

2024 -- H 8050

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

AUTHORIZING THE CITY OF PROVIDENCE TO ISSUE NOT TO EXCEED \$400,000,000 GENERAL OBLIGATION BONDS AND NOTES TO FINANCE THE CONSTRUCTION, RELATED DEMOLITION, RENOVATION, IMPROVEMENT, ALTERATION, REPAIR, LANDSCAPING, FURNISHING AND EQUIPPING OF SCHOOLS AND SCHOOL FACILITIES THROUGHOUT THE CITY AND ALL COSTS RELATED THERETO, SUBJECT TO APPROVAL OF STATE HOUSING AID AT A REIMBURSEMENT RATE OR STATE SHARE RATIO OF NOT LESS THAN 75% 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 Biah, DeSimone, Hull, Diaz, Slater, J. Lombardi, Kislak, Baginski, McNamara, and Batista

Date Introduced: March 08, 2024

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. The city of Providence is hereby authorized, in addition to authority
2 previously granted, to issue bonds up to an amount not exceeding four hundred million dollars
3 (\$400,000,000) from time to time under its corporate name and seal or a facsimile of such seal;
4 provided, however, that bonds shall not be issued unless the conditions of section 2 hereof as to the
5 level of state aid are met. The bonds of each issue may be issued in the form of serial bonds or term
6 bonds or a combination thereof and shall be payable either by maturity of principal in the case of
7 serial bonds or by mandatory sinking fund installments in the case of term bonds, in annual
8 installments of principal, the first installment to be not later than five (5) years and the last
9 installment not later than thirty (30) years after the date of the bonds. All such bonds of a particular
10 issue may be issued in the form of zero coupon bonds, capital appreciation bonds, serial bonds or
11 term bonds or a combination thereof. The amount of principal appreciation each year on any bonds,
12 after the date of original issuance, shall not be considered to be principal indebtedness for the
13 purposes of any constitutional, charter or statutory debt limit or any other limitation. The
14 appreciation of principal after the date of original issue shall be considered interest. Only the

1 original principal amount shall be counted in determining the principal amount so issued and any
2 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 principal amount of borrowing authorized pursuant to this act shall be reduced by the amount of
8 certain grants actually received by the city from state bond proceeds, from RIDE or from the Rhode
9 Island school building authority; provided, however, that the amount of borrowing authorized shall
10 not be reduced by the amount of any grant received by the city for any portion of the project
11 financed by capital reserve funds. Bonds and notes shall not be issued under this act unless the city
12 has received a letter from RIDE confirming that the then-current school housing aid reimbursement
13 rate under chapter 7 of title 16, as amended from time to time, or financial assistance from the
14 school building authority capital fund, or pursuant to any other law hereafter enacted providing for
15 funds to municipalities for school housing purposes, is not less than seventy-five percent (75%) of
16 debt service for those expenditures which are eligible for state aid. Such school housing aid
17 reimbursement rate or state share ratio may be increased through the award of incentives pursuant
18 to §§ 16-7-39, 16-7-40 and 16-105-3 of the general laws at the completion of each project.
19 Notwithstanding any other provision of the general laws governing school housing aid
20 reimbursement rates or share ratios or any school-related regulations, for any project financed with
21 proceeds of bonds issued pursuant to this act, the school housing aid ratio for such project shall be
22 increased by the percentages provided in § 16-17-40 as it may be amended from time to time, so
23 long as the construction of the project commences by December 30, 2024 and is completed by
24 December 30, 2029, or such later dates as may be set forth in § 16-7-40, as amended from time to
25 time.

26 SECTION 3. The bonds shall be signed by the manual or facsimile signatures of the city
27 treasurer and the mayor and shall be issued and sold in such amounts as the city council may
28 determine by resolution. The manner of sale, denominations, maturities, interest rates and other
29 terms, conditions and details of any bonds or notes issued under this act may be fixed by the
30 proceedings of the city council authorizing the issuance or by separate resolution of the city council
31 or, to the extent provisions for these matters are not so made, they may be fixed by the officers
32 authorized to sign the bonds or notes. Notwithstanding anything contained in this act to the
33 contrary, the city may enter into financing agreements with the Rhode Island Health and
34 Educational Building Corporation pursuant to chapter 7 of title 16 and chapter 38.1 of title 45 and,

1 with respect to bonds or notes issued in connection with such financing agreements, if any, the city
2 may elect to have the provisions of chapter 38.1 of title 45 apply to the issuance of the notes or
3 bonds issued hereunder to the extent the provisions of chapter 38.1 of title 45 are inconsistent
4 herewith. In addition, the city may enter into financing agreements with the Rhode Island
5 Infrastructure Bank pursuant to the provisions of chapter 12.2 of title 46 and, with respect to notes
6 or bonds issued in connection with such financing agreements, if any, the city may elect to have
7 the provisions of chapter 12.2 of title 46 apply to the issuance of the bonds or notes issued hereunder
8 to the extent the provisions of chapter 12.2 of title 46 are inconsistent herewith. Such election may
9 be fixed by the proceedings of the city council authorizing such issuance or by separate resolution
10 of the city council, or, to the extent provisions for these matters are not so made, they may be fixed
11 by the officers authorized to sign the bonds or notes. The proceeds derived from the sale of the
12 bonds shall be delivered to the city treasurer, and such proceeds, exclusive of premiums and accrued
13 interest, shall be expended: (1) For the construction, related demolition, renovation, improvement,
14 alteration, repair, landscaping, furnishing and equipping of schools and school facilities throughout
15 the city of Providence and all costs related thereto (the "projects"); (2) In payment of the principal
16 of or interest on temporary notes issued under section 4; (3) In repayment of advances under section
17 5; (4) In payment of related costs of issuance of any bonds or notes; and/or (5) In payment of
18 capitalized interest during construction of the projects. No purchaser of any bonds or notes under
19 this act shall be in any way responsible for the proper application of the proceeds derived from the
20 sale thereof. The proceeds of bonds or notes issued under this act, any applicable federal or state
21 assistance and the other monies referred to in sections 7 and 10 shall be deemed appropriated for
22 the purposes of this act without further action than that required by this act. The bonds authorized
23 by this act may be consolidated for the purpose of issuance and sale with any other bonds of the
24 city heretofore or hereafter authorized; provided that, notwithstanding any such consolidation, the
25 proceeds from the sale of the bonds authorized by this act shall be expended for the purposes set
26 forth above.

27 SECTION 4. The city council may by resolution authorize the issuance from time to time
28 of interest bearing or discounted notes in anticipation of the issuance of bonds under section 3 or
29 in anticipation of the receipt of federal or state aid for the purposes of this act. The amount of
30 original notes issued in anticipation of bonds may not exceed the amount of bonds which may be
31 issued under this act and the amount of original notes issued in anticipation of federal or state aid
32 may not exceed the amount of available federal or state aid as estimated by the city treasurer.
33 Temporary notes issued hereunder shall be signed by the manual or facsimile signatures of the city
34 treasurer and the mayor and shall be payable within five (5) years from their respective dates, but

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

24 SECTION 5. Pending any authorization or issuance of bonds hereunder or pending or in
25 lieu of any authorization or issuance of notes hereunder, the city treasurer, with the approval of the
26 city council may, to the extent that bonds or notes may be issued hereunder, apply funds in the
27 general treasury of the city to the purposes specified in section 3, such advances to be repaid without
28 interest from the proceeds of bonds or notes subsequently issued or from the proceeds of applicable
29 federal or state assistance or from other available funds.

30 SECTION 6. Any proceeds of bonds or notes issued hereunder or of any applicable federal
31 or state assistance, pending their expenditure may be deposited or invested by the city treasurer, in
32 demand deposits, time deposits or savings deposits in banks which are members of the Federal
33 Deposit Insurance Corporation or in obligations issued or guaranteed by the United States of
34 America or by any agency or instrumentality thereof or as may be provided in any other applicable

1 law of the State of Rhode Island or resolution of the city council or pursuant to an investment policy
2 of the city.

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

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

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

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

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

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

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

27 SECTION 14. This act shall constitute an enabling act of the general assembly that is
28 required pursuant to § 16-7-44. Any bonds issued under this act for school projects shall not be
29 eligible for state aid reimbursement pursuant to § 16-7-44 unless the school projects described
30 herein have been approved by RIDE.

31 SECTION 15. At the general election on November 5, 2024 or at an election, other than a
32 primary, to be held on a date designated by the city council, there shall be submitted to electors of
33 the city a question in substantially the following form: "Shall an act passed at the 2024 session of
34 the general assembly entitled 'AN ACT AUTHORIZING THE CITY OF PROVIDENCE TO

1 ISSUE NOT TO EXCEED \$400,000,000 GENERAL OBLIGATION BONDS AND NOTES TO
2 FINANCE THE CONSTRUCTION, RELATED DEMOLITION, RENOVATION,
3 IMPROVEMENT, ALTERATION, REPAIR, LANDSCAPING, FURNISHING AND
4 EQUIPPING OF SCHOOLS AND SCHOOL FACILITIES THROUGHOUT THE CITY AND
5 ALL COSTS RELATED THERETO, SUBJECT TO APPROVAL OF STATE HOUSING AID
6 AT A REIMBURSEMENT RATE OR STATE SHARE RATIO OF NOT LESS THAN 75% AT
7 THE TIME OF ISSUANCE AND PROVIDED THAT THE AUTHORIZATION SHALL BE
8 REDUCED BY THE AMOUNT OF CERTAIN GRANTS RECEIVED FROM STATE BOND
9 PROCEEDS, FROM THE RHODE ISLAND DEPARTMENT OF EDUCATION OR FROM THE
10 RHODE ISLAND SCHOOL BUILDING AUTHORITY' be approved?" and the warning for the
11 election shall contain the question to be submitted. From the time the election is warned and until
12 it is held, it shall be the duty of the city clerk to keep a copy of this act available at the clerk's office
13 for public inspection, but the validity of the election shall not be affected by this requirement. To
14 the extent of any inconsistency between this act and the city charter, this act shall prevail. To the
15 extent of any inconsistency between this act and any private, public, general, special or any other
16 law, and the city home rule charter and city ordinances, this act shall prevail.

17 SECTION 16. Sections 15 and 16 of this act shall take effect upon passage. The remainder
18 of the act shall take effect upon approval by the electors of the city of the question provided for in
19 section 15.

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EXPLANATION

OF

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AUTHORIZING THE CITY OF PROVIDENCE TO ISSUE NOT TO EXCEED \$400,000,000 GENERAL OBLIGATION BONDS AND NOTES TO FINANCE THE CONSTRUCTION, RELATED DEMOLITION, RENOVATION, IMPROVEMENT, ALTERATION, REPAIR, LANDSCAPING, FURNISHING AND EQUIPPING OF SCHOOLS AND SCHOOL FACILITIES THROUGHOUT THE CITY AND ALL COSTS RELATED THERETO, SUBJECT TO APPROVAL OF STATE HOUSING AID AT A REIMBURSEMENT RATE OR STATE SHARE RATIO OF NOT LESS THAN 75% 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

1 This act would authorize the city of Providence to issue not more than \$400,000,000
2 general obligation bonds and notes to finance the construction, related demolition, renovation,
3 improvement, alteration, repair, landscaping, furnishing and equipping of schools and school
4 facilities throughout the city of Providence 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 75% at the time of issuance
6 and provided that the authorization would be reduced by the amount of certain grants actually
7 received by the city from state bond proceeds, from RIDE or from the Rhode Island school building
8 authority.

9 This act would constitute an enabling act of the general assembly that is required pursuant
10 to § 16-7-44. Any bonds and notes issued under this act for school projects would not be eligible
11 for state aid reimbursement pursuant to § 16-7-44 unless the school projects described herein have
12 been approved by the Rhode Island Department of Education ("RIDE"). This act would also
13 provide that for any project financed pursuant to this act, the school housing aid ratio for such
14 project would be increased by the percentages provided in § 16-7-40, so long as the construction
15 of the project commences by December 30, 2024 and is completed by December 30, 2029, or such
16 later dates as may be set forth in § 16-7-40, as amended from time to time.

17 To the extent of any inconsistency between this act and any private, public, general, special
18 or any other law, and the city home rule charter and city ordinances, this act would prevail.

19 Sections 15 and 16 of this act would take effect upon passage. The remainder of the act
20 would take effect upon approval by the electors of the city of the question provided for in section
21 15.

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