

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 442

Approved May 9, 1979

WHEREAS, An Act is pending before the House Committee on Finance which authorizes the submission to the people at a special election, a proposition authorizing the issuance of bonds in the total amount of Fifteen Million Dollars (\$15,000,000) for the construction of necessary sewage treatment facilities to prevent discharge of untreated or inadequately treated sewage into the waters of the State and to provide a fund for State contribution to be matched with federal and local funds for the construction of facilities on special projects, to alleviate pollution problems of upper Narragansett Bay,

NOW, THEREFORE, BE IT RESOLVED, That the City Council of Providence hereby endorses House Bill 79-H 6264, presently pending before the House Committee on Finance, entitled "An Act to Provide Authority to Issue Bonds and Notes to Finance the Environmental Quality Improvement Program of 1979."

IN CITY COUNCIL
MAY 3 1979

READ AND PASSED

Ralph Fagnano PRES.

Rose M. Henderson CLERK

APPROVED

MAYOR

James A. Crumley, Jr.

MAY 9 1979

79—H 6264

Introduced by—

Representatives Higgins and
DeAngelis

Ordered Printed by—

House of Representatives

Referred to—

House Committee on Finance

Date Printed—

March 14, 1979

State of Rhode Island and Providence Plantations

JANUARY SESSION, A.D. 1979

**AN ACT to Provide Authority to Issue Bonds and
Notes to Finance the Environmental Quality
Improvement Program of 1979.**

It is enacted by the General Assembly as follows:

Section 1. PROPOSITION TO BE SUBMITTED TO
THE PEOPLE. — At a special election to be held on
June 26, 1979, there shall be submitted to the
people for their approval or rejection the following
proposition:

Shall the action of the general assembly, by an act
passed by the January session, 1979, authorizing the
issuance of bonds and temporary notes of the state for
the capital project and in the amount with respect to
such project listed below be approved, and the issuance

of bonds and temporary notes authorized in accordance with the provisions of said act?

Amount

Environmental Management:

Environmental Quality Projects \$15,000,000

Provide funds from which grants are made by the Department of Environmental Management to municipalities, municipal sewer districts, intermunicipal agencies, state districts, or agencies, for the construction of necessary sewage treatment facilities to prevent the discharge of untreated or inadequately treated sewage into the waters of the state. Such grants are made in connection with projects which have qualified for a grant from the federal government under the federal water pollution control act, 33 U.S.C. section 466 *et seq* as amended from time to time. \$10,000,000. Provide a fund for state contribution, to be matched with federal and local funds, to accelerate the construction of facilities and action on special projects for alleviation of acute pollution problems of upper Narragansett Bay. \$5,000,000.

Sec. 2. BALLOT LABELS AND APPLICABILITY OF GENERAL ELECTION LAWS. — The secretary of state shall prepare and turn over to the state board of elections ballot labels for the project listed in the proposition provided for in section 1 hereof with the words "approve" or "reject" next to such project so that each voter may indicate his approval or rejection of such subject. The general election laws, so far as consistent herewith shall apply to voting on the proposition authorized for in section 1 hereof.

Sec. 3. APPROVAL OF PROJECT BY PEOPLE. — If a majority of the people voting on the proposition provided for in section 1 hereof shall vote to approve said proposition as to such project, said proposition shall be deemed to be approved as to such project so

approved by the people. The authority to issue bonds and notes to the state shall be limited to the aggregate amount for such project as set forth in the proposition provided for in section 1 hereof which have been approved by the people.

Sec. 4. BONDS FOR ENVIRONMENTAL QUALITY PROGRAM. — The general treasurer is hereby authorized and empowered with the approval of the governor and in accordance with the provisions of this act, to issue from time to time bonds (hereinafter sometimes referred to as "such environmental quality bonds") in serial form in the name and behalf of the state in such amounts as may be specified from time to time by the governor in an aggregate principal amount not to exceed the total amount for such project as has been approved by the people.

Such environmental quality bonds shall be in denominations of one thousand dollars (\$1,000) each, or multiples thereof, and shall be payable in any coin or currency of the United States which at the time of payment shall be legal tender for public and private debts. Such environmental quality bonds shall bear such date or dates, mature at such time or times, but not exceeding twenty (20) years from their respective dates of issue, bear interest payable semi-annually at such rate or different or varying rates, be payable at such time or times and at such place or places, be subject to such terms of redemption, with or without premium, be in such form, with or without interest coupons attached, carry such registration, conversion, reconversion, transfer, debt retirement, acceleration and other provisions as may be fixed by the general treasurer, with the approval of the governor, upon each issue of such environmental quality bonds at the time of each such issue.

Whenever the governor shall approve the issuance of

such environmental quality bonds he shall certify such approval to the secretary of state; such bonds shall be signed by the general treasurer and countersigned by the manual or facsimile signature of the secretay of state and shall bear the seal of the state or a facsimile thereof. The approval of the governor shall be endorsed on each bond so approved with a facsimile of his signature.

Sec. 5. PROCEEDS OF ENVIRONMENTAL QUALITY BONDS. — The general treasurer is directed to deposit the proceeds from the sale of such environmental quality bonds, exclusive of premiums and accrued interest, in one or more of the depositories in which the funds of the state may be lawfully kept in such special accounts (hereinafter cumulatively referred to as "such environmental quality fund") appropriately designated for the project set forth in section 1 hereof which shall have been approved by the people to be used for the purpose of paying the cost of such project so approved.

All moneys in such environmental quality fund shall be expended for the purposes specified in the proposition provided for in section 1 hereof under the direction and supervision of the director of administration (hereinafter referred to as "said director") provided, however, said director may delegate all or part of the authority hereunder granted to the director of environmental management; said director or his delegate as the case may be shall be vested with all power and authority necessary or incidental to the purposes of this act, including where appropriate without limiting the generality of said authority, and only by way of illustration, the following authority: (a) to acquire land or other real property or any interest, estate or right therein as may be necessary or advantageous to accomplish the purposes of this act; (b) to pay for the preparation of any reports, plans and

specifications, and relocation expenses and other costs such as for furnishings, equipment, designing, inspecting, and engineering, required in connection with the implementation of the project set forth in section 1 hereof; (c) to pay the costs of construction, rehabilitation, enlargement, provision of service utilities, and razing of facilities, and other improvements to land in connection with the implementation of the project set forth in section 1 hereof; and (d) to pay the expense of issue for such environmental quality bonds or notes hereunder from the proceeds thereof.

The state controller is authorized and directed to draw his orders upon the general treasurer for payment out of such environmental quality bond fund of such sum or sums as may be required from time to time, upon receipt by him of properly authenticated vouchers approved by said director or his delegate as the case may be.

The powers and authorities granted by this act to said director, or his delegate, as the case may be, shall be in addition to, and not in substitution for, all other power provided by law.

Sec. 6. TEMPORARY ENVIRONMENTAL QUALITY NOTES. — The general treasurer is hereby authorized and empowered, with the approval of the governor and in accordance with the provisions of this act, to borrow, upon temporary notes issued in anticipation of the issuance of such environmental quality bonds, from time to time, in the name and behalf of the state, sums of money for the purposes hereinbefore set forth in the proposition provided for in section 1 hereof, subject to the limitations as to amount set forth in this act, and to be designated as "state environmental quality notes of 1979" (hereinafter referred to as "such environmental quality notes").

Such environmental quality notes shall be signed by the general treasurer and counter-signed by the manual

or facsimile signature of the secretary of state, and shall be issued at such time or times in such amounts, at such rates of interests, with such provisions for prepayment, with or without premium, acceleration and other terms as may be fixed by the general treasurer, with the approval at the time of each issue of the governor.

Such environmental quality notes may be issued from time to time for periods of not to exceed two (2) years and may be refunded or renewed from time to time by the issue of other such notes for periods of not to exceed two (2) years, but such notes, including all refundings or renewals thereof, shall mature not later than five (5) years from the date of each original issue.

The proceeds of the sale of such environmental quality notes, exclusive of any premiums or accrued interest, shall be deposited by the general treasurer in the appropriate special account described in section 5 hereof.

Sec. 7. BONDS AND NOTES TO BE TAX EXEMPT AND GENERAL OBLIGATIONS OF THE STATE. — All bonds and notes issued under the authority of this act shall be exempt from taxation in the state and shall be general obligations of the state, and the full faith and credit of the state are hereby pledged for the due payment of the principal of and interest on each of such bonds and notes as the same shall become due.

Sec. 8. SALE OF BONDS AND NOTES. — Any bonds or notes issued under the authority of this act shall be sold from time to time at not less than the principal amount thereof, in such mode and on such terms and conditions as the general treasurer, with the approval of the governor, shall deem to be for the best interests of the state.

Any premiums and accrued interest which may be received on the sale of such bonds or notes shall become

part of the general fund of the state and shall be applied to the payment of debt service charges of the state.

In the event that the amount received from the sale of such bonds or notes exceeds the amount necessary for the purposes stated in section 5 hereof, the surplus may be used to the extent possible to retire said bonds as the same may become due, to redeem the same in accordance with the terms thereof or otherwise to purchase the same as the general treasurer, with the approval of the governor, shall deem to be for the best interests of the state.

Any bonds or notes issued under the provisions of this act and coupons on any bonds, if properly executed by the manual or facsimile signatures, as the case may be, of the officers of the state in office on the date of execution shall be valid and binding according to their tenor notwithstanding that before the delivery thereof and payment therefor, any or all such officers shall for any reason have ceased to hold office.

Sec. 9. INVESTMENT OF MONEYS IN FUND. — All moneys in such environmental quality fund not immediately required for payment pursuant to the provisions of this act may be invested by the investment commission, as established by chapter 35-10 of the general laws, pursuant to the provisions of such chapter; provided, however, that the securities in which such fund is invested shall remain a part of such fund until exchanged for other securities, and provided further, that the income from such investments shall become a part of the general fund of the state and shall be applied to the payment of debt service charges of the state.

Sec. 10. AMORTIZATION. — To the extent the same is not otherwise provided, a sum sufficient to pay the interest and principal due each year on bonds and notes

hereunder is hereby annually appropriated out of any money in the treasury not otherwise appropriated.

Sec. 11. ADVANCES FROM GENERAL FUND. —

The general treasurer is authorized from time to time, with the approval of the governor, in anticipation of the issue of bonds or notes under the authority of this act, to advance to such environmental quality bond fund to be used for the purposes specified in section 5 hereof, any funds of the state not specifically held for any particular purpose, provided, however, that all such advances made to such environmental quality bond fund shall be returned to the general fund from such environmental quality bond fund forthwith upon the receipt by such fund of proceeds resulting from the issue of notes to the extent of such proceeds.

Sec. 12. FEDERAL ASSISTANCE AND PRIVATE FUNDS. — In carrying out this act, the director of administration, or his delegate, is authorized on behalf of the state, with the approval of the governor, to apply for and accept any federal assistance which may become available for the purposes of this act, whether in the form of loan or grant or otherwise to accept the provision of any federal legislation therefor, to enter into and carry out contracts in connection therewith, to act as agent for the federal government in connection therewith, or to designate a subordinate so to act. Where federal assistance is made available, the project shall be carried out in accordance with applicable federal law, the rules and regulations thereunder and the contract or contracts providing for federal assistance, notwithstanding any contrary provision of state law. Subject to the foregoing, any federal funds received for the purpose of this act shall be deposited in such environmental quality bond fund and expended as a part thereof. In carrying out this section the director of administration or his delegate may issue bonds and notes under loan

agreements with the United States of America. Except as provided in this section, this act shall not apply to such bonds or notes. Said director of administration or his delegate may also utilize any private funds which may be made available for the purposes of this act.

Sec. 13. EFFECTIVE DATE. — Sections 1, 2 and 3 of this act shall take effect upon its passage; the remaining sections of this act shall take effect when and if the state board of elections shall certify to the secretary of state that a majority of the qualified electors voting on the proposition contained in section 1 hereof have indicated their approval of the project thereunder.

79-H 6264

EXPLANATION

This act authorizes the submission to the people at a special election a proposition authorizing the issuance of bonds in the total amount of \$15,000,000 for the construction of necessary sewage treatment facilities to prevent discharge of untreated or inadequately treated sewage into the waters of the State and to provide a fund for State contribution to be matched with federal and local funds for the construction of facilities on special projects to alleviate pollution problems of upper Narragansett Bay.

May 17, 1979

Representative Joseph DeAngelis
2 Whitman Street
Esmond, Rhode Island 02917

Dear Representative DeAngelis,

Enclosed is certified copy of Resolution of the
Providence City Council No. 442, approved May 9, 1979,
which I have been directed to transmit to you.

Very truly yours,

Rose M. Mendonca,
City Clerk.

RMM/jma

May 17, 1979

Representative Michael A. Higgins
303 State House
Providence, Rhode Island 02903

Dear Representative Higgins,

Enclosed is certified copy of Resolution of the
Providence City Council No. 442, approved May 9, 1979,
which I have been directed to transmit to you.

Very truly yours,

Rose M. Mendonca,
City Clerk.

RMM/jma

May 17, 1979

House Committee on Finance
Matthew J. Smith, Chairman
86 Pontiac Avenue
Providence, Rhode Island 02907

Dear Mr. Smith,

Enclosed is certified copy of Resolution of the
Providence City Council No. 442, approved May 9, 1979,
which I have been directed to transmit to you.

Very truly yours,

Rose M. Mendonca,
City Clerk.

RMM/jma

May 17, 1979

Secretary of State
The Honorable Robert F. Burns
219 State House
Providence, Rhode Island 02903

Dear Mr. Burns,

Enclosed is certified copy of Resolution of the
Providence City Council No. 442, approved May 9, 1979,
which I have been directed to transmit to you.

Very truly yours,

Rose M. Mendonca,
City Clerk.

RMM/jma