

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 236

Effective: ~~Approved~~ April 26, 1982

RESOLVED, That the Members of the City Council hereby endorse House Bill H-5559 which would require the Public Utilities Commission to review rates set by the Narragansett Bay Water Quality Management District Commission for the Sewer Use Fee and the Commission will directly bill the customers.

IN CITY COUNCIL

APR 15 1982

READ AND PASSED

Robert F. Lynch PRES.

Jose M. Mendonca CLERK

Effective without the Mayor's signature April 26, 1982.

Jose M. Mendonca

Counselmen Flynn, Euston, & Marvin with Boyle

RECEIVED AND RECORDED

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1981

A N A C T

RELATING TO THE NARRAGANSETT
BAY WATER QUALITY MANAGEMENT
DISTRICT COMMISSION

Introduced By: Representatives McKenna, K.A., Walker,
Batastini, Skeffington, and Cardente
Date Introduced: February 24, 1981
Referred To: House Committee on Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 46-25-5, 46-25-10, 46-25-27, 46-25-28,
2 46-25-29, 46-25-30 and 46-25-31 of the General Laws in Chapter
3 46-25 entitled "Narragansett Bay Water Quality Management Dis-
4 trict Commission" are hereby amended to read as follows:

5 46-25-5. General Powers. -- The Commission shall have the
6 following powers together with all powers incidental thereto or
7 necessary for the performance of those stated in this Chapter:

8 (a) To sue and be sued, complain and defend, in its corpo-
9 rate name.

10 (b) To have a seal which may be altered at pleasure and to
11 use the same by causing it, or a facsimile thereof, to be
12 impressed or affixed or in any other manner reproduced.

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

1 (d) To make and execute agreements of lease, construction,
2 contracts, operation contracts, and all other contracts and
3 instruments necessary or convenient in the exercise of the powers
4 and functions of the Commission granted by this Chapter.

5 (e) To make guarantees and incur or assume liabilities as
6 the Commission may deem appropriate.

7 (f) To invest and reinvest its funds.

8 (g) To secure the cooperation and assistance of the United
9 States and any of its agencies and of agencies of this State and
10 its municipalities in the work of the Commission.

11 (h) To accept grants, donations, drafts, loans of funds, and
12 contributions in money, services, materials or otherwise, from
13 the United States or any of its agencies, from this State and its
14 agencies, or from any other source, and to use or expend such
15 moneys, services, materials or other contributions in carrying
16 out the purposes of this Chapter.

17 (i) To make assessments and ~~impose-user-charges-and~~ to pay
18 for such expenses as may be required by law or as may be deter-
19 mined by the Commission to be necessary for the maintenance and
20 operation of the project. In addition to the foregoing, the
21 assessments ~~and-user-charges~~ imposed pursuant-to-this-Chapter by
22 the Commission and user charges imposed by the public utilities
23 commission pursuant to this chapter shall be set at a rate suffi-
24 cient to enable the Commission to pay the debt service cost on
25 not in excess of fourteen million and fifty-nine thousand dollars
26 (\$14,059,000) of general obligation bonds and on notes issued
27 pursuant to this Chapter.

28 (j) To establish a sewage pretreatment program.

29 (k) To acquire or contract to acquire, from any person, the
30 federal government or the state, or any agency of either the fed-
31 eral government or state, by grant, purchase, lease, gift, con-
32 demnation or otherwise, or to obtain options for the acquisition

1 of any property, real or personal, improved or unimproved, and
2 interests in land less than the fee thereof; and to own, hold,
3 clear, improve, develop and rehabilitate, and to sell, assign,
4 exchange, transfer, convey, lease, mortgage, or otherwise dispose
5 of or encumber the same for the purposes of carrying out the
6 provisions and intent of this Chapter for such consideration as
7 the Commission shall determine.

8 (l) To elect or appoint officers and agents of the Commis-
9 sion, and to define their duties and fix their compensation,
10 including authority to employ attorneys, accountants, architec-
11 tural and engineering consultants, and such other employees or
12 agents as the Commission shall deem necessary in its judgment.

13 (m) To make and alter by-laws, not inconsistent with this
14 Chapter, for the administration and regulation of the affairs of
15 the Commission, and such by-laws may contain provisions indem-
16 nifying any person who is or was a director or a member of the
17 Commission, in the manner and to the extent provided in section
18 7-1.1-4.1 of the Rhode Island Business Corporation Act.

19 (n) To construct, acquire, repair, develop, own, operate,
20 maintain, extend, improve, rehabilitate, renovate, equip and fur-
21 nish a project and make provision for its management.

22 (o) To prepare or cause to be prepared plans, specifica-
23 tions, designs and estimates of costs of construction, recon-
24 struction, rehabilitations, improvement, alteration or repair of
25 a project, and to modify the same.

26 (p) To issue orders of general or specific applicability to
27 carry out the purposes of the project.

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

30 46-25-10. Acquisition of Facilities from Municipalities. --
31 The Commission shall acquire the City of Providence Fields Point
32 sewage treatment plant, as well as interceptors, combined sewer

1 overflow facilities, force mains and appurtenant facilities and
2 the land, property, easements, and other interests in property
3 from municipalities within the district as may be necessary or
4 desirable in its discretion to carry out the duties under this
5 Chapter.

6 The acquisition of any such treatment plant, facilities,
7 interceptors, combined sewer overflow facilities, mains, and
8 other appurtenant facilities and any such lands, property, ease-
9 ments, or other interests in property shall be paid for solely by
10 user charges and fees to be assessed by the Public Utilities Com-
11 mission in accordance with this Chapter. As part of such acquisi-
12 tion, the Commission may agree to assume payment of general
13 obligation debt service liabilities of the City of Providence for
14 long term bonded debt, that is, for debt with maturity schedules
15 of not less than twenty (20) years incurred for capital improve-
16 ment of the sewage treatment facilities, as determined in the
17 sole discretion of the Commission, pursuant to findings of the
18 Auditor General, in an amount not to exceed fourteen million
19 dollars (\$14,000,000); provided, however, that the payment of
20 such debt service liabilities shall be paid solely out of user
21 charges and fees to be assessed by the Public Utilities Commis-
22 sion in accordance with this Chapter. User charges assessed pur-
23 suant to this Section shall be in addition to those charged under
24 the authority of ~~45-25-5-(1)~~ 46-25-5(i).

25 46-25-27. Notice of Rate Hearings. -- Before the Public
26 Utilities Commission shall establish or amend any user charges or
27 fees in accordance with this Chapter, the Public Utilities Com-
28 mission shall cause a public hearing to be held for the purpose
29 of the establishment or amendment thereof in accordance with the
30 provisions of chapter 35 of title 42. The Public Utilities Com-
31 mission shall give not less than twenty (20) days' notice of the
32 holding of such hearing by advertising the same in one (1) or

1 more newspapers published in the county of Providence and by
2 giving at least twenty (20) days' notice thereof by registered or
3 certified mail to each person interested therein who shall have
4 registered with the Public Utilities Commission his name and ad-
5 dress with a request to be so notified.

6 46-25-28. Conduct of Hearings. -- At all hearings held
7 under the provisions of this Chapter, the Public Utilities Com-
8 mission and the members thereof, shall have the right to adminis-
9 ter oaths. All persons testifying at such hearings shall do so
10 under oath and under penalty of perjury. Said Public Utilities
11 Commission shall have the right to issue subpoenas to compel the
12 appearance of witnesses and/or the production of any books,
13 records or other documents. Any person may be represented by
14 counsel at any such hearing. The Public Utilities Commission may
15 adjourn such hearings from time to time whenever such adjournment
16 shall, in its opinion, be necessary or desirable. The testimony
17 adduced at any such hearing shall be transcribed by a stenogra-
18 pher.

19 46-25-29. Notice of Decisions by Commission Public Utili-
20 ties Commission. -- Within a reasonable time following the con-
21 clusion of any such hearing, the Public Utilities Commission
22 shall render its decision and findings and shall give notice
23 thereof by publication in some newspaper published in the County
24 of Providence and by mailing a copy thereof by registered or cer-
25 tified mail to each person interested therein who shall have
26 registered with the Public Utilities Commission his name and ad-
27 dress with a request to be so notified.

28 46-25-30. Review of Decisions. -- Any person aggrieved by
29 any such decision may obtain a judicial review thereof in accor-
30 dance with chapter 35 of title 42.

31 46-25-31. Notice of Hearings on Orders. -- Before adopting
32 or entering any order applicable to any one (1) or more specific

1 persons, the said Public Utilities Commission shall give to each
2 of such persons, by registered or certified mail, twenty (20)
3 days' notice in writing of the time and place of a hearing to be
4 afforded each of such persons should he or it desire such hear-
5 ing. Said notice shall state the time and place of the holding
6 of such hearing.

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

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JP689
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
AN ACT
RELATING TO THE NARRAGANSETT
BAY WATER QUALITY MANAGEMENT
DISTRICT COMMISSION

- 1 This act would provide that the Public Utilities Commission
- 2 would approve all user charges to be levied in conjunction with
- 3 the establishment of the Narragansett Bay Water Quality Manage-
- 4 ment District Commission.
- 5 The act would take effect on passage.

JP689

April 29, 1982

Governor J. Joseph Garrahy
222 State House
Providence, Rhode Island 02903

Dear Governor Garrahy,

Enclosed is certified copy of Resolution No.236,
Effective April 26, 1982, the same being self-explanatory.

The sponsors of said Resolution are Councilman Laurence
K. Flynn, Councilman Nicholas W. Easton, Councilman Thomas M.
Glavin and Councilman Thomas C. Bogle.

Very truly yours,

Rose M. Mendonca,
City Clerk.

RMM/jma
Enclosure

April 29, 1982

Representative Joseph DeAngelis
2 Whitman Street
Esmond, Rhode Island 02917

Dear Representative DeAngelis,

Enclosed is certified copy of Resolution No. 236,
effective April 26, 1982, the same being self-explanatory.

The sponsors of said Resolution are Councilman Laurence
K. Flynn, Councilman Nicholas W. Easton, Councilman Thomas M.
Glavin and Councilman Thomas C. Boyle.

Very truly yours,

Rose M. Mendonca,
City Clerk.

RMM/jma
Enclosure

April 29, 1982

Senator Lila M. Sapinsley
25 Cooke Street
Providence, Rhode Island 02906

Dear Senator Sapinsley,

Enclosed is certified copy of Resolution No. 236,
effective April 26, 1982, the same being self-explanatory.

The sponsors of said Resolution are Councilman Laurence
K. Flynn, Councilman Nicholas W. Easton, Councilman Thomas M.
Glavin and Councilman Thomas C. Boyle.

~~Very truly~~Yours,

Rose M. Mendonca,
City Clerk.

RMM/jma
Enclosure

April 29, 1982

Senator Rocco A. Quattrocchi
Room 318 State House
Providence, Rhode Island 02903

Dear Senator Quattrocchi,

Enclosed is certified copy of Resolution No. 236,
effective April 26, 1982, the same being self-explanatory.

The sponsors of said Resolution are Councilman Laurence
K. Flynn, Councilman Nicholas W. Easton, Councilman Thomas M.
Glavin and Councilman Thomas C. Boyle.

Very truly yours,

Rose M. Mendonca,
City Clerk.

RMM/jma
Enclosure

April 29, 1982

Representative Frederick Lippitt
108 Prospect Street
Providence, Rhode Island 02906

Dear Representative Lippitt,

Enclosed is certified copy of Resolution No. 236,
effective April 26, 1982, the same being self-explanatory.

The sponsors of said Resolution are Councilman Laurence
K. Flynn, Councilman Nicholas W. Easton, Councilman Thomas M.
Glavin and Councilman Thomas C. Boyle.

Very truly yours,

Rose M. Mendonca,
City Clerk.

RMM/jma
Enclosure

April 29, 1982

Representative Keven A. McKenna
248 Mt. Pleasant Avenue
Providence, Rhode Island 02908

Dear Representative McKenna,

Enclosed is certified copy of Resolution No. 236,
effective April 26, 1982, the same being self-explanatory.

The sponsors of said Resolution are Councilman Laurence
K. Flynn, Councilman Nicholas W. Easton, Councilman Thomas M.
Glavin and Councilman Thomas C. Boyle,

Very truly yours,

Rose M. Mendonca,
City Clerk.

RMM/jma
Enclosure

April 29, 1982

Representative Leonard E. Walker
280 Potters Avenue
Providence, Rhode Island 02905

Dear Representative Walker,

Enclosed is certified copy of Resolution No. 236,
effective April 26, 1982, the same being self-explanatory.

The sponsors of said Resolution are Councilman Laurence
K. Flynn, Councilman Nicholas W. Easton, Councilman Thomas M.
Glavin and Councilman Thomas C. Boyle.

Very truly yours,

Rose M. Mendonca,
City Clerk.

RMM/jma
Enclosure

April 29, 1982

Representative Armand E. Batastini, Jr.
192 Eaton Street
Providence, Rhode Island 02908

Dear Representative Batastini,

Enclosed is certified copy of Resolution No. 236,
effective April 26, 1982, the same being self-explanatory,

The sponsors of said Resolution are Councilman Laurence
K. Flynn, Councilman Nicholas W. Easton, Councilman Thomas M.
Glavin and Councilman Thomas C. Boyle.

Very truly yours,

Rose M. Mendonca,
City Clerk.

RMM/jma
Enclosure

April 29, 1982

Representative Alfred W. Cardente
940 Manton Avenue
Providence, Rhode Island 02909

Dear Representative Cardente,

Enclosed is certified copy of Resolution No. 236,
effective April 26, 1982, the same being self-explanatory.

The sponsors of said Resolution are Councilman Laurence K.
Flynn, Councilman Nicholas W. Easton, Councilman Thomas M.
Glavin and Councilman Thomas C. Boyle.

Very truly yours,

Rose M. Mendonca,
City Clerk.

RMM/jma
Enclosure

April 29, 1982

Representative John M. Skeffington, Jr.
925 Chalkstone Avenue
Providence, Rhode Island 02908

Dear Representative Skeffington,

Enclosed is certified copy of Resolution No. 236,
effective April 26, 1982, the same being self-explanatory.

The sponsors of said Resolution are Councilman Laurence
K. Flynn, Councilman Nicholas W. Easton, Councilman Thomas M.
Glavin and Councilman Thomas C. Boyle.

Very truly yours,

Rose M. Mendonca,
City Clerk.

RMM/jma
Enclosure

April 29, 1982

Rep. Thomas A. Lamb, Chairman
Committee on Finance
28 Downing Drive
West Warwick, Rhode Island 02893

Dear Representative Lamb.

Enclosed is certified copy of Resolution No. 236,
effective April 26, 1982, the same being self-explanatory.

The sponsors of said Resolution are Councillman Laurence
K. Flynn, Councilman Nicholas W. Easton, Councilman Thomas M.
Glavin and Councilman Thomas C. Boyle.

Very truly yours,

Rose M. Mendonca,
City Clerk.

RMM/jma
Enclosure