds
6 of a particular issue may be issued in the form of zero coupon bonds, capital appreciation bonds,
7 serial bonds or term bonds or a combination thereof. Annual installments of principal may be
8 provided for by maturity of principal in the case of serial bonds or by mandatory sinking fund
9 installments in the case of term bonds. The amount of principal appreciation each year on any
10 bonds, after the date of original issuance, shall not be considered to be principal indebtedness for
11 the purposes of any constitutional, statutory, or charter debt limit or any other limitation. The
12 appreciation of principal after the date of original issue shall be considered interest. Only the
13 original principal amount shall be counted in determining the principal amount so issued and any
14 interest component shall be disregarded.

15 SECTION 2. The bonds shall be signed by the manual or facsimile signatures of the
16 director of finance and the mayor and shall be issued and sold in such amounts as the city council

1 may authorize. The manner of sale, denominations, maturities, interest rates and other terms,
2 conditions and details of any bonds or notes issued under this act may be fixed by the proceedings
3 of the city council authorizing the issue or by separate order or resolution of the city council or, to
4 the extent provisions for these matters are not so made, they may be fixed by the officers authorized
5 to sign the bonds or notes. Interest coupons (if any) shall bear the facsimile signature of the director
6 of finance. The proceeds derived from the sale of the bonds shall be delivered to the city treasurer,
7 and such proceeds, exclusive of premiums and accrued interest, shall be expended: (1) To finance
8 the acquisition, equipping and installation of renewable energy and energy conservation
9 improvements that reduce energy costs and/or use of fossil fuels in public buildings and facilities in
10 the city and all attendant expenses, including but not limited to engineering costs; or (2) In payment
11 of the principal of or interest on temporary notes issued under section 3; or (3) In repayment of
12 advances under section 4; or (4) In payment of costs of issuance associated with the issuance of
13 bonds or notes hereunder; and/or (5) To finance capitalized interest on the projects. No purchaser
14 of any bonds or notes under this act shall be in any way responsible for the proper application of
15 the proceeds derived from the sale thereof. The proceeds of bonds or notes issued under this act,
16 any applicable federal or state assistance and the other monies referred to in sections 6 and 9 shall
17 be deemed appropriated for the purposes of this act without further action than that required by this
18 act. In addition to such funds, there may be expended for the purposes of this act such other sums
19 as may be appropriated therefor. The bonds authorized by this act may be consolidated for the
20 purposes of issuance and sale with any other bonds of the city heretofore or hereafter authorized,
21 provided that notwithstanding any such consolidation, the proceeds from the sale of the bonds
22 authorized by this act shall be expended for the purposes set forth above. The director of finance
23 and the mayor, on behalf of the city, are hereby authorized to execute such instruments, documents
24 or other papers as either of them deem necessary or desirable to carry out the intent of this act and
25 are also authorized to take all actions and execute all documents or agreements necessary to comply
26 with federal tax and securities laws, which documents or agreements may have a term coextensive
27 with the maturity of the bonds authorized hereby, including Rule 15c2-12 of the Securities and
28 Exchange Commission and to execute and deliver a continuing disclosure agreement or certificate
29 in connection with the bonds or notes.

30 SECTION 3. The city council may, by order or resolution authorizing the bonds or by
31 separate order or resolution, authorize the issuance from time to time of interest bearing or
32 discounted notes in anticipation of the issue of bonds under section 2 or in anticipation of the receipt
33 of federal or state aid for the purposes of this act. The amount of original notes issued in anticipation
34 of bonds may not exceed the amount of bonds which may be issued under this act and the amount

1 of original notes issued in anticipation of federal or state aid may not exceed the amount of available
2 federal or state aid as estimated by the director of finance. Temporary notes issued hereunder shall
3 be signed by the manual or facsimile signature of the director of finance and countersigned by the
4 manual or facsimile signature of the mayor and shall be payable within five (5) years from their
5 respective dates, but the principal of and interest on notes issued for a shorter period may be
6 renewed or paid from time to time by the issue of other notes hereunder, provided the period from
7 the date of an original note to the maturity of any note issued to renew or pay the same debt or the
8 interest thereon shall not exceed five (5) years. Any temporary notes in anticipation of bonds issued
9 under this section may be refunded prior to the maturity of the notes by the issuance of additional
10 temporary notes, provided that no such refunding shall result in any amount of such temporary
11 notes outstanding at any one time in excess of two hundred percent (200%) of the amount of bonds
12 which may be issued under this act, and provided further that if the issuance of any such refunding
13 notes results in any amount of such temporary notes outstanding at any one time in excess of the
14 amount of bonds which may be issued under this act, the proceeds of such refunding notes shall be
15 deposited in a separate fund established with the bank which is paying agent for the notes being
16 refunded. Pending their use to pay the notes being refunded, monies in the fund shall be invested
17 for the benefit of the city by the paying agent at the direction of the city treasurer in any investment
18 permitted under section 5. The monies in the fund and any investments held as a part of the fund
19 shall be held in trust and shall be applied by the paying agent solely to the payment or prepayment
20 of the principal of and interest on the notes being refunded. Upon payment of all principal of and
21 interest on the notes, any excess monies in the fund shall be distributed to the city. The city may
22 pay the principal of and interest on notes in full from sources other than the issuance of refunding
23 notes prior to the issuance of bonds pursuant to section 1 hereof. In such case, the city's authority
24 to issue bonds or notes in anticipation of bonds under this act shall continue provided that: (1) The
25 city council passes a resolution evidencing the city's intent to pay off the notes without
26 extinguishing the authority to issue bonds or notes; and (2) That the period from the date of an
27 original note to the maturity date of any other note shall not exceed five (5) years.

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

34 SECTION 5. Any proceeds of bonds or notes issued hereunder or of any applicable federal

1 or state assistance, pending their expenditure, and may be deposited or invested by the city treasurer
2 in demand deposits, time deposits or savings deposits in banks which are members of the Federal
3 Deposit Insurance Corporation or in obligations issued or guaranteed by the United States of
4 America or by any agency or instrumentality thereof or as may be provided in any other applicable
5 laws of the state of Rhode Island and by ordinance or resolution of the city council or pursuant to
6 an investment policy of the city.

7 SECTION 6. Any accrued interest received upon the sale of bonds or notes hereunder shall
8 be applied to the payment of the first interest due thereon. Any net earnings or profits realized from
9 the investment of funds hereunder and any premiums arising from the sale of bonds or notes
10 hereunder shall, in the discretion of the city treasurer, be applied to the cost of preparing, issuing
11 and marketing bonds or notes hereunder to the extent not otherwise provided, to the payment of the
12 cost of the projects or the cost of additional improvements coming within the description of the
13 projects in section 2 of this act, to the payment of the principal of or interest on bonds or notes
14 issued hereunder, or to any one or more of the foregoing. The cost of preparing, issuing and
15 marketing bonds or notes hereunder may also, in the discretion of the city treasurer, be met from
16 bond or note proceeds exclusive of premium and accrued interest or from other monies available
17 therefor. Any balance of bond or note proceeds remaining after payment of the cost of the projects
18 and the cost of additional improvements coming within the description of the projects in section 2
19 of this act, and the cost of preparing, issuing and marketing bonds or notes hereunder shall be
20 applied to the payment of the principal of or interest on bonds or notes issued hereunder. To the
21 extent permitted by applicable federal law, any earnings or net profit realized from the deposit or
22 investment of funds hereunder may upon receipt be added to and dealt with as part of the revenues
23 of the city from property taxes. In exercising any discretion under this section, the city treasurer
24 shall be governed by any instructions adopted by any order or resolution of the city council.

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

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

5 SECTION 9. The city, acting by order or resolution of its city council is authorized to apply
6 for, contract for and expend any federal or state advances or other grants of assistance which may
7 be available for the purposes of this act, and any such expenditures may be in addition to other
8 monies provided in this act. To the extent of any inconsistency between any law of this state and
9 any applicable federal law or regulation, the latter shall prevail. Federal and state advances, with
10 interest where applicable, whether contracted for prior to or after the effective date of this act, may
11 be repaid as projects costs under section 2 of this act.

12 SECTION 10. Bonds and notes may be issued under this act without obtaining approval of
13 any governmental agency or the taking of any proceedings or the happening of any conditions
14 except as specifically required by this act for such issue. In carrying out any projects financed in
15 whole or in part under this act, including where applicable the condemnation of any land or interest
16 in land, and in the levy and collection of assessments or other charges permitted by law on account
17 of any such projects, all action shall be taken which is necessary to meet constitutional requirements
18 whether or not such action is otherwise required by statute, but the validity of bonds or notes issued
19 hereunder shall in no way depend upon the validity or occurrence of such action.

20 SECTION 11. All or any portion of the authorized but unissued authority to issue bonds
21 and notes under this act may be extinguished by resolution or order of the city council, without
22 further action by the general assembly, seven (7) years after the effective date of this act.

23 SECTION 12. The question of the approval of this act shall be submitted to the electors of
24 the city at the general election to be held on November 3, 2020 or, if so determined by the city
25 council, at a special city-wide election, other than a primary, held on a date to be determined by
26 resolution or order of the city council. The question shall be submitted in substantially the following
27 form: "Shall an act, passed at the 2020 session of the general assembly, entitled 'AN ACT
28 AUTHORIZING THE CITY OF CRANSTON TO FINANCE THE ACQUISITION, EQUIPPING
29 AND INSTALLATION OF RENEWABLE ENERGY AND ENERGY CONSERVATION
30 IMPROVEMENTS THAT REDUCE ENERGY COSTS AND/OR USE OF FOSSIL FUELS IN
31 PUBLIC BUILDINGS AND FACILITIES IN THE CITY AND ALL ATTENDANT EXPENSES,
32 INCLUDING, BUT NOT LIMITED TO, ENGINEERING COSTS BY THE ISSUANCE OF NOT
33 MORE THAN \$5,000,000 GENERAL OBLIGATION BONDS AND NOTES THEREFOR' be
34 approved?" and the warning for the election shall contain the question to be submitted. From the

1 time the election is warned and until it is held, it shall be the duty of the city clerk to keep a copy
2 of the act available at the city clerk's office for public inspection, but the validity of the election
3 shall not be affected by this requirement. To the extent of any inconsistency between this act and
4 the city charter, this act shall prevail.

5 SECTION 13. This section 13 and section 12 shall take effect upon passage. The remainder
6 of this act shall take effect upon the approval of this act by a majority of those voting on the question
7 at the election prescribed by section 12.

=====
LC005506
=====

EXPLANATION

OF

A N A C T

AUTHORIZING THE CITY OF CRANSTON TO FINANCE THE ACQUISITION,
EQUIPPING AND INSTALLATION OF RENEWABLE ENERGY AND ENERGY
CONSERVATION IMPROVEMENTS THAT REDUCE ENERGY COSTS AND/OR USE OF
FOSSIL FUELS IN PUBLIC BUILDINGS AND FACILITIES IN THE CITY AND ALL
ATTENDANT EXPENSES, INCLUDING BUT NOT LIMITED TO, ENGINEERING COSTS
BY THE ISSUANCE OF NOT MORE THAN \$5,000,000 GENERAL OBLIGATION BONDS
AND NOTES THEREFOR

1 This act would authorize the city of Cranston to issue not more than five million dollars
2 (\$5,000,000) general obligation bonds and temporary notes for the acquisition, equipping and
3 installation of renewable energy and energy conservation improvements that reduce energy costs
4 and/or use of fossil fuels in public buildings and facilities in the city and all attendant expenses,
5 including, but not limited to, engineering costs.

6 Sections 12 and 13 of the act would take effect upon passage. The remainder of the act
7 would take effect upon approval by the electors of the city of the question provided for in section
8 12.

=====
LC005506
=====