

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 1996-9

No. 143 **AN ORDINANCE** AUTHORIZING THE ISSUANCE OF
BONDS TO FINANCE THE COMMUNITY FACILITIES PROJECT

Approved April 10, 1996

Be it ordained by the City of Providence:

Be it ordained by the City of Providence:

WHEREAS, the Narragansett Electric Company ("NEC") has made capital expenditures of approximately \$600,000,000 to improve the Manchester Street electrical generating station (the "Facility"); and

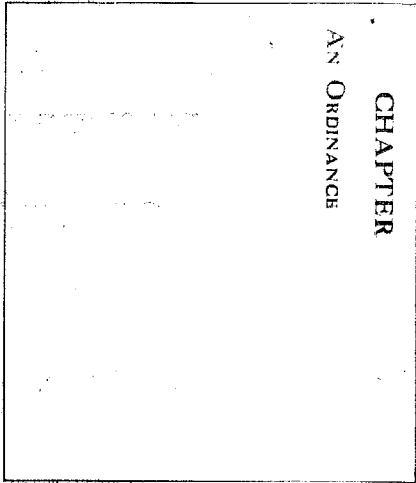
WHEREAS, the City of Providence (the "City") and NEC have entered into a Tax Stabilization Agreement under Section 44-3-9 of the Rhode Island General Laws which fixes the property taxes on the facility during the 10-year period commencing July 1, 1993; and

WHEREAS, pursuant to Section 33.2 of Title 45 of the Rhode Island General Laws, as amended (the "Act"), the City has designated a portion of the tax increment from NEC's construction of the Facility and certain associated improvements for the benefit of certain projects described in the City's Manchester Street Power Plant Tax Increment Project Plan, as amended (the "Project Plan"); and

WHEREAS, the City Council has adopted the Project Plan based upon its finding that with respect to the projects described in the Project Plan, the facilities, programs and other assistance described therein are needed and the financing of such projects in accordance with the Project Plan is in the public interest; and

No.

CHAPTER
AN ORDINANCE



IN CITY COUNCIL
FEB 21 1998
FIRST READING
REFERRED TO COMMITTEE ON
FINANCE
Richard S. Leach
CLERK

THE COMMITTEE ON
FINANCE *and* URP
Approves Passage of
The Within Ordinance
Claire B. Bicknell
April 11, 1996
Clerk

THE COMMITTEE ON
FINANCE *and* URBAN REDEVELOPMENT
Approves Passage of
The Within Ordinance
Claire B. Bicknell
March 14, 1996
Clerk

THE COMMITTEE ON
FINANCE
Recommends be referred to URP
Claire B. Bicknell
March 18, 1996
Clerk
Finance Pending

Councilwoman Marguerite (Ray Bequest)

WHEREAS, the City Council has heretofore authorized the Providence Public Buildings Authority to issue its notes to provide short-term financing for certain of the projects described in the Project Plan as the Community Facilities Projects; and

WHEREAS, the City wishes to provide final authorization for the issuance of special obligation bonds and bond anticipation notes pursuant to the Act in an aggregate outstanding amount not to exceed \$11,000,000 to finance or refinance the projects contained in the Project Plan;

NOW, THEREFORE, be it ordained by the City of Providence:

SECTION 1. There is hereby authorized the issuance of special obligation bonds and bond anticipation notes pursuant to the Act in an aggregate outstanding amount not to exceed \$11,000,000 to finance or refinance the projects contained in the Project Plan (the "TIF Debt").

SECTION 2. TIF Debt shall be issued for the purpose of carrying out any project or projects described in the Project Plan. Without limiting the generality of the foregoing the TIF Debt shall be issued for Project Plan project costs, which may include interest prior to and during the carrying out of any such project and for a reasonable time thereafter, such reserves as may be required by any agreement or arrangement securing the TIF Debt, and all other expenses with respect thereto, including, without limitation, reimbursement of expenses previously paid from any other source, incidental to planning, carrying out and financing any such project.

SECTION 3. TIF Debt shall be payable solely from "project revenues" as defined in the Act and shall not be deemed to be a pledge of the faith and credit of the City.

SECTION 4. Each of the bonds and bond anticipation notes issued as TIF Debt shall recite on its face that it is a special obligation bond or bond anticipation notes, as the case may be, payable solely from "project revenues" as defined in the Act pledged for its repayment.

SECTION 5. The bonds and bond anticipation notes of any issue of TIF Debt shall be dated and may be made redeemable before maturity with or without premium. The City's Treasurer and Finance Director shall determine the security structure for each issue of TIF Debt in accordance with the Act and the Project Plan, including the manner in which tax increment received and to be received under the Act and the Project Plan and other "project revenues" under the Act shall be escrowed, pledged or otherwise used to secure any such TIF Debt issue, and shall also determine the date or dates of the TIF Debt, their denomination or denominations, the place or places of payment of the principal and interest thereon, which may be at any bank or trust company within or without the state, their interest rate or rates, maturity or maturities, redemption privileges, if any, and the form and other details of the TIF Debt.

SECTION 6. The bonds and bond anticipation notes of any issue of TIF Debt shall be signed by the City Treasurer, shall be countersigned by the Mayor of the City, either manually or by facsimile, and shall bear the seal of the City or a facsimile thereof.

SECTION 7. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or bond anticipation notes of any issue of TIF Debt shall cease to be an officer before the delivery thereof, such signature or facsimile thereof shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery.

SECTION 8. The City's Treasurer and Finance Director may sell the bonds and bond anticipation notes of any issue of TIF Debt in such manner, either at public or private sale, and for such price, as they may determine will best effect the purposes of the Act.

SECTION 9. Notwithstanding any provisions of the City Charter or any general or special law to the contrary, bonds issued hereunder may provide for annual or more frequent installments of principal in equal, diminishing, or increasing amounts, with the first installment of principal to be due at any time within five (5) years from the date of the ~~issuance~~ of the bonds.

SECTION 10. Without limiting the generality of the foregoing, the City may issue one or more ~~issues of special bond~~ anticipation notes prior to the issuance of its special obligation bonds hereunder for the purpose and in the manner authorized hereunder.

SECTION 11. The City's Treasurer and the Director of Finance are authorized to execute and deliver a Continuing Disclosure Certificate in connection with the bonds or bond anticipation notes issued as TIF Debt, in such form as shall be deemed advisable by the City's Treasurer and the Director of Finance. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate, as it may be amended from time to time. Notwithstanding any other provision of this Ordinance or the bonds or bond anticipation notes, failure of the City to comply with the Continuing Disclosure Certificate shall not be considered an event of default; however, any bondholder or noteholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section and under the Continuing Disclosure Certificate.

SECTION 12. This Ordinance shall take effect immediately upon its passage.

IN CITY COUNCIL
MAR 21 1996

[REDACTED]

, and referred back to the Committee on Finance
and U.R.P.

Michael K. Clement CLERK

IN CITY
COUNCIL

APR 4 1996
FINAL READING
READ AND PASSED

Emelyn V. Fargnoli
ACTING PRESIDENT

Michael K. Clement
CLERK

APPROVED

APR 10 1996

Vincent A. Lancia
MAYOR