

RESOLUTION OF THE CITY COUNCIL

No. 209

Approved March 27, 1998

RESOLVED, That the City Council hereby endorses and urges passage by the General Assembly of House Bill 98-H 8212 and Senate Bill 98-S 2627 relating to the Convention Center Authority, in substantially the form attached.

IN CITY COUNCIL
MAR 19 1998
READ AND PASSED
ACTING PRES.
Michael A. Clement,
CLERK
BS

APPROVED
MAR 27 1998
Vincent A. Lima
MAYOR

IN CITY COUNCIL
MAR 5 1998
FIRST READING
REFERRED TO COMMITTEE ON
STATE LEGISLATION

Michael R. Clement CLERK
DM

THE COMMITTEE ON

State Legislation
Recommends Passage
Barbara A. Carver

3-10-98

Council President Fargnoli:

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LC02530
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

98-H 8212

JANUARY SESSION, A.D. 1998

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- CONVENTION CENTER
AUTHORITY ACT

98-H 8212

Introduced By: Reps. Slater, Metts, Costantino, S. Smith
and Castro

Date Introduced: February 3, 1998

Referred To: Committee on Corporations

It is enacted by the General Assembly as follows:

- 1 SECTION 1. Section 42-99-4 of the General Laws in Chapter 42-99 entitled "The
2 Convention Center Authority Act" is hereby amended to read as follows:
- 3 42-99-4. Creation of a corporation -- Composition -- Personnel -- Compensation. --
- 4 (a) There is hereby created and established a public corporation of the state, having a distinct
5 legal existence from the state and not constituting a department of the state government, with
6 such corporate powers as are set forth in this chapter to be known as "the convention center
7 authority", or by such other name as the board of commissioners may select which appropriately
8 identifies the corporation's activities or location, to carry out the provisions of this chapter. The
9 corporation is hereby constituted a public instrumentality exercising public and essential
10 governmental functions, and the exercise by the corporation of the powers conferred by this
11 chapter shall be deemed and held to be the performance of an essential governmental function of
12 the state. The corporation shall be deemed a "state agency or department" for purposes of chapter
13 75.2 of title 42. It is the intent of the general assembly by the passage of this chapter to
14 incorporate a public corporation and instrumentality and agency of the state for the purpose of
15 carrying on the activities hereinafter authorized, and to vest that corporation with all powers.
16 authority, rights, privileges, and titles that may be necessary to enable it to accomplish those
17 purposes. This chapter shall be liberally construed in conformity with the purpose expressed.

1 (b) The corporation is created, established, and incorporated for the following purposes:
2 to construct, manage, and operate a convention center and to acquire by purchase or otherwise
3 land therefor.

4 (c) The convention center shall be located in one of the cities or towns in the state in
5 which the mayor (if a city) or a president of the town council (if a town) thereof and the governor
6 agree that the convention center shall be located.

7 (d) (i) The powers of the corporation shall be vested in a board of commissioners having
8 nine (9) members who shall be appointed in the manner set forth herein. Forthwith upon the
9 enactment hereof, the governor and chief municipal officer (hereinafter sometimes referred to as
10 the "appointing authorities") will each appoint four (4) commissioners for terms ending
11 respectively on June 30, 1988, June 30, 1989, and June 30, 1990, and June 30, 1991, and
12 thereafter until their respective successors are appointed and shall have qualified. Beginning on
13 June 30, 1988, and on each June 30 thereafter, the appointing authorities shall appoint
14 commissioners to succeed the commissioners whose terms are then ending and to serve for terms
15 of four (4) years.

16 Notwithstanding the foregoing, on and after June 30, 1991 the governor shall have the
17 power to appoint six (6) commissioners and the chief municipal officer shall have the power to
18 appoint two (2) commissioners to serve for terms of four (4) years. This change shall be effected
19 as follows:

20 On June 30, 1991 and June 30, 1992, the governor shall appoint a commissioner to
21 succeed one commissioner, previously appointed by the governor whose term is then ending to
22 serve terms of four (4) years. On June 30, 1991 and June 30, 1992 the chief municipal officer
23 shall appoint a commissioner to succeed one commissioner, previously appointed by the chief
24 municipal officer, whose term is then ending, to serve terms of four (4) years. On June 30, 1993
25 and on June 30, 1994, the governor shall appoint both commissioners to succeed the
26 commissioners whose terms are then ending, to serve for terms of four (4) years. The
27 appointments by the governor are designated "gubernatorial commissioners". The commissioners
28 appointed by the chief municipal officer whose terms expire on June 30, 1991 and June 30, 1992
29 are designated "municipal commissioners". The governor and the chief municipal officer shall
30 have the power to appoint commissioners to succeed the gubernatorial commissioners and the
31 municipal commissioners respectively when the terms of such gubernatorial commissioners and
32 the municipal commissioners end, for a period of four (4) years.

1 (ii) Forthwith upon the enactment hereof, the governor and the chief municipal officer
2 will jointly appoint a ninth (9th) commissioner who will act as chairperson of the corporation
3 and whose four (4) year term will end on June 30, 1991. On June 30, 1991, the governor shall
4 appoint a ninth (9th) commissioner who will serve as chairperson until the expiration of a second
5 full four (4) year term on June 30, 1995. Thereafter, the ninth (9th) commissioner will be
6 appointed (for successive four (4) year terms) by the governor and the chairperson will be
7 elected from among its members by the board of commissioners. Notwithstanding the foregoing
8 on and after June 30, 1998, the governor and the chief municipal officer will each appoint four
9 (4) commissioners for a term of four (4) years.

10 (e) Any commissioner may be reappointed for successive terms. Any commissioner may
11 be removed by the appointing authority for misfeasance, malfeasance or willful neglect of duty.
12 Any vacancy resulting from the death, disability, or other failure of a commissioner to continue
13 to serve may be filled by the person given the power to make the original appointment.

14 (f) The board of commissioners shall elect from among its members, a vice chairperson,
15 such other officers as they may determine, including a secretary and a treasurer, and, beginning
16 on July 1, 1995, a chairperson. Meetings shall be held at the call of the chairperson or whenever
17 two commissioners so request. Action by the corporation may be taken by the board of
18 commissioners at any regular or special meeting at which a quorum is present. Five (5)
19 commissioners of the corporation shall constitute a quorum. Any action taken by the corporation
20 under the provisions of this chapter shall require the affirmative vote of not less than five (5)
21 commissioners. No vacancy in the membership of the corporation shall impair the right of a
22 quorum to exercise all the rights and perform all the duties of the corporation.

23 (g) Commissioners shall receive no compensation for the performance of their duties
24 hereunder but each commissioner shall be reimbursed for his or her reasonable expenses incurred
25 in carrying out the duties under this chapter.

26 (h) Notwithstanding the provisions of any other law, no officer or employee of the state
27 shall be deemed to have forfeited or shall forfeit his or her office or employment by reason of his
28 or her acceptance of membership of the corporation or his or her service thereto.

29 (i) The commissioners may employ an executive director who shall administer, manage,
30 and direct the affairs and business of the corporation, subject to the policies, control, and
31 direction of the commissioners. The commissioners may employ technical experts and such other
32 officers and agents and fix their qualification, duties, and compensation. The executive director

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1 and technical experts, officers, agents, and attorneys so employed shall not be subject to the
2 provisions of the classified service. The commissioners may employ other employees, permanent
3 and temporary, as they deem necessary. The commissioners may delegate to one or more of the
4 corporation's agents or employees such administrative duties as they may deem proper.

5 (j) The commissioners may authorize the engagement of such other person, corporation,
6 or other entity including, without limiting the generality of the foregoing, any public body
7 corporate and politic located within the municipality as they may select to undertake the staffing
8 and management of the convention center (including the scheduling of events and related
9 activities) upon such terms and for such periods of times as they may deem proper.

10 (k) The secretary shall keep a record of the proceedings of the corporation and shall be
11 custodian of all books, documents, and papers filed with the corporation and of its minute book
12 and seal. The secretary shall have the authority to cause to be made copies of all minutes and
13 other records and documents of the corporation and to give certificates under the seal of the
14 corporation to the effect that the copies are true copies and all persons dealing with the
15 corporation may rely upon the certificates.

16 (l) No part of the net earnings of the corporation shall be distributable to, or inure to the
17 benefit of, any private person.

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

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EXPLANATION BY THE LEGISLATIVE COUNCIL OF

A N A C T RELATING TO STATE AFFAIRS AND GOVERNMENT -- CONVENTION CENTER AUTHORITY ACT

1 This act provides that the governor and the chief municipal officer will each appoint four
2 (4) commissioners for a term of four (4) years to the convention center corporation on and after
3 June 30, 1998.

4 This act would take effect upon passage.

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LC02529
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY **98-S 2627**

JANUARY SESSION, A.D. 1998

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- CONVENTION CENTER
AUTHORITY ACT**98-S 2627**

Introduced By: Senators Goodwin, Walton, and Perry

Date introduced: February 5, 1998

Referred To: Senate Committee on Special Legislation

It is enacted by the General Assembly as follows:

- 1 SECTION 1. Section 42-99-4 of the General Laws in Chapter 42-99 entitled "The
2 Convention Center Authority Act" is hereby amended to read as follows:
- 3 **42-99-4. Creation of a corporation -- Composition -- Personnel -- Compensation. --**
- 4 (a) There is hereby created and established a public corporation of the state, having a distinct
5 legal existence from the state and not constituting a department of the state government, with
6 such corporate powers as are set forth in this chapter to be known as "the convention center
7 authority", or by such other name as the board of commissioners may select which appropriately
8 identifies the corporation's activities or location, to carry out the provisions of this chapter. The
9 corporation is hereby constituted a public instrumentality exercising public and essential
10 governmental functions, and the exercise by the corporation of the powers conferred by this
11 chapter shall be deemed and held to be the performance of an essential governmental function of
12 the state. The corporation shall be deemed a "state agency or department" for purposes of chapter
13 75.2 of title 42. It is the intent of the general assembly by the passage of this chapter to
14 incorporate a public corporation and instrumentality and agency of the state for the purpose of
15 carrying on the activities hereinafter authorized, and to vest that corporation with all powers,
16 authority, rights, privileges, and titles that may be necessary to enable it to accomplish those
17 purposes. This chapter shall be liberally construed in conformity with the purpose expressed.

1 (b) The corporation is created, established, and incorporated for the following purposes:
2 to construct, manage, and operate a convention center and to acquire by purchase or otherwise
3 land therefor.

4 (c) The convention center shall be located in one of the cities or towns in the state in
5 which the mayor (if a city) or a president of the town council (if a town) thereof and the governor
6 agree that the convention center shall be located.

7 (d) (i) The powers of the corporation shall be vested in a board of commissioners having
8 nine (9) members who shall be appointed in the manner set forth herein. Forthwith upon the
9 enactment hereof, the governor and chief municipal officer (hereinafter sometimes referred to as
10 the "appointing authorities") will each appoint four (4) commissioners for terms ending
11 respectively on June 30, 1988, June 30, 1989, and June 30, 1990, and June 30, 1991, and
12 thereafter until their respective successors are appointed and shall have qualified. Beginning on
13 June 30, 1988, and on each June 30 thereafter, the appointing authorities shall appoint
14 commissioners to succeed the commissioners whose terms are then ending and to serve for terms
15 of four (4) years.

16 Notwithstanding the foregoing, on and after June 30, 1991 the governor shall have the
17 power to appoint six (6) commissioners and the chief municipal officer shall have the power to
18 appoint two (2) commissioners to serve for terms of four (4) years. This change shall be effected
19 as follows:

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21 succeed one commissioner, previously appointed by the governor whose term is then ending to
22 serve terms of four (4) years. On June 30, 1991 and June 30, 1992 the chief municipal officer
23 shall appoint a commissioner to succeed one commissioner, previously appointed by the chief
24 municipal officer, whose term is then ending, to serve terms of four (4) years. On June 30, 1993
25 and on June 30, 1994, the governor shall appoint both commissioners to succeed the
26 commissioners whose terms are then ending, to serve for terms of four (4) years. The
27 appointments by the governor are designated "gubernatorial commissioners". The commissioners
28 appointed by the chief municipal officer whose terms expire on June 30, 1991 and June 30, 1992
29 are designated "municipal commissioners". The governor and the chief municipal officer shall
30 have the power to appoint commissioners to succeed the gubernatorial commissioners and the
31 municipal commissioners respectively when the terms of such gubernatorial commissioners and
32 the municipal commissioners end, for a period of four (4) years.

1 (ii) Forthwith upon the enactment hereof, the governor and the chief municipal officer
2 will jointly appoint a ninth (9th) commissioner who will act as chairperson of the corporation
3 and whose four (4) year term will end on June 30, 1991. On June 30, 1991, the governor shall
4 appoint a ninth (9th) commissioner who will serve as chairperson until the expiration of a second
5 full four (4) year term on June 30, 1995. Thereafter, the ninth (9th) commissioner will be
6 appointed (for successive four (4) year terms) by the governor and the chairperson will be
7 elected from among its members by the board of commissioners. Notwithstanding the foregoing,
8 on and after June 30, 1998, the governor and the chief municipal officer will each appoint four
9 (4) commissioners for a term of four (4) years.

10 (e) Any commissioner may be reappointed for successive terms. Any commissioner may
11 be removed by the appointing authority for misfeasance, malfeasance or willful neglect of duty.
12 Any vacancy resulting from the death, disability, or other failure of a commissioner to continue
13 to serve may be filled by the person given the power to make the original appointment.

14 (f) The board of commissioners shall elect from among its members, a vice chairperson,
15 such other officers as they may determine, including a secretary and a treasurer, and, beginning
16 on July 1, 1995, a chairperson. Meetings shall be held at the call of the chairperson or whenever
17 two commissioners so request. Action by the corporation may be taken by the board of
18 commissioners at any regular or special meeting at which a quorum is present. Five (5)
19 commissioners of the corporation shall constitute a quorum. Any action taken by the corporation
20 under the provisions of this chapter shall require the affirmative vote of not less than five (5)
21 commissioners. No vacancy in the membership of the corporation shall impair the right of a
22 quorum to exercise all the rights and perform all the duties of the corporation.

23 (g) Commissioners shall receive no compensation for the performance of their duties
24 hereunder but each commissioner shall be reimbursed for his or her reasonable expenses incurred
25 in carrying out the duties under this chapter.

26 (h) Notwithstanding the provisions of any other law, no officer or employee of the state
27 shall be deemed to have forfeited or shall forfeit his or her office or employment by reason of his
28 or her acceptance of membership of the corporation or his or her service thereto.

29 (i) The commissioners may employ an executive director who shall administer, manage,
30 and direct the affairs and business of the corporation, subject to the policies, control, and
31 direction of the commissioners. The commissioners may employ technical experts and such other
32 officers and agents and fix their qualification, duties, and compensation. The executive director

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1 and technical experts, officers, agents, and attorneys so employed shall not be subject to the
2 provisions of the classified service. The commissioners may employ other employees, permanent
3 and temporary, as they deem necessary. The commissioners may delegate to one or more of the
4 corporation's agents or employees such administrative duties as they may deem proper.

5 (j) The commissioners may authorize the engagement of such other person, corporation,
6 or other entity including, without limiting the generality of the foregoing, any public body
7 corporate and politic located within the municipality as they may select to undertake the staffing
8 and management of the convention center (including the scheduling of events and related
9 activities) upon such terms and for such periods of times as they may deem proper.

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11 custodian of all books, documents, and papers filed with the corporation and of its minute book
12 and seal. The secretary shall have the authority to cause to be made copies of all minutes and
13 other records and documents of the corporation and to give certificates under the seal of the
14 corporation to the effect that the copies are true copies and all persons dealing with the
15 corporation may rely upon the certificates.

16 (l) No part of the net earnings of the corporation shall be distributable to, or inure to the
17 benefit of, any private person.

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

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BY THE LEGISLATIVE COUNCIL

OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- CONVENTION CENTER
AUTHORITY ACT

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