

2010 -- S 2704

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO SPECIAL DEVELOPMENT DISTRICTS -- EAST PROVIDENCE

Introduced By: Senators DaPonte, and DeVall

Date Introduced: March 18, 2010

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 5, contained in Section 1 of Chapter 345 of the 2003 Public Laws
2 entitled "An Act Relating to Special Development Districts – East Providence" is hereby
3 amended to read as follows:

4 **Section 5. District governance -- Commission.** The powers of the District shall be
5 exercised by a commission as herein provided.

6 (a) Membership of the Commission. There shall be a commission of nineteen (19)
7 members as follows: five (5) members shall be appointed by the City Council, the terms shall be
8 four (4) years, with the initial appointments being two (2) for two (2) year terms, two (2) for three
9 (3) year terms, one (1) for a four (4) year term, who shall be either electors or property owners of
10 the City or persons engaged in business in the City; five (5) members appointed by the Governor,
11 with the advice and consent of the Senate, the terms shall be four (4) years, with the one (1) for a
12 four (4) year term, who shall have expertise in the following areas: architecture, planning, labor,
13 finance, and commercial real estate development; the Mayor, with the approval of the City
14 Council, and the Governor shall jointly appoint a member who shall be the chairperson, subject to
15 the advice and consent of the Senate, who shall have a four (4) year term; in addition to these
16 voting members, there shall be eight (8) ex officio, non-voting members as follows: the City
17 Manager, the City Planning Director, the Public Works Director, the Executive Director of the RI
18 Economic Development Corp, the Director of the Department of Transportation, the Director of
19 the Department of Environmental Management or an associate director designated by the

1 director, a member of the Senate appointed by the Senate President, and a member of the House
2 appointed by the Speaker. In the event of a vacancy occurring in the office of a member by death,
3 resignation, or otherwise, that vacancy shall be filled in the same manner as an original
4 appointment, but only for the remainder of the term of the former member. Each member of the
5 Commission may serve until a successor is appointed and qualified.

6 (b) The commissioners shall receive no compensation for the performance of their duties
7 under this chapter, but each commissioner shall be reimbursed for his or her reasonable expenses
8 incurred in carrying out those duties. A commissioner may engage in private employment, or in a
9 profession or business.

10 (c) The chairperson shall designate a vice chairperson who shall serve at the pleasure of
11 the chairperson. ~~Seven (7)~~ A majority of the appointed voting commissioners shall constitute a
12 quorum, and any action to be taken by the District under the provisions of this chapter may be
13 authorized by resolution approved by a majority of the commissioners present and entitled to vote
14 at any regular or special meeting at which a quorum is present. A vacancy in the membership of
15 the Commission shall not impair the right of a quorum to exercise all of the rights and perform all
16 of the duties of the commission.

17 (d) The Commission shall appoint a secretary and such additional officers and staff
18 members as they shall deem appropriate and shall determine the amount of reasonable
19 compensation, if any, each shall receive. The Commission may vest in an executive director or
20 the director's subordinates the authority to appoint additional staff members and to determine the
21 amount of compensation each individual shall receive.

22 (e) No full-time employee shall during the period of his or her employment by the
23 District engage in any other private employment, profession, or business, except with the
24 approval of the board of directors.

25 (f) Notwithstanding any other law to the contrary, it shall not be or constitute a conflict of
26 interest for a director, officer, or employee of any financial institution, investment banking firm,
27 brokerage firm, commercial bank, trust company, building-loan association, architecture firm,
28 insurance company, or any other firm, person, or corporation to serve as a commissioner, nor
29 shall any contract or transaction between the District and a financial institution, investment
30 banking firm, brokerage firm, commercial bank, trust company, building-loan association,
31 architecture firm, insurance company, or other firm, person, or corporation be void or voidable by
32 reason of that service as director of the District . If any commissioner, officer, or employee of the
33 District shall be interested either directly or indirectly, or shall be a director, officer, or employee
34 of or have an ownership interest (other than as the owner of less than one percent (1%) of the

1 shares of a publicly-held corporation) in any firm or corporation interested directly or indirectly
2 in any contract with the Commission, that interest shall be disclosed to the Commission and set
3 forth in the minutes of the Commission, and the Commissioner, officer, or employee having that
4 ownership interest shall not participate on behalf of the Commission in the authorization of that
5 contract. Interested commissioners may be counted in determining the presence of a quorum at a
6 meeting of the Commission which authorizes the contract or transaction.

7 (g) Any action taken by the Commission under the provisions of this chapter may be
8 authorized by vote at any regular or special meeting, and each vote shall take effect immediately.
9 All meetings shall be open to the public and all records shall be a matter of public record except
10 that if a majority of the Commission decides, consistent with the requirements of the open
11 meetings law, that it would be in the best interests of the District and the City and/or the State to
12 hold an executive session in private, then the Commission is authorized to transact any business
13 as allowable under law at that executive session in private, and the record of the executive session
14 shall not become a matter of public record until the transaction discussed has in the opinion of the
15 Commission been completed.

16 (h) Employees of the District shall not, by reason of their employment, be deemed to be
17 employees of the State or the City for any purpose, any other provision of the general laws,
18 charter, or ordinance to the contrary notwithstanding.

19 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 SPECIAL DEVELOPMENT DISTRICTS -- EAST PROVIDENCE

- 1 This act would provide that a majority of the appointed voting commissioners of the East
- 2 Providence Waterfront District would constitute a quorum.
- 3 This act would take effect upon passage.

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