

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 552

Approved September 12, 1980

RESOLVED, That the City Council of the City of Providence hereby endorses Senate Bill 80-S 2877, creating a Nine-Member Narragansett Bay Sewer District Commission and authorizing up to 87.7 Million Dollars in Bonds to Buy and Run the Providence Sewer System.

IN CITY COUNCIL
SEP 4 1980

READ AND PASSED

Ralph Fagnano
PRES.
Rose M. Mendonca
CLERK

APPROVED

MAYOR

Vincent J. Cianci

SEP 12 1980

IN CITY COUNCIL
APR 2 1980
FIRST READING
REFERRED TO COMMITTEE ON

FINANCE

Rose M. Mendonca CLERK

THE COMMITTEE ON
FINANCE

Approves Passage of
The Within Resolution

Rose M. Mendonca
Clerk Chairman

August 15, 1980

Councilman Moise

S T A T E O F R H O D E I S L A N D

I N G E N E R A L A S S E M B L Y

J A N U A R Y S E S S I O N , A . D . 1 9 8 0

A N A C T

Creating the Narragansett Bay Sewer District Commission and authorizing the State of Rhode Island to issue General Obligation Bonds and Notes in an amount not to exceed \$87,700,000 for the purpose of providing financial aid to said District Commission for the planning, construction, financing, extension and improvement of sewage treatment facilities.

Introduced By: Senator Joseph S. Gendron

Date Introduced: March 14, 1980

Referred To: Senate Joint Committee on Environment

It is enacted by the General Assembly as follows:

1 Section 1. Short Title.

2 This Chapter shall be known as "The Narragansett
3 Bay Sewer District Commission Act."

4 Section 2. Legislative Findings.

5 It is hereby found and declared that:

6 (a) There exists in the Providence metropolitan
7 area and Narragansett Bay severe water quality problems
8 resulting from the discharge of pollutants, conventional and
9 unconventional, into Narragansett Bay.

10 (b) It is further found and declared that Narra-
11 gansett Bay may be the greatest natural resource of the
12 State of Rhode Island and continuing discharge of such
13 pollutants jeopardizes the environmental integrity of the
14 entire Narragansett Bay and creates severe and detrimental

1 ecological and economic impact upon the people of the State
2 of Rhode Island.

3 (c) It is further found and declared that because
4 of the scope and complexity of the work necessary to correct
5 and minimize such pollution discharges and the scope of
6 financing required, local municipal governments in the
7 Providence metropolitan area have been unable alone to cope
8 properly and immediately with the magnitude of the pollution
9 discharges.

10 (d) It is further found and declared that economy
11 and efficiency dictate the desirability for an overall plan
12 for dealing with pollution discharges in the Narragansett
13 Bay and the Providence metropolitan area.

14 (e) It is further found and declared that the
15 most effective and efficient method to combat the discharge
16 of pollutants in the Narragansett Bay is to create a Narra-
17 gansett Bay Sewer District Commission, to be charged with
18 the acquisition, planning, construction, financing, extension,
19 improvement and operation and maintenance of sewage treatment
20 facilities in the Narragansett Bay Sewer District, with
21 appropriate provision for a portion of the financing of such
22 activities to be undertaken by the pledging of the full
23 faith and credit of the State of Rhode Island.

24 Section 3. Definition of Terms.

25 As used in this Chapter, the following words and
26 terms shall have the following meanings unless the context
27 shall indicate another or different meaning.

28 (a) "Sewage" shall be construed to mean the same
29 as defined in §46-12-1 of the Rhode Island General Laws.

30 (b) "Narragansett Bay Sewer District" shall mean
31 and include (i) the City of Providence and those portions of

1 the City of Cranston and portions of the Towns of Johnston,
2 North Providence and Lincoln presently served by the City of
3 Providence sewage treatment system, (ii) any other portions
4 of such municipalities as may by resolution request to be
5 served by the District and which are accepted by the Commission
6 as part of the District, and (iii) any other cities or towns
7 in Rhode Island or portions thereof as may, from time to
8 time, join the District pursuant to future amendments of
9 this Chapter.

10 (c) "Project" shall be construed to mean the
11 Narragansett Bay Sewer District project and shall include
12 the acquisition, ownership, design, operation, construction,
13 repair, rehabilitation, improvement, development, sale,
14 lease or disposition of, or the provision of financing for,
15 any sewage treatment facility.

16 (d) "Commission" shall be construed to mean the
17 Narragansett Bay Sewer District Commission.

18 (e) "Fund" shall be construed to mean the Narra-
19 gansett Bay Sewer District Commission fund.

20 (f) "Pollution" shall be construed to mean the
21 same as defined in §46-12-1 of the Rhode Island General
22 Laws.

23 (g) "Sewage treatment facilities" means any
24 sewage treatment plant, structure, combined sewer overflows,
25 equipment, interceptors, mains and pumping stations or other
26 property, real, personal or mixed, for the treatment, storage,
27 collection, transporting or disposal of sewage, or any
28 property or system to be used in whole or in part for any of
29 the aforesaid purposes, or any other property or system
30 incidental to, or which has to do with, or the end purpose
31 of which is any of the foregoing.

1 maintenance and operation of the project. In addition to
2 the foregoing, the assessments and user charges imposed
3 pursuant to this Chapter by the Commission shall be set at a
4 rate sufficient to enable the Commission to reimburse the
5 general treasury of the State of Rhode Island for ten percent
6 of the cost of amortizing any general obligation bonds and
7 notes issued pursuant to this Chapter.

8 (j) To establish a sewage pretreatment program as
9 provided in section 25 of this Chapter.

10 (k) To acquire or contract to acquire, from any
11 person, firm, corporation, municipality, the federal govern-
12 ment or the state, or any agency of either the federal
13 government or state, by grant, purchase, lease, gift, condem-
14 nation or otherwise, or to obtain options for the acquisition
15 of any property, real or personal, improved or unimproved,
16 and interests in land less than the fee thereof; and to own,
17 hold, clear, improve, develop and rehabilitate, and to sell,
18 assign, exchange, transfer, convey, lease, mortgage, or
19 otherwise dispose of or encumber the same for the purposes
20 of carrying out the provisions and intent of this Chapter
21 for such consideration as the Commission shall determine.

22 (l) To elect or appoint officers and agents of
23 the Commission, and to define their duties and fix their
24 compensation, including authority to employ attorneys,
25 accountants, architectural and engineering consultants, and
26 such other employees or agents as the Commission shall deem
27 necessary in its judgment.

28 (m) To make and alter by-laws, not inconsistent
29 with this Chapter, for the administration and regulation of
30 the affairs of the Commission, and such by-laws may contain
31 provisions indemnifying any person who is or was a director

1 or a member of the Commission, in the manner and to the
2 extent provided in §7-1.1-4.1 of the Rhode Island Business
3 Corporation Act.

4 (n) To construct, acquire, repair, develop, own,
5 operate, maintain, extend, improve, rehabilitate, renovate,
6 equip and furnish a project and make provision for its
7 management.

8 (o) To prepare or cause to be prepared plans,
9 specifications, designs and estimates of costs of construction,
10 reconstruction, rehabilitations, improvement, alteration or
11 repair of a project, and to modify the same.

12 (p) To issue orders of general or specific appli-
13 cability to carry out the purposes of the project.

14 (q) To have and exercise all powers necessary or
15 convenient to effect its purposes.

16 Section 6. Composition of Commission--Appointment of Members.

17 (a) The Commission shall consist of nine (9)
18 members to be appointed in the following manner: Four
19 members shall be appointed by the governor from the public
20 as herein provided. The remaining public member shall be
21 the Budget Officer for the state who shall serve ex officio.
22 Two (2) members shall be appointed by the mayor of the City
23 of Providence and one (1) member each shall be appointed by
24 the mayor of the Town of North Providence and the town
25 administrator of the Town of Johnston.

26 (b) Within thirty (30) days after the effective
27 date of this section, the appointments to the Commission
28 shall be made as follows:

29 (i) the governor shall appoint one (1) member of
30 the Commission to serve until the first day of April,
31 1981, one (1) member to serve until the first day of

1 April, 1982, two (2) members to serve until the first
2 day of April, 1983 and all to serve until their successors
3 are appointed and qualified. In the month of March,
4 1981, and in the month of March in each year thereafter,
5 the governor, with the advice and consent of the Senate,
6 shall appoint a successor to the member of the Commission
7 whose term is expiring in such year, each such member
8 so appointed to hold office for a three (3) year
9 period commencing on the first day of April in said
10 year of appointment and continuing until the first day
11 of April in the third year after his appointment and
12 until his successor is appointed and qualified. Any
13 vacancy for a public member which may occur in said
14 Commission shall be filled by the governor, for the
15 remainder of the unexpired term. The ex officio member
16 of the Commission may designate an alternate within his
17 department to represent him at all meetings of the
18 Commission.

19 (ii) The mayor of the City of Providence shall
20 appoint one (1) member of the Commission to serve until
21 the first day of April, 1982 and one (1) member to
22 serve until the first day of April, 1983 and all to
23 serve until their successors are appointed and qualified.
24 The mayor of the Town of North Providence and the town
25 administrator of the Town of Johnston each shall appoint
26 a member to serve until the first day of April, 1981,
27 each such member so appointed shall serve until his
28 successor is appointed and qualified. Thereafter, in
29 the month of March, 1981, and in the month of March in
30 each year thereafter, the respective mayor or the town
31 administrator, as the case may be, shall appoint a

1 successor to the member of the Commission whose term is
2 expiring, each such member so appointed to hold office
3 for a three (3) year period commencing on the first day
4 of April in said year of appointment and continuing
5 until the first day of April in the third year after
6 his appointment and until his successor is appointed
7 and qualified. Any vacancy which may occur in the
8 Commission shall be filled by the appointing authority
9 who originally appointed such member and such appointment
10 shall be for the remainder of the unexpired term.

11 (iii) Members of the Commission shall be eligible
12 for reappointment.

13 Section 7. Officers of the Commission--Quorum and Vote
14 Required.

15 Forthwith, after the effective date of this section,
16 and annually in the month of April thereafter, the Commission
17 shall elect one (1) of its members as chairman, and one (1)
18 of its members as vice-chairman. Five (5) members of the
19 Commission shall constitute a quorum and the vote of five
20 (5) members shall be necessary for any action by the Commis-
21 sion. No vacancy in the membership of the Commission shall
22 impair the right of a quorum to exercise all the rights and
23 perform all of the duties of the Commission.

24 Section 8. Compensation--Personnel.

25 (a) The members of the Commission other than
26 members who are full-time state or municipal employees shall
27 be paid one hundred dollars (\$100.00) per meeting as compensa-
28 tion and shall be reimbursed for actual expenses incurred in
29 carrying out their duties under this Chapter.

30 (b) Notwithstanding the provisions of any other
31 law, no officer or employee of the state shall be deemed to

1 have forfeited or shall forfeit his office or employment by
2 reason of his acceptance of membership on the Commission or
3 his service thereto.

4 (c) The Commissioners shall employ an executive
5 director who shall also be the secretary and who shall
6 administer, manage and direct the affairs and business of
7 the corporation, subject to the policies, control and direc-
8 tion of the Commissioners. The Commissioners may employ
9 technical experts and such other officers, agents and fix
10 their qualifications, duties and compensation. The executive
11 director and such technical experts, officers, agents and
12 attorneys so employed shall be in the non-classified service
13 of the State of Rhode Island. The Commissioners may employ
14 other employees, permanent and temporary, and such employees
15 shall be subject to the provisions of the classified service
16 of the State. The Commissioners may delegate to one or more
17 of its agents or employees such administrative duties as it
18 may deem proper.

19 (d) The secretary shall keep a record of the
20 proceedings of the Commission and shall be custodian of all
21 books, documents and papers filed with the Commission and of
22 its minute book and seal. He shall have authority to cause
23 to be made copies of all minutes and other records and
24 documents of the Commission and to give certificates under
25 the seal of the Commission to the effect that such copies
26 are true copies and all persons dealing with the Commission
27 may rely upon such certificates.

28 (e) The department of administration may furnish
29 the Commission with suitable offices and telephone service
30 in the state house, state office building, or some other
31 convenient location, for the transaction of its business.

1 (f) The commissioners of the Commission shall at
2 regular intervals conduct business meetings for the purpose
3 of carrying out its general business. Said meetings shall
4 be open to the public and all records and minutes will be a
5 matter of public record, as provided in Chapter 46 of title
6 42 of the general laws.

7 Section 9. Appropriated Moneys and Advances From General
8 Fund.

9 The Commission is authorized to accept such moneys
10 as may be appropriated from time to time by the general
11 assembly for the carrying out of its duties hereunder includ-
12 ing, without limitation, the payment of the initial expenses
13 of administration and operation.

14 The Commission is further authorized to accept ad-
15 vances or loans of funds from the general fund of the state
16 (a) in anticipation of the receipt of federal funds, and (b)
17 for the purpose of meeting debt service liabilities and
18 providing for the construction, maintenance or operation of
19 the project during such periods of time as the fund may be
20 insufficient for any such purposes and, at the request of
21 the Commission, the director of the department of administra-
22 tion is authorized and empowered, with the approval of the
23 governor, to make such advances; provided, however, that
24 such advances shall be returned to the general fund at such
25 time or times as said director shall have specified and that
26 the total amount of such advances outstanding and unreturned
27 at any one time shall not exceed Two Million Dollars (\$2,000,000.00);
28 and the state controller is hereby authorized and directed
29 to draw his orders upon the general treasurer for the payment
30 of such advances upon receipt by him of proper vouchers
31 signed by the director of the department of administration

1 and approved by the governor.

2 Section 10. Acquisition of Facilities from Municipalities.

3 The Commission shall acquire the City of Providence
4 Fields Point waste water treatment plant, as well as inter-
5 ceptors, combined sewer overflow facilities, force mains and
6 appurtenant facilities and the land, property, easements,
7 and other interests in property from municipalities within
8 the district as may be necessary or desirable in its discre-
9 tion to carry out the duties under this Chapter.

10 The acquisition of any such treatment plant,
11 facilities, interceptors, combined sewer overflow facilities,
12 mains, and other appurtenant facilities and any such lands,
13 property, easements, or other interests in property shall be
14 paid for solely by user charges and fees to be assessed by
15 the Commission in accordance with this Chapter, such user
16 charges and fees to be allocated to the users in the municipal-
17 ity to which any such payment is made. As part of such
18 acquisition, the Commission may agree to assume debt service
19 liabilities of the City of Providence for sewage treatment
20 facilities in any amount not to exceed \$8,500,000, the
21 payment of which shall be solely out of user charges and
22 fees to be assessed by the Commission in accordance with
23 this Chapter.

24 Section 11. Power to Acquire Land.

25 For any purposes of this Chapter, the Commission
26 may, at any time and from time to time, take by eminent
27 domain or acquire by purchase or otherwise, such land, water
28 rights, easements and other property or interests in property,
29 public and private, as it may determine necessary or desirable
30 for the purposes of this Chapter.

31 Section 12. Interests in Land Taken.

1 Any taking under this Chapter may be in fee or
2 otherwise, perpetual in duration or for a limited period of
3 time, as said Commission shall determine and set forth in
4 the order of taking.

5 Section 13. Eminent Domain Procedure.

6 In the exercise of its power of eminent domain
7 under this Chapter the procedure to be followed in connection
8 herewith and with the determination of the sums to be paid
9 for property or rights, or interests therein or incident
10 thereto, thus acquired, shall, so far as may be, the same as
11 that prescribed in chapter 6 of title 37.

12 Section 14. Variations From Procedure.

13 The Commission, however, is hereby authorized to
14 prescribe procedure varying from the above in detail, includ-
15 ing the time for the giving of notices and for beginning
16 legal proceedings and the like, so far as it shall determine
17 such variation to be necessary in order to carry out the
18 intent and purposes of this Chapter in view of the exigencies
19 of the occasions and the importance of speedy action, by
20 filing written notice thereof in the office of the secretary
21 of state. All such filings shall be available for public
22 inspection.

23 Section 15. Cooperation With Federal Government.

24 The Commission shall have full and complete
25 authority to cooperate with and assist the federal government
26 in all matters relating to the planning, constructing,
27 equipping, maintenance and operation of the project in the
28 event that the federal government should make any federal
29 funds or federal assistance available therefor.

30 The Commission or any officers or executives
31 designated by it, may act as agent of the federal government

1 in accordance with the requirements of any federal legislation
2 related to such federal assistance.

3 The said Commission is hereby authorized to accept
4 the provisions of any such federal legislation, and may file
5 written evidence of each such acceptance with the federal
6 government. Each such acceptance shall be duly signed by
7 the chairman or such other person or persons as the said
8 Commission may designate.

9 The said Commission may enter into all necessary
10 contracts and agreements with the federal or state governments,
11 or any agency thereof, necessary or incident to said project,
12 and all such contracts and agreements shall be signed in the
13 name of the Commission by the chairman or some other person
14 or persons designated by the Commission.

15 Section 16. Application for Federal and State Aid.

16 Whenever it shall be necessary to obtain assistance
17 from the federal or state governments in the form of loans,
18 advances, grants, subsidies and otherwise, directly or
19 indirectly, for the execution of the project, the said
20 Commission may make all necessary applications for such
21 purposes. All such applications shall be made in writing in
22 the name of the Commission, and shall be duly signed by the
23 chairman or such other person or persons as the said Commission
24 may designate.

25 Section 17. Use of Federal and State Funds.

26 The Commission may for the purpose of carrying out
27 the project or any part thereof herein authorized, accept or
28 use any federal or state funds or assistance, or both,
29 provided therefor under any federal or state law. In the
30 event that federal or state funds or assistance are made
31 available for execution of said project, the said project

1 shall be carried out and executed in all respects subject to
2 the provisions of the appropriate federal and state laws
3 providing for the construction of such projects, and the
4 rules and regulations made pursuant thereto, and to such
5 terms, conditions, rules and regulations, not inconsistent
6 with such federal and state law, rules and regulations, as
7 said Commission may establish to insure the proper execution
8 of the project.

9 Section 18. Receipt and Deposit of Federal Funds.

10 All moneys paid to the state by the federal govern-
11 ment for the purpose of executing such project shall be
12 received by the general treasurer and by him deposited in
13 the Narragansett Bay Sewer District Commission Fund. To
14 the extent permitted by federal law, any federal funds or
15 assistance to the State of Rhode Island in any one federal
16 fiscal year for sewer projects funded under the Federal
17 Water Pollution Control Act, as amended, for fiscal years
18 commencing October 1, 1982, and thereafter, shall be allocated
19 so that a minimum of fifty percent (50%) of any such federal
20 funds or assistance so received shall be used to amortize
21 the bonds or notes issued pursuant to this Chapter.

22 Section 19. Sewer Connections.

23 The Commission shall have full and complete power
24 and authority to cause appropriate connections to be made
25 between the said Narragansett Bay Sewer District project and
26 the sewer systems of any of the municipalities in said district.
27 Said Commission shall also have full and complete power and
28 authority to compel any person, firm or corporation in said
29 district, for the purpose of sewage disposal, to establish a
30 direct connection on his or her property, or at the boundary
31 thereof, to the district sewer project and to cause such

1 connection to be made at the expense of such person, firm or
2 corporation, and such expense may be collected by the Commis-
3 sion in the same manner as assessments made in accordance
4 with the provisions of section 23 of this Chapter. The term
5 "direct connection" as used herein shall be construed to
6 include adequate pumping facilities, whenever the same shall
7 be necessary to deliver sewage into the said project.

8 Section 20. Pipes Along Highway or Railroad.

9 Whenever the Commission shall lay or install any
10 pipes or other equipment under any public highway, private
11 way, right-of-way or tracks, the Commission shall, as far as
12 possible, restore such public highway, private way, right-
13 of-way or tracks, to its former condition. Nothing in this
14 Chapter shall authorize the Commission to condemn any
15 portion of the right-of-way of any railroad, or other public
16 service company, except for the purpose of crossing the same
17 either above or below grade and of maintaining suitable and
18 convenient supports for such crossing, in such manner as not
19 to render unsafe, or to impair the usefulness of, the right-
20 of-way for railroad or the purposes of such public service
21 company.

22 Section 21. Charges Assessed Against Municipalities.

23 For the purpose of causing the project and its
24 maintenance to be self-liquidating, the Commission shall
25 assess against each municipality, any portion of the Narra-
26 gansett Bay Sewer District project. Such charges shall be
27 established, after public hearing, notice whereof shall be
28 given to each municipality within the district. The Commission
29 may, from time to time, after hearing and notice as herein
30 provided, amend its schedule of rates and charges. Each
31 city and town included within said district shall pay the

1 charges assessed against it by the Commission within such
2 time as may be prescribed by the rules and regulations of
3 the Commission. Such municipalities shall in turn directly
4 impose such charges in accordance with chapter 14 of title
5 45 on the users of the project located within their juris-
6 diction.

7 Section 22. Direct Assessments Against Users With Indirect
8 Connections.

9 Alternately where required by federal law, the
10 Commission shall make a direct assessment against any person,
11 firm or corporation which has an indirect connection with
12 the said Narragansett Bay Sewer District project for reason-
13 able charges for the use of said project. The Commission
14 shall proceed under the provisions of this Chapter to collect
15 said assessments from any such person, firm or corporation.
16 Each person, firm or corporation so assessed shall pay the
17 charges assessed against it or them by the Commission within
18 such time as may be prescribed by the rules and regulations
19 of the Commission, and the Commission may collect all such
20 charges in the same manner in which taxes are collected by
21 municipalities with no additional charges, assessments or
22 penalties other than those provided for in chapter 9 of
23 title 44. All unpaid charges shall be a lien upon the real
24 estate of said person, firm or corporation.

25 Section 23. Assessments Against Users With Direct Connections.

26 The Commission may similarly assess such charges,
27 where required by federal law, against any person, firm,
28 corporation or municipality, which has a direct connection
29 with the Narragansett Bay Sewer District project, and may
30 collect all such charges in the same manner in which taxes
31 are collected by municipalities with no additional charges,

1 assessments or penalties other than those provided for in
2 chapter 9 of title 44; provided, however, that if such
3 person, firm or corporation also makes use of the sewer
4 system of a municipality such charges assessed by the Commis-
5 sion against such person, firm or corporation shall be
6 equitably apportioned to avoid overlapping assessments. All
7 unpaid charges shall be a lien upon the real estate of such
8 person, firm or corporation.

9 Section 24. Appropriation of Revenues.

10 Except as provided in section 18 hereof, all
11 moneys received by the Commission for the use of the facilities
12 of said project, shall be paid over to the general treasurer
13 and by him deposited in the Narragansett Bay Sewer District
14 Commission Fund. All moneys in the said fund are hereby
15 appropriated, in addition to all other sums appropriated by
16 the provisions of this Chapter, to be expended by the Commis-
17 sion for administration and all other expenses relating to
18 the planning, constructing, equipping, operation and mainten-
19 ance of said project; and the state controller is hereby
20 authorized and directed to draw his orders upon the general
21 treasurer for the payment of such sum or sums as may be
22 necessary from time to time upon receipt by him of duly
23 authenticated vouchers signed by the chairman of the Commission
24 or by a duly designated agent of the Commission. Any unex-
25 pended balance remaining in the fund at the end of any
26 fiscal year, shall be carried forward and made available for
27 expenditure in the succeeding fiscal years.

28 Section 25. Orders as to Pretreatment of Sewage.

29 Without limiting the generality of the foregoing,
30 the authority hereby vested in the Commission shall include
31 the authority to prescribe by rule or regulation that any

1 person, firm, corporation or class of user shall cause
2 sewage from his or its property to be submitted to such
3 pretreatment as may be prescribed by the Commission prior to
4 its entry into the facilities of the project through the
5 connection established in accordance with the provisions of
6 section 19 of this Chapter, when, in the opinion of said
7 Commission such pretreatment (i) is required by applicable
8 federal or state law or (ii) is necessary and appropriate
9 for the project.

10 Section 26. Rules and Regulations--Review.

11 The Commission may adopt rules and regulations, or
12 any amendment to existing rules and regulations according to
13 the provisions of chapter 35 of title 42. The Commission
14 shall also give notice thereof, prior to the effective date
15 thereof, by sending by registered or certified mail a copy
16 thereof to each person interested therein who shall have
17 registered with the Commission his name and address, with a
18 request to be so notified. Review of such rules may be had
19 as provided in chapter 35 of title 42.

20 Section 27. Notice of Rate Hearings.

21 Before the Commission shall establish or amend any
22 user charges or fees in accordance with Sections 21, 22 and
23 23 hereof, the Commission shall cause a public hearing to be
24 held for the purpose of the establishment or amendment
25 thereof in accordance with the provisions of chapter 35 of
26 title 42. The Commission shall give not less than ten (10)
27 days' notice of the holding of such hearing by advertising
28 the same in one (1) or more newspapers published in the
29 county of Providence and by giving at least ten (10) days'
30 notice thereof by registered or certified mail to each
31 person interested therein who shall have registered with the

1 Commission his name and address with a request to be so
2 notified.

3 Section 28. Conduct of Hearings.

4 At all hearings held under the provisions of
5 sections 28 to 33 of this Chapter, inclusive, the Commission
6 and the members thereof, shall have the right to administer
7 oaths. All persons testifying at such hearings shall do so
8 under oath and under penalty of perjury. Said Commission
9 shall have the right to issue subpoenas to compel the appear-
10 ance of witnesses and/or the production of any books, records
11 or other documents. Any person may be represented by counsel
12 at any such hearing. The Commission may adjourn such
13 hearings from time to time whenever such adjournment shall,
14 in its opinion, be necessary or desirable. The testimony
15 adduced at any such hearing shall be transcribed by a stenog-
16 rapher.

17 Section 29. Notice of Decisions by Commission.

18 Within a reasonable time following the conclusion
19 of any such hearing, the Commission shall render its decision
20 and findings and shall give notice thereof by publication in
21 some newspaper published in the County of Providence and by
22 mailing a copy thereof by registered or certified mail to
23 each person interested therein who shall have registered
24 with the Commission his name and address with a request to
25 be so notified.

26 Section 30. Review of Decisions.

27 Any person aggrieved by any such decision may
28 obtain a judicial review thereof in accordance with chapter
29 35 of title 42.

30 Section 31. Notice of Hearings on Orders.

31 Before adopting or entering any order applicable

1 to any one (1) or more specific persons, firms or corporations,
2 the said Commission shall give to each of such persons,
3 firms or corporations, by registered or certified mail, ten
4 (10) days' notice in writing of the time and place of a
5 hearing to be afforded each of such persons, firms or corpora-
6 tions should he or it desire such hearing. Said notice
7 shall state the time and place of the holding of such hearing.

8 Section 32. Procedure for Hearings on Orders.

9 The provisions of Section 27 to 29 of this Chapter,
10 inclusive, relative to hearings, shall be applicable to all
11 hearings held under the provisions of section 31 of this
12 Chapter. The provisions of Section 30 of this Chapter
13 relative to judicial review of decisions shall likewise be
14 applicable to the provisions of Section 31 of this Chapter.

15 Section 33. Commission Expenses as Cost of Project.

16 The expenses of the said Commission in the perform-
17 ance of its duties hereunder shall be construed to be
18 costs of operation and maintenance of the Narragansett Bay
19 Sewer District project.

20 Section 34. Cooperation of State Agencies.

21 In the performance of its duties hereunder, the
22 Commission shall be entitled to ask for and to receive from
23 the Blackstone Valley Sewer District Commission or any other
24 commission, board, officer or agency of the state such
25 information, cooperation, assistance and advice as shall be
26 reasonable and proper in view of the nature of said functions.

27 Section 35. Legislative Recommendations.

28 The Commission may, from time to time, recommend
29 to the general assembly the advisability of the enactment of
30 any legislation relating to the said project.

31 Section 36. Liberal Construction--Lateral Sewers.

1 The provisions of this Chapter shall be construed
2 liberally in order to accomplish the purposes hereof, and
3 where any specific power is given to the Commission by the
4 provisions hereof, the statement thereof shall not be deemed
5 to exclude or impair any power otherwise in this Chapter
6 conferred upon said Commission; provided, however, that
7 notwithstanding any other provisions of this Chapter, this
8 Chapter shall not be construed to authorize said Commission
9 to acquire, maintain, construct or enlarge any system of
10 lateral sewers within a municipality.

11 Section 37. Bonds Authorized--Maturity--Certification and
12 Execution.

13 The general treasurer is hereby authorized and
14 empowered, with the approval of the governor and in accordance
15 with the provisions of this Chapter, to issue from time to
16 time bonds in the name and behalf of the State and in such
17 amounts as may be specified from time to time by the governor
18 in an aggregate principal amount not to exceed Eighty-Seven
19 Million Seven Hundred Thousand Dollars (\$87,700,000) to be
20 designated as "Narragansett Bay Sewer District Commission
21 loan of 1980". Such bonds shall be in denominations of One
22 Thousand Dollars (\$1,000) each, or multiples thereof, and
23 shall be payable in any coin or currency of the United
24 States which at the time of payment shall be legal tender
25 for public or private debts. Such bonds shall bear such
26 date or dates, mature at such time or times not exceeding
27 twenty (20) years from their respective date of issue, bear
28 interest payable semiannually at such rate or different
29 varying rates, be payable at such time or times, at such
30 place or places, be subject to such terms of recall or
31 redemption, with or without premium, be in such form with or

1 without interest coupons attached carrying such registration,
2 conversion, reconversion, transfer, debt requirement, acceler-
3 ation and other provisions as may be fixed by the general
4 treasurer, with the approval of the governor, upon each
5 issue of such bonds at the time of each issue.

6 Whenever the governor shall approve the issuance
7 of such bonds he shall certify such approval to the secretary
8 of state; the general treasurer shall countersign said bonds
9 and affix the seal of the state. The approval of the governor
10 shall be endorsed on each bond so approved with a facsimile
11 of his signature.

12 Section 38. Proceeds: Narragansett Bay Sewer District
13 Commission Fund.

14 The general treasurer is hereby directed to deposit
15 the proceeds of the sale of said bonds, including any premium
16 or premiums which may be received in the disposal thereof,
17 in one or more of the depositories in which the funds of the
18 state may be lawfully kept, in the account to be known as
19 "Narragansett Bay Sewer District Commission Fund" to be used
20 as follows:

21 (a) for the project within the District.

22 (b) in the event that the amount received from
23 the sale of said bonds exceeds the amount necessary for the
24 planning, construction, extension and improvement of the
25 project, the surplus shall be used to the extent possible to
26 retire said bonds as the same may become due.

27 Section 39. Temporary Notes.

28 The general treasurer is hereby authorized and
29 empowered, with the approval of the governor, and in accord-
30 ance with provisions of this Chapter, to borrow upon temporary
31 notes issued in anticipation of the issuance of such bonds,

1 from time to time, in the name and behalf of the state, sums
2 of money for the purposes hereinbefore set forth in section
3 4 hereof.

4 Such notes shall be signed by the general treasurer
5 and countersigned by the secretary of state and shall be
6 issued at such time or times in such amounts, at such rates
7 of interest, with such provisions of prepayment, with or
8 without premium, acceleration, and other terms as may be
9 fixed by the general treasurer, with the approval of the
10 governor.

11 Such notes may be issued from time to time for
12 periods not exceeding two (2) years and may be refunded or
13 renewed from time to time by the issue of other such notes
14 for periods not exceeding two (2) years, but such notes,
15 including all refundings and renewals thereof, shall bear
16 maturity dates not later than five (5) years from the date
17 of each original issue. The total sum of the terms of such
18 notes plus the term of the bonds, which the issuance of such
19 notes anticipate, shall not exceed twenty-five (25) years in
20 duration.

21 The proceeds of the sale of such notes, inclusive
22 of any premiums which may be received from the sale thereof,
23 shall be applied to the purposes for which such notes are
24 issued and shall be deposited by the general treasurer in
25 the account described in Section 38 hereof.

26 Section 40. Advances From General Fund in Anticipation of
27 the Issue of Notes or Bonds.

28 The general treasurer is authorized from time to
29 time with the approval of the governor, in the anticipation
30 of the issue of notes or bonds under the authority of this
31 Chapter, to advance to the Narragansett Bay Sewer District

1 Commission Fund to be used for the purposes specified in
2 section 38 hereof, any funds of the state not specifically
3 held for any purpose; provided, however, that all such
4 advances shall be returned to the general fund forthwith
5 upon the receipt by the Narragansett Bay Sewer District
6 Commission Fund of proceeds from the issue of notes or
7 bonds.

8 Section 41. Bonds and Notes Tax Exempt General Obligations
9 of State.

10 All bonds and notes issued under the authority of
11 this Chapter shall be exempt from taxation in the state and
12 shall be general obligations of the state, and the full
13 faith and credit of the state are hereby pledged for the due
14 payment of the principal and the interest on each such bonds
15 and notes as the same shall become due.

16 Section 42. Terms and Conditions of Sales--Applications of
17 Premiums and Accrued Interest--Validity not Affected by
18 Change in Office.

19 Any bond or note issued under the authority of
20 this Chapter shall be sold from time to time at not less
21 than the principal amount thereof on such terms and conditions
22 as the general treasurer, with the approval of the governor,
23 shall be deemed to be for the best interest of the state
24 provided, however, that the general treasurer may, with the
25 approval of the governor, from time to time sell any of such
26 bonds or notes to the sinking fund commission as provided by
27 law. The purchaser of any such bonds or notes shall pay
28 accrued interest to the date of delivery of such bonds or
29 notes.

30 Any such premiums or accrued interest which may be
31 received as the result of the sale of such bonds or notes

1 shall be applied to the payment of debt service costs.

2 Any bonds or notes issued under the provisions of
3 this Chapter and coupons on any bonds, if properly executed
4 by the manual or facsimile signature, as the case may be, of
5 officers of the state in office on the date of execution
6 shall be valid and binding according to their tenor, notwith-
7 standing that before the delivery thereof and payment there-
8 for, any or all such officers shall for any reason have
9 ceased to hold office.

10 Section 43. Investment of Receipt Pending Expenditures.

11 All moneys in such fund not immediately required
12 for payment pursuant to the provisions of this Chapter may
13 be invested by the State Investment Commission, as established
14 by Chapter 35-10 of the General Laws, pursuant to the provi-
15 sions of such Chapter; provided, however, that the securities
16 in which such fund is invested shall remain a part of such
17 funds as shall other securities for which the same may from
18 time to time, pursuant to said Chapter, be exchanged, and
19 provided, further, that the income from such investment
20 shall become part of such fund, and shall be used to the
21 extent possible to pay debt service costs.

22 Section 44. Amortization.

23 For the purpose of paying any expenses incurred by
24 the general treasurer in the issuance of said bonds or notes
25 under the authority of this Chapter, and any interest and
26 any principal becoming payable from time to time on said
27 bonds or notes issued under the authority of this Chapter
28 and then outstanding, the state controller is hereby authorized
29 and directed to draw his orders upon the general treasurer
30 for the payment of such expenses, interest and principal out
31 of "Narragansett Bay Sewer District Commission Fund". In

1 the event that the amount available in said fund be not
2 sufficient for this purpose, a sum sufficient is hereby
3 annually appropriated out of any money in the treasury not
4 otherwise appropriated for the payment of such expenses,
5 interest and principal.

6 Section 45. Appropriation.

7 For the purpose of paying initial expenses of
8 administration and operation of the Commission, there is
9 hereby appropriated, out of any money in the treasury not
10 otherwise appropriated, the sum of two hundred thousand
11 dollars (\$200,000) and the state controller is hereby autho-
12 rized and directed to draw his orders upon the general
13 treasurer for the payment of such, or so much thereof as may
14 be required from time to time, upon receipt by him of proper
15 vouchers signed by the director of the department of adminis-
16 tration and approved by the governor. Notwithstanding any
17 other provision in this Chapter, until such time as the
18 state board of elections shall certify to the secretary of
19 state that a majority of the persons voting on the proposition
20 contained in section 46 have indicated their approval thereof,
21 the Commission shall have no authority to make or incur
22 liabilities which total in excess of the two hundred thousand
23 dollars (\$200,000) appropriated in this section.

24 Section 46. Referendum.

25 At the general election to be held on November 4,
26 1980, there shall be submitted to the people of the State of
27 Rhode Island for their approval or rejection the following
28 proposition: "Shall the Act passed by the General Assembly
29 at the January 1980 Session entitled 'AN ACT Creating the
30 Narragansett Bay Sewer District Commission and authorizing
31 the State of Rhode Island to issue General Obligation Bonds

1 and Notes in an amount not to exceed \$87,700,000 for the
2 purpose of providing financial aid to said District Commission
3 for the planning, construction, financing, extension and
4 improvement of sewerage treatment facilities' be approved?"

5 Section 47. Application of Election Laws.

6 All laws relating to elections as set forth in
7 Title 17 of the General Laws, 1956, as amended, shall as far
8 as consistent herewith, apply to the election authorized
9 hereunder.

10 Section 48. Termination of Existence of Commission.

11 If the people shall reject the proposition submitted
12 to referendum under the provisions of Section 46 of this
13 Chapter, the existence of the Commission shall terminate on
14 June 30, 1981, unless its existence is extended by the
15 General Assembly and all its rights and properties shall
16 pass as provided in Section 4 of this Chapter.

17 Section 49. Severability of Provisions.

18 If any provisions of this Chapter or of any rule,
19 regulation or order made thereunder, or the application
20 thereof to any person or circumstances, is held invalid by a
21 court of competent jurisdiction, the remainder of this
22 Chapter, rule, regulation or order, and the application of
23 such provision to other persons or circumstances shall not
24 be affected thereby. The invalidity of any section or
25 sections or parts of any section or sections of this Chapter
26 shall not affect the validity of the remainder of this
27 Chapter and it is hereby declared to be the legislative
28 intent that this Chapter would have been enacted if such
29 invalid parts had not been included therein.

30 Section 50. Effective Date.

31 Sections 1 to 36, and 45 to 50, inclusive, of this

1 Chapter shall take effect on passage and the remaining
2 sections shall take effect if and when the state board of
3 elections shall certify to the secretary of state that a
4 majority of the persons voting on the proposition contained
5 in section 46 have indicated their approval thereof.

EXPLANATION

OF

AN ACT

CREATING THE NARRAGANSETT BAY SEWER DISTRICT COMMISSION AND AUTHORIZING THE STATE OF RHODE ISLAND TO ISSUE GENERAL OVLIGATION BONDS AND NOTES IN AN AMOUNT NOT TO EXCEED \$87,700,000 FOR THE PURPOSE OF PROVIDING FINANCIAL AID TO SAID DISTRICT COMMISSION FOR THE PLANNING, CONSTRUCTION, FINANCING EXTENSION AND IMPROVEMENT OF SEWAGE TREATMENT FACILITIES.

- 1 This bill would establish a 9 member upper Narragansett
- 2 Bay Sewer District Commission and would authorize an
- 3 \$87,700,000 bond referendum at the next general election.
- 4 The bill would provide for the commission to renovate and
- 5 up-grade treatment of sewage in the City of Providence,
- 6 the Towns of Johnston and North Providence and portions of
- 7 the City of Cranston.

September 16, 1980

Senator Joseph S. Gendron
State House Room 318 A
Providence, RI 02903

Dear Senator,

Enclosed is certified copy of Resolution No. 552, approved September 12, 1980, having been sponsored by Councilman William J. Moise, which is self explanatory.

Very truly yours,

Rose M. Mendonca,
City Clerk.

RMM/jma
Enclosure

September 16, 1980

Joint Committee on Environment
Representative Mary N. Kilmarx, Chairman
56 Elm Lane
Barrington, Rhode Island 02906

Dear Representative Kilmarx,

Enclosed is certified copy of Resolution No. 552, approved
September 12, 1980, having been sponsored by Councilman William J.
Moise, which is self explanatory.

Very truly yours,

Rose M. Mendonca,
City Clerk.

RMM/jma
Enclosure

September 16, 1980

Joint Committee on Environment
Senator E. Peter Gallogly, Jr., Vice Chairman
1093 Elmwood Avenue
Providence, Rhode Island 02907

Dear Senator Gallogly,

Enclosed is certified copy of Resolution No. 552, approved
September 12, 1980, having been sponsored by Councilman William J.
Moise, which is self explanatory.

Very truly yours,

Rose M. Mendonca,
City Clerk.

RMM/jma
Enclosure