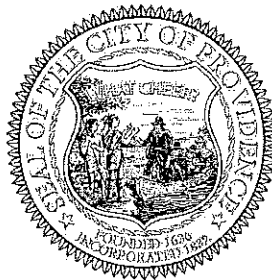


**CITY OF PROVIDENCE
RHODE ISLAND**



CITY COUNCIL

JOURNAL OF PROCEEDINGS

No. 19 City Council Special Meeting, Monday, June 27, 2016, 5:30 o'clock P.M.

PRESIDING

COUNCIL PRESIDENT

LUIS A. APONTE

CALL TO ORDER

PRESENT: COUNCIL PRESIDENT APONTE, COUNCILWOMAN CASTILLO, COUNCILMAN CORREIA, COUNCILWOMAN HARRIS, COUNCILMEN HASSETT, IGLIOZZI, JACKSON, COUNCILWOMAN MATOS, COUNCILMAN PRINCIPE, COUNCILWOMAN RYAN AND COUNCILMAN ZURIER – 11.

ABSENT: COUNCILMEN JENNINGS, NARDUCCI, SALVATORE AND YURDIN – 4.

ALSO PRESENT: LORI L. HAGEN, CITY CLERK, SHERI A. PETRONIO, SECOND DEPUTY CITY CLERK, TINA L. MASTROIANNI, ASSISTANT CLERK AND JEFFREY DANA, CITY SOLICITOR

**IN CITY COUNCIL
JUL 07 2016**

APPROVED:

Lori L. Hagen CLERK

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

COUNCILMAN PRINCIPE Moves to Dispense with the Invocation and Pledge of Allegiance, Seconded by COUNCILMAN CORREIA.

CALL FOR SPECIAL MEETING

COMMUNICATION FROM

COUNCIL PRESIDENT LUIS A. APONTE

Request filed with the City Clerk June 24, 2016, Requesting a Special Meeting of the City Council to be Called on the 27th day of June, 2016 at 5:30 o'clock P.M., in the City Council Chamber, Third Floor, City Hall.

COUNCIL PRESIDENT APONTE Receives the foregoing Communication.

RESULT:	RECEIVED
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WARRANT FOR SPECIAL MEETING

Warrant of the City Clerk to David Tassoni, City Sergeant with Return Certification that he has notified each member of the City Council of the Special Meeting called for the 27th day of June, 2016 at 5:30 o'clock P.M.

COUNCIL PRESIDENT APONTE Receives the foregoing Warrant.

RESULT:	RECEIVED
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REPORTS FROM COMMITTEE

COMMITTEE ON FINANCE COUNCILMAN JOHN J. IGLIOZZI, Chairman

**Transmits the Following with Recommendation the Same be Severally
Approved:**

COUNCIL PRESIDENT APONTE, (By Request):

Resolution Reallocating the City of Providence's Portion of Qualified Energy Conservation Bond Volume Cap to the State's Public Finance Management Board (PFMB).

WHEREAS, The American Recovery and Reinvestment Act of 2009 authorized Qualified Energy Conservation Bonds ("QECBs") to finance certain qualified energy conservation projects; and

WHEREAS, Section 54D of the Internal Revenue Code, 26 U.S.C. §54D, sets a national volume cap limitation on the issuance of QECBs and authorizes allocations among the States in proportion to State populations; and

WHEREAS, Internal Revenue Service Notice 2009-29 allocated \$10,901,000 in QECB volume cap to the State of Rhode Island (the "State"); and

WHEREAS, 26 U.S.C. §54D requires that each "large local government" within a State, be allocated a portion of the State's QECB volume cap allocation in the same ratio as the population such large local government bears to the State's population; and

WHEREAS, "Large local governments" are defined as any municipality with a population of 100,000 or more; and

WHEREAS, The City of Providence (the "City") is a "large local government" pursuant to 26 U.S.C. §54D; and

WHEREAS, 26 U.S.C. §54D(e)(2)(B) allows a large local government to reallocate its QECB volume cap to a State; and

WHEREAS, Pursuant to Rhode Island General Laws Chapter 42-10.1, the General Assembly created within the department of the General Treasurer the Public Finance Management Board ("PFMB"); and

WHEREAS, The General Assembly has authorized the PFMB to allocate the QECB volume cap to various entities; and

WHEREAS, The General Assembly has specifically provided for the allocation of QECB volume cap and, in accordance with 26 U.S.C. §54D, the City of Providence's ability to reallocate its QECB volume cap, as follows:

(c) The ten million nine hundred one thousand dollars (\$10,901,000) in total qualified energy conservation bond volume cap allocation granted to the State of Rhode Island by the Secretary of the Treasury pursuant to 26 U.S.C. § 54D of the Internal Revenue Code is hereby allocated to the board for subsequent allocations by the board in accordance with rules and regulations to be promulgated by the board in accordance with the Administrative Procedures Act, Chapter 35 of this title, provided, however, that **the City of Providence shall be allocated by the board no less than its portion** as provided in 26 U.S.C. § 54D(e)(2)(A) of the Internal Revenue Code **unless the City of Providence determines that the board may further reallocate such portion to other bond issuers.** [RIGL § 42-10.1-3(c), emphasis added.]

WHEREAS, Chapter 141, Article 14, Section 17 of the Rhode Island Public Laws 2015 designated the Rhode Island Infrastructure Bank (“RIIB”) to be the sole issuer of QECBs from the State’s allocation, including any portions of which have been reallocated to the State by local governments; and

WHEREAS, The PFMB intends to allocate the State’s QECB volume cap to the RIIB, which will issue QECB and loan funds to various Rhode Island municipalities; and

WHEREAS, the City’s share of QECB volume cap is less than two million (\$2,000,000.00) dollars; and

WHEREAS, The City has determined to reallocate the City’s share of QECB volume cap to the State, which will allow the PFMB to reallocate such share to other bond issuers including the RIIB.

NOW, THEREFORE, BE IT RESOLVED, That the Providence City Council hereby reallocates all of the City of Providence’s portion of Qualified Energy Conservation Bond volume cap to the State’s PFMB, pursuant to Section 54D(e)(2)(B) of the Internal Revenue Code and RIGL § 42-10.1-3(c).

Read and Passed, on Motion of COUNCILMAN PRINCIPE, Seconded by COUNCILMAN CORREIA.

RESULT:	READ AND PASSED [UNANIMOUS]
MOVER:	Councilman Principe
SECONDER:	Councilman Correia
AYES:	Council President Aponte, Councilwoman Castillo, Councilman Correia, Councilwoman Harris, Councilmen Hasset, Igliazzi, Jackson, Councilwoman Matos, Councilman Principe, Councilwoman Ryan and Councilman Zurier – 11.
ABSENT:	Councilmen Jennings, Narducci, Salvatore and Yurdin – 4.

The Motion for Passage is Sustained.

Resolution Requesting the Approval of the Financing of the Acquisition, Construction, Equipping, and Installation of Energy Efficiency Improvements in Municipal Buildings and LED Outdoor Lighting and all attendant expenses, including but not limited to engineering costs and Approving the Financing thereof through the Issuance of General Obligation Bonds and/or Notes in an Amount not to Exceed \$2,000,000.

BE IT RESOLVED, That:

SECTION 1. Pursuant to Section 45-12-33 of the General Laws of Rhode Island, an amount not to exceed \$2,000,000 is appropriated for the acquisition, construction, equipping, and installation of energy efficiency improvements in municipal buildings and Light Emitting Diode (LED) outdoor lighting and all attendant expenses, including but not limited to engineering costs and approving the financing thereof through the issuance of general obligation bonds and/or notes (the "Project").

SECTION 2. The Director of Finance and the Mayor be and hereby are authorized to issue on behalf of the City, an amount not exceeding Two Million Dollars (\$2,000,000) bonds of the City, at one time, or from time to time in order to meet the foregoing appropriation.

SECTION 3. The said officers from time to time may issue and refund not exceeding \$2,000,000 interest bearing or discounted notes in anticipation of the issue of said bonds or in anticipation of the receipt of federal or state aid for the purpose specified in Section 1 hereof.

SECTION 4. The manner of sale, amount, denominations, maturities, conversion or registration privileges, interest rates, medium of payment, and other terms, conditions and details of the bonds or notes may be fixed by the officers authorized to sign the bonds or notes.

SECTION 5. The said officers from time to time may apply for, contract for and expend any federal or state advances or other grants or assistance which may be available for the purposes specified in Section 1 hereof. The City may enter into financing agreements with the Rhode Island Infrastructure Bank (the "RIIB") in accordance with chapter 46-12.2 of the general laws to evidence loans from the efficient buildings revolving fund administered by the RIIB.

SECTION 6. Pending the issuance of the bonds under Section 2 hereof or pending or in lieu of the issue of notes under Section 3 hereof, the Director of Finance may expend funds from the general treasury of the City for the purposes specified in Section 1 hereof. Any advances made under this section shall be repaid without interest from the proceeds of the bonds or notes issued hereunder or from the proceeds of applicable federal or state assistance or from other available funds.

SECTION 7. The Director of Finance and the Mayor are also authorized, empowered and directed, on behalf of the City, to: (i) execute, acknowledge and deliver any and all other documents, certificates or instruments necessary to effectuate such borrowing; (ii) amend, modify or supplement the bonds or notes any and all other documents, certificates or instruments at any time and from time to time, in such manner and for such purposes as such officers shall deem necessary, desirable or advisable; (iii) do and perform all such other acts and things deemed by such officers to be necessary, desirable or advisable with respect to any matters contemplated by this resolution in order to effectuate said borrowing and the intent hereof.

SECTION 8. The Director of Finance together with the Mayor be, and hereby are, authorized to deliver the bonds or notes to the purchaser or purchasers and, if the bonds or notes are to be issued on a tax-exempt basis, said officers be, and hereby are, authorized and instructed to take all actions, on behalf of the City, necessary to ensure that interest on the bonds or notes will be excludable from gross income for federal income tax purposes and to refrain from all actions which would cause interest on the bonds or notes to become subject to federal income taxes.

SECTION 9. This resolution is an affirmative action of the City Council of the City toward the issuance of bonds or notes in accordance with the purposes of the laws of the State. This resolution constitutes the City's declaration of official intent, pursuant to §§54A(d)(2)(D)(i), 54A(d)(2)(D)(ii) of the Internal Revenue Code and Treasury Regulation §1.150(2), to reimburse the City from the proceeds of a qualified energy conservation bond or a tax-exempt bond for certain capital expenditures for the Project paid on or after the date which is sixty (60) days prior to the date of this resolution but prior to the issuance of the bonds or notes. Such amounts to be reimbursed shall not exceed \$2,000,000 and shall be reimbursed not later than eighteen (18) months after (a) the date on which the expenditure is paid or (b) the date the Project is placed in service or abandoned but in no event later than three (3) years after the date the expenditure is paid.

SECTION 10. This resolution shall take effect upon passage.

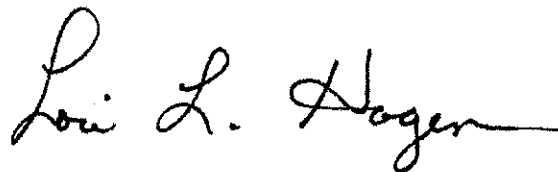
Read and Passed, on Motion of COUNCILMAN PRINCIPE, Seconded by COUNCILMAN CORREIA, by the following Roll Call Vote:

RESULT:	READ AND PASSED [UNANIMOUS]
MOVER:	Councilman Principe
SECONDER:	Councilman Correia
AYES:	Council President Aponte, Councilwoman Castillo, Councilman Correia, Councilwoman Harris, Councilmen Hassett, Igliozi, Jackson, Councilwoman Matos, Councilman Principe, Councilwoman Ryan and Councilman Zurier – 11.
ABSENT:	Councilmen Jennings, Narducci, Salvatore and Yurdin – 4.

The Motion for Passage is Sustained.

CONVENTION

There being no further business, on Motion of **COUNCILMAN PRINCIPE**, Seconded by **COUNCILMAN CORREIA**, it is voted to adjourn at 5:39 o'clock P.M., to meet again to meet again **THURSDAY, JULY 7, 2016 at 7:00 o'clock P.M.**



LORI L. HAGEN
CITY CLERK