

2007 -- H 6283

LC02815

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2007

A N A C T

RELATING TO SPECIAL DEVELOPMENT DISTRICTS - EAST PROVIDENCE

Introduced By: Representatives DeSimone, Melo, Rose, and Dennigan

Date Introduced: April 11, 2007

Referred To: House Separation of Powers

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 5 of Chapter 344 of the 2003 Public Laws entitled "An Act Relating
2 to Special Development Districts – East Providence" is hereby amended to read as follows:

3 Section 5. District governance -- Commission.

4 The powers of the District shall be exercised by a commission as herein provided.

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

1 ~~appointed by the Senate President, and a member of the House appointed by the Speaker. No~~
2 member of the city council shall be eligible to serve as a member of this commission. In the
3 event of a vacancy occurring in the office of a member by death, resignation, or otherwise, that
4 vacancy shall be filled in the same manner as an original appointment, but only for the remainder
5 of the term of the former member. Each member of the Commission may serve until a successor
6 is appointed and qualified.

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

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

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

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

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

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

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

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

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

22 Section 5. District governance -- Commission.

23 The powers of the District shall be exercised by a commission as herein provided.

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25 seventeen (17) members as follows: five (5) members shall be appointed by the City Council, the
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28 property owners of the City or persons engaged in business in the City; five (5) members
29 appointed by the Governor, with the advice and consent of the Senate, the terms shall be four (4)
30 years, with the one (1) for a four (4) year term, who shall ~~have expertise in~~ represent one or more
31 of the following areas: architecture, planning, labor, finance, and commercial real estate
32 development; the Mayor, with the approval of the City Council, and the Governor shall jointly
33 appoint a member who shall be the chairperson, subject to the advice and consent of the Senate,
34 who shall have a four (4) year term; in addition to these voting members, there shall be ~~eight (8)~~

1 six (6) ex officio, non-voting members as follows: the City Manager, the City Planning Director,
2 the Public Works Director, the Executive Director of the RI Economic Development Corp, the
3 Director of the Department of Transportation, the Director of the Department of Environmental
4 Management or an associate director designated by the director; ~~a member of the Senate~~
5 ~~appointed by the Senate President, and a member of the House appointed by the Speaker.~~ In the
6 event of a vacancy occurring in the office of a member by death, resignation, or otherwise, that
7 vacancy shall be filled in the same manner as an original appointment, but only for the remainder
8 of the term of the former member. Each member of the Commission may serve until a successor
9 is appointed and qualified.

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

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

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22 members as they shall deem appropriate and shall determine the amount of reasonable
23 compensation, if any, each shall receive. The Commission may vest in an executive director or
24 the director's subordinates the authority to appoint additional staff members and to determine the
25 amount of compensation each individual shall receive.

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

29 (f) Notwithstanding any other law to the contrary, it shall not be or constitute a conflict
30 of interest for a director, officer, or employee of any financial institution, investment banking
31 firm, brokerage firm, commercial bank, trust company, building-loan association, architecture
32 firm, insurance company, or any other firm, person, or corporation to serve as a commissioner,
33 nor shall any contract or transaction between the District and a financial institution, investment
34 banking firm, brokerage firm, commercial bank, trust company, building-loan association,

1 architecture firm, insurance company, or other firm, person, or corporation be void or voidable by
2 reason of that service as director of the District . If any commissioner, officer, or employee of the
3 District shall be interested either directly or indirectly, or shall be a director, officer, or employee
4 of or have an ownership interest (other than as the owner of less than one percent (1%) of the
5 shares of a publicly-held corporation) in any firm or corporation interested directly or indirectly
6 in any contract with the Commission, that interest shall be disclosed to the Commission and set
7 forth in the minutes of the Commission, and the Commissioner, officer, or employee having that
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10 meeting of the Commission which authorizes the contract or transaction.

11 (g) Any action taken by the Commission under the provisions of this chapter may be
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13 All meetings shall be open to the public and all records shall be a matter of public record except
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15 meetings law, that it would be in the best interests of the District and the City and/or the State to
16 hold an executive session in private, then the Commission is authorized to transact any business
17 as allowable under law at that executive session in private, and the record of the executive session
18 shall not become a matter of public record until the transaction discussed has in the opinion of the
19 Commission been completed.

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

23 SECTION 3. This act shall take effect upon passage.

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