

THE CITY OF PROVIDENCE  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

# RESOLUTION OF THE CITY COUNCIL

No. 268

Approved April 26, 1985

RESOLVED, That the City Solicitor is hereby requested to cause to be introduced and urge passage at the 1985 Session of the General Assembly of "An Act authorizing the City of Providence to issue bonds for physical development purposes". (Draft of Act Appended)

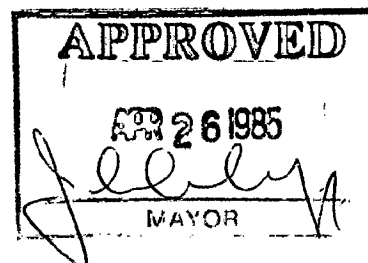
IN CITY COUNCIL

APR 18 1985

READ AND PASSED

Nicholas W. Eustice PRES.

Rozemond CLERK



IN CITY COUNCIL

APR 7 1985

FIRST READING

REFERRED TO COMMITTEE ON

FINANCE

Remmendones CLERK

THE COMMITTEE ON

FINANCE

Approves Passage of  
The Within Resolution

Remmendones

CLERK Chairman

April 10, 1985

Councilman Hovim, Councilman Shiller  
Councilwoman Sugrue (By Request)

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

## IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1985

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A N A C TAUTHORIZING THE CITY OF PROVIDENCE TO ISSUE  
BONDS FOR CERTAIN PHYSICAL DEVELOPMENT PURPOSESIntroduced By:Date Introduced:Referred To:

It is enacted by the General Assembly as follows:

1           Section 1. As used in this act, the following terms shall have the  
2 meanings set forth unless the context shall indicate another or different  
3 meaning:

4           (a) the "Housing Act" means the act of Congress known as the  
5 "Housing and Community Development Act of 1974", Public Laws No. 93-383, as  
6 amended;

7           (b) "UDAG grant" means any funds granted to the City by the U.S.  
8 Department of Housing and Urban Development pursuant to the Housing Act;

9           (c) "City" means the City of Providence;

10          (d) "UDAG loan" means any loan made by the City to a person, firm  
11 or corporation as permitted by the Housing Act and the terms or conditions  
12 of any UDAG grant;

13          (e) "UDAG loan payments" means any payments made to the City from  
14 time to time on account of a UDAG loan; and

15          (f) "river relocation" means the proposed relocation of the  
16 Woonasquatucket and the Moshassuck Rivers within the City.

1           Section 2. The City of Providence is hereby authorized, in addition to  
2 authority previously granted, to issue bonds in an amount not exceeding the  
3 principal balance from time to time outstanding of any UDAG loan. The  
4 bonds of the City issued hereunder shall be issued under its corporate name  
5 and seal or facsimile of its seal. The principal of the bonds and interest  
6 thereon shall be payable in any coin or currency of the United States of  
7 America which at the time of payment is legal tender for public and private  
8 debts. The bonds of each issue shall mature in annual installments of  
9 principal, the first installment to be not later than five (5) years and  
10 the last installment not later than thirty (30) years after the date of the  
11 bonds.

12           Section 3. The bonds shall be signed by the city treasurer and mayor  
13 by manual or facsimile signature but at least one manual signature shall  
14 appear on each bond. The bonds shall be issued and sold at public or  
15 private sale for such prices and in such amounts as the city council may  
16 determine. The manner of sale, denominations, maturities, interest rates,  
17 and other terms, conditions, and details of any bonds or notes issued under  
18 this act may be fixed by the ordinance or resolution of the city council  
19 authorizing the issue or by separate resolution of the city council or, to  
20 the extent provisions for these matters are not so made, they may be fixed  
21 by the officers authorized to sign the bonds or notes. The proceeds  
22 derived from the sale of the bonds shall be delivered to the city  
23 treasurer, and such proceeds exclusive of premiums and accrued interest  
24 shall, except as otherwise provided in section 6 of this act, be expended  
25 (a) for such physical development activities within the City as may be  
26 eligible under the Housing Act (including, without being limited to, such  
27 improvements as may be required to be made in connection with the river  
28 relocation); (b) in payment of principal of or interest on temporary notes  
29 issued under section 4 of this act; or (c) in repayment of advances under

1 section 5 of this act. No purchaser of any bonds or notes under this act,  
2 however, shall be in any way responsible for the proper application of the  
3 proceeds derived from the sale thereof. The proceeds of bonds or notes  
4 issued under this act and the other moneys referred to in section 6 of this  
5 act shall be deemed appropriated for the purposes of this act without  
6 further action by the city council than that required by this act.

7 Section 4. The city council of the City may by resolution pursuant to  
8 chapter 1017 of the Public Laws of 1902 authorize the issue from time to  
9 time of interest-bearing or discounted notes in anticipation of the author-  
10 ization or issue of bonds under section 3 of this act, provided, that the  
11 last proviso of section 1 of chapter 1017 of the Public Laws of 1902 shall  
12 not apply to notes being refunded by the issue of bonds. The amount of  
13 original notes issued in anticipation of bonds may not exceed the amount of  
14 bonds which may be issued under this act. Temporary notes issued hereunder  
15 shall be signed by the city treasurer and by the manual or facsimile signa-  
16 ture of the mayor. The bond anticipation notes shall be payable not later  
17 than five years after the time the bond order takes effect and shall not be  
18 renewed or extended beyond such time, except that if the issuance of bonds  
19 is prevented or prohibited by any order of any court, the bond anticipation  
20 notes may be renewed or extended by the length of the time elapsing between  
21 the date of institution of the action or proceeding and the date of its  
22 final disposition.

23 Section 5. Pending any authorization or issue of bonds hereunder or  
24 pending or in lieu of any authorization or issue of notes hereunder, the  
25 city treasurer, with the approval of the city council, may apply funds in  
26 the general treasury of the City to the purposes specified in section 3 of  
27 this act, such advances to be repaid without interest from the proceeds of  
28 bonds or notes subsequently issued or from other available funds.

29

1           Section 6. Any accrued interest received upon the sale of bonds or  
2 notes hereunder shall be applied by the city treasurer to the payment of  
3 the first interest due thereon. Any premiums arising from the sale of  
4 bonds or notes hereunder shall, in the discretion of the city treasurer, be  
5 applied by the city treasurer to the cost of preparing, issuing, and mar-  
6 keting bonds or notes hereunder to the extent not otherwise provided, or  
7 deposited in the redevelopment revolving funds. The cost of preparing,  
8 issuing, and marketing bonds or notes hereunder may also, in the discretion  
9 of the city treasurer, be met from bond or note proceeds exclusive of  
10 premium and accrued interest or from other moneys available therefor. In  
11 exercising this section, the city treasurer shall be governed by any  
12 instructions adopted by the city council.

13           Section 7. All bonds and notes issued under this act and the debts  
14 evidenced thereby shall be obligatory on the City in the same manner and to  
15 the same extent as other debts lawfully contracted by it and shall be  
16 excepted from the operation of section 45-12-2 of the General Laws of Rhode  
17 Island, 1956, as amended. No such obligation shall at any time be included  
18 in the debt of the City for the purpose of ascertaining its borrowing capa-  
19 city. The City shall annually appropriate a sum sufficient to pay the  
20 principal and interest coming due within the year on bonds and notes issued  
21 hereunder to the extent that moneys are not otherwise provided. In order  
22 to provide such sum in each year and notwithstanding any provision of law  
23 to the contrary, all taxable property in the City shall be subject to ad  
24 valorem taxation by the City without limitation as to rate or amount.

25           Section 8. Any bonds or notes issued by the City under the provisions  
26 of this act, their transfer, and the income therefrom (including any  
27 profits made on the sale thereof), shall at all times be free from taxation  
28 by the state or any political subdivision or other instrumentality of the  
29 state, excepting inheritance, estate and gift taxes.

1           Section 9. Any bonds or notes issued under the provisions of this act  
2 and coupons on any bonds, if properly executed by officers of the City in  
3 office on the date of execution, shall be valid and binding according to  
4 their terms notwithstanding that before the delivery thereof and payment  
5 therefor any or all of such officers shall for any reason have ceased to  
6 hold office.

7           Section 10. Bonds and notes may be issued under this act without ob-  
8 taining the approval of any governmental agency or the taking of any pro-  
9 ceedings or the happening of any conditions except as specifically required  
10 by this act for such issue. In carrying out any project named in whole or  
11 in part under this act, including, without limitation and where applicable,  
12 the condemnation of any land or interest in land, and the levy and collec-  
13 tion of assessments or other charges permitted by law on account of any  
14 such project, all action shall be taken which is necessary to meet con-  
15 stitutional requirements whether or not such action is required by statute;  
16 but the validity of bonds and notes issued hereunder shall in no way depend  
17 upon the validity or occurrence of such action.

18           Section 11. The question of the approval of this act shall be sub-  
19 mitted to the electors of the City at a special local election to be held  
20 on a date as shall be designated by resolution or ordinance of the city  
21 council. The question shall be submitted in substantially the following  
22 form: "Shall an act, passed at the 1985 session of the General Assembly,  
23 entitled 'An Act Authorizing the City of Providence to Issue Bonds for  
24 Physical Development Purposes' be approved?" The warning for the election  
25 shall contain the question to be submitted, together with a statement read-  
26 ing in substance as follows: "The act authorizes said bonds and provides  
27 for temporary financing." From the time the election is warned and until  
28 it is held, it shall be the duty of the city clerk to keep a copy of the  
29 act available at his office for public inspection, but any failure of the

1 clerk to perform this duty shall not affect the validity of the election.  
2 The polling place or places shall be designated by the local board (as  
3 defined in Section 17-1-2 of the General Laws of Rhode Island, 1956, as  
4 amended). The local board shall forthwith after the election notify the  
5 Secretary of State of the result of the vote upon the question submitted.  
6 Sections 5(a) and 135 of Chapter 832 of the Public Laws of Rhode Island,  
7 1940, as amended by Chapter 1266 of the Public Laws of Rhode Island, 1943,  
8 shall not apply to the election hereunder and the validity of the election  
9 shall not be affected by the provisions of Section 2-296 of the Code of  
10 Ordinances of the City of Providence. Chapter 3526 of the Public Laws of  
11 Rhode Island, 1955, shall apply. To the extent of any inconsistency  
12 between this act and the city charter, this act shall prevail.

13 Section 12. This section and section 11 of this act shall take effect  
14 upon the passage of this act; and the remainder of this act shall take  
15 effect upon the approval of this act by a majority of those voting on the  
16 question at the election prescribed by section 11 hereof.