

THE CITY OF WARWICK
STATE OF RHODE ISLAND

RESOLUTION OF THE CITY COUNCIL

NO..... DATE.....

APPROVED.....MAYOR

A RESOLUTION MEMORIALIZING THE GENERAL ASSEMBLY TO ENACT
LEGISLATION AMENDING STATE LAWS THAT PROVIDE FOR INCREASED
SCHOOL HOUSING AID FOR CERTAIN SCHOOL PROJECTS TO EXTEND
THE DEADLINES FOR COMMENCEMENT AND COMPLETION OF
SUCH PROJECTS BY ONE YEAR

Resolved that,

WHEREAS, the health, safety and welfare of the citizens of the City of Warwick are matters of paramount importance to the City Council; and

WHEREAS, in 2022, the General Assembly enacted, and the voters of the City of Warwick approved, an act authorizing the City to issue not to exceed \$350,000,000 of general obligation bonds, notes and other evidences of indebtedness to finance the construction, renovation, improvement, alteration, repair, landscaping, furnishing and equipping of two new high schools and school facilities to replace Pilgrim High School and Tollgate High School, and all attendant expenses including, but not limited to, demolition, engineering and architectural costs (the "Projects"); and

WHEREAS, the State of Rhode Island currently provides state housing aid reimbursement to municipalities and school districts for school housing construction as a percentage of debt service; and

WHEREAS, State law currently provides for increases in state housing aid as incentives to promote certain goals in connection with the construction and renovation of schools; and

WHEREAS, such incentives are available only for school housing projects that are commenced not later than December 30, 2023 and that are completed not later than December 30, 2028; and

WHEREAS, given the size and construction schedule for the Projects, the City anticipates difficulties in complying with these deadlines; and

WHEREAS, multiple municipalities and school districts are on the same timetable for construction as the City and therefore the City will be competing for contractors and materials,

1 which may affect the costs and require a reduction in the scope of the Projects, all to the detriment
2 of the City's students; and

3
4 WHEREAS, it would be beneficial to the City if State laws were amended to extend the
5 deadlines both for commencement of the Projects and completion of the Projects by one year.

6
7 WHEREAS, the Warwick City Council desires that State laws be amended to enact
8 legislation amendment State laws that provide for increased housing aid for certain school projects
9 to extend the deadlines for commencement and completion of such Projects by one year.

10
11 NOW THEREFORE, BE IT RESOLVED, that the Warwick City Council hereby
12 respectfully requests the General Assembly to enact legislation amending the General Laws as
13 follows:

14
15 *"It is enacted by the General Assembly as follows:*

16 *SECTION 1. Section 16-7-39 of the General Laws in Chapter 16-7 entitled*
17 *"FOUNDATION LEVEL SCHOOL SUPPORT [See Title 16, Chapter 97 – The Rhode Island*
18 *Board of Education Act]" is hereby amended to read as follows:*

19 *§ 16-7-39. Computation of school housing-aid ratio. For each community, the percent of*
20 *state aid for housing costs shall be computed in the following manner:*

21 *(1) The adjusted equalized weighted assessed valuation for the district is divided by the*
22 *resident average daily membership for the district (grades twelve (12) and below); (2) The*
23 *adjusted equalized weighted assessed valuation for the state is divided by the resident average*
24 *daily membership for the state (grades twelve (12) and below); (1) is then divided by (2) and the*
25 *resultant ratio is multiplied by a factor currently set at sixty-two percent (62%) which represents*
26 *the approximate average district share of school support; the resulting product is then subtracted*
27 *from one hundred percent (100%) to yield the housing aid share ratio, provided that in no case*
28 *shall the ratio be less than thirty percent (30%). Provided, that effective July 1, 2010, and annually*
29 *at the start of each fiscal year thereafter, the thirty percent (30%) floor on said housing-aid share*
30 *shall be increased by five percent (5%) increments each year until said floor on the housing-aid*

1 share ratio reaches a minimum of not less than forty percent (40%). This provision shall apply
2 only to school housing projects completed after June 30, 2010, that received approval from the
3 board of regents prior to June 30, 2012. Provided further, for the fiscal year beginning July 1,
4 2012, and for subsequent fiscal years, the minimum housing aid share shall be thirty-five percent
5 (35%) for all projects receiving council on elementary and secondary education approval after
6 June 30, 2012. The resident average daily membership shall be determined in accordance with §
7 16-7-22(1).

8 (2) No district shall receive a combined total of more than twenty (20) incentive percentage
9 points for projects that commence construction by December 30, ~~2023~~ 2024, and five (5) incentive
10 points for projects that commence construction thereafter; provided further, these caps shall be in
11 addition to amounts received under §§ 16-7-40(a)(1) and 16-7-40(a)(2). Furthermore, a district's
12 share shall not be decreased by more than half of its regular share irrespective of the number of
13 incentive points received nor shall a district's state share increase by more than half of its regular
14 share, including amounts received under §§ 16-7-40(a)(1) and 16-7-40(a)(2), irrespective of the
15 number of incentive points received.

16 SECTION 2. Section 16-7-40 of the General Laws in Chapter 16-7 entitled
17 "FOUNDATION LEVEL SCHOOL SUPPORT [See Title 16, Chapter 97 – The Rhode Island
18 Board of Education Act]" is hereby amended to read as follows:

19 **§ 16-7-40. Increased school housing ratio.** (a)(1) In the case of regional school districts,
20 the school housing aid ratio shall be increased by two percent (2%) for each grade so
21 consolidated.

1 (2) Regional school districts undertaking renovation project(s) shall receive an increased
2 share ratio of four percent (4%) for those specific project(s) only, in addition to the combined
3 share ratio calculated in § 16-7-39 and this subsection.

4 (b) In the case of projects undertaken by districts specifically for the purposes of school
5 safety and security, the school housing aid share ratio shall be increased by five percent (5%) for
6 these specific projects only, in the calculation of school housing aid. The increased share ratio
7 shall continue to be applied for as long as the project(s) receives state housing aid. In order to
8 qualify for the increased share ratio, seventy-five percent (75%) of the project costs must be
9 specifically directed to school safety and security measures. The council on elementary and
10 secondary education shall promulgate rules and regulations for the administration and operation
11 of this section.

12 (c) For purposes of addressing health and safety deficiencies as defined by the school
13 building authority, including the remediation of hazardous materials, the school housing aid ratio
14 shall be increased by five percent (5%) so long as the construction of the project commences by
15 December 30, ~~2023~~ 2024 is completed by December 30, ~~2028~~ 2029, and a two hundred fifty million
16 dollar (\$250,000,000) general obligation bond is approved on the November 2018 ballot. In order
17 to qualify for the increased share ratio, twenty-five percent (25%) of the project costs or a
18 minimum of five hundred thousand dollars (\$500,000) must be specifically directed to this purpose.

19 (d) For purposes of educational enhancement, including projects devoted to the
20 enhancement of early childhood education and career and technical education, the school housing
21 aid ratio shall be increased by five percent (5%) so long as construction of the project commences
22 by December 30, ~~2023~~ 2024 is completed by December 30, ~~2028~~ 2029, and a two hundred fifty
23 million dollar (\$250,000,000) general obligation bond is approved on the November 2018 ballot.

1 *In order to qualify for the increased share ratio, twenty-five percent (25%) of the project costs or*
2 *a minimum of five hundred thousand dollars (\$500,000) must be specifically directed to these*
3 *purposes.*

4 *(e) For replacement of a facility that has a facilities condition index of sixty-five percent*
5 *(65%) or higher, the school housing ratio shall be increased by five percent (5%) as long as*
6 *construction commences by December 30, ~~2023~~ 2024 is completed by December 30, ~~2028~~ 2029,*
7 *and a two hundred fifty million dollar (\$250,000,000) general obligation bond is approved on the*
8 *November 2018 ballot. In order to qualify for the increased share ratio, twenty-five percent (25%)*
9 *of the project costs or a minimum of five hundred thousand dollars (\$500,000) must be specifically*
10 *directed to this purpose.*

11 *(f) For any new construction or renovation that increases the functional utilization of any*
12 *facility from less than sixty percent (60%) to more than eighty percent (80%), including the*
13 *consolidation of school buildings within or across districts, the school housing aid ratio shall be*
14 *increased by five percent (5%) so long as construction of the project commences by December 30,*
15 *~~2023~~ 2024 is completed by December 30, ~~2028~~ 2029, and a two hundred fifty million dollar*
16 *(\$250,000,000) general obligation bond is approved on the November 2018 ballot. In order to*
17 *qualify for the increased share ratio, twenty-five percent (25%) of the project costs or a minimum*
18 *of five hundred thousand dollars (\$500,000) must be specifically directed to this purpose.*

19 *(g) For any new construction or renovation that decreases the functional utilization of any*
20 *facility from more than one hundred twenty percent (120%) to between eighty-five percent (85%)*
21 *to one hundred five percent (105%), the school housing ratio shall be increased by five percent*
22 *(5%) so long as construction of the project commences by December 30, ~~2023~~ 2024 is completed*
23 *by December 30, ~~2028~~ 2029, and a two hundred fifty million dollar (\$250,000,000) general*

1 obligation bond is approved on the November 2018 ballot. In order to qualify for the increased
2 share ratio, twenty-five percent (25%) of the project costs or a minimum of five hundred thousand
3 dollars (\$500,000) must be specifically directed to this purpose.

4 (h) For consolidation of two (2) or more school buildings, within or across districts into
5 one school building, the school housing aid ratio shall be increased by five percent (5%) so long
6 as construction of the project commences by December 30, ~~2023~~ 2024 is completed by December
7 30, ~~2028~~ 2029, and a two hundred fifty million dollar (\$250,000,000) general obligation bond is
8 approved on the November 2018 ballot, and does not receive a bonus pursuant to subsection (f)
9 or subsection (g) In order to qualify for the increased share ratio, twenty-five percent (25%) of
10 the project costs or a minimum of five hundred thousand dollars (\$500,000) must be specifically
11 directed to this purpose.

12 (i) Any regionalized and/or non-regionalized school district receiving an increased share
13 ratio for a project approved prior to July 1, 2018, shall continue to receive the increased share
14 ratio for as long as the project receives state housing aid.

15 (j) The deadlines for construction and completion set forth in this section 16-7-40 are not
16 related to, or conditioned on, the two hundred fifty million dollar (\$250,000,000) general
17 obligation bond approved by state voters on the November 2022 ballot. Increased housing aid
18 provided for in this section is funded from state bonds proceeds, annual state appropriations and
19 other sources.

20 SECTION 3. Section 16-105-3 of the General Laws in Chapter 16-105 entitled "School
21 Building Authority" is hereby amended to read as follows:

22 § 16-105-3. **Roles and responsibilities.** The school building authority roles and
23 responsibilities shall include:

1 (1) Management of a system with the goal of ensuring equitable and adequate school
2 housing for all public school children in the state;

3 (2) Prevention of the cost of school housing from interfering with the effective operation of
4 the schools;

5 (3) Management of school housing aid in accordance with statute;

6 (4) Reviewing and making recommendations to the council on elementary and secondary
7 education on necessity of school construction applications for state school housing aid and the
8 school building authority capital fund, based on the recommendations of the school building
9 authority advisory board;

10 (5) Promulgating, managing, and maintaining school construction regulations, standards,
11 and guidelines applicable to the school housing program, based on the recommendations of the
12 school building authority advisory board, created in § 16-105-8. Said regulations shall require
13 conformance with the minority business enterprise requirements set forth in § 37-14.1-6;

14 (6) Developing a prequalification and review process for prime contractors, architects,
15 and engineers seeking to bid on projects in excess of ten million dollars (\$10,000,000) in total
16 costs subject to inflation. Notwithstanding any general laws to the contrary, a prequalification
17 shall be valid for a maximum of two (2) years from the date of issuance. Factors to be considered
18 by the school building authority in granting a prequalification to prime contractors shall include,
19 but not be limited to, the contractor's history of completing complex projects on time and on
20 budget, track record of compliance with applicable environmental and safety regulations, evidence
21 that completed prior projects prioritized the facility's future maintainability, and compliance with
22 applicable requirements for the use of women and minority owned subcontractors;

1 (i) *At least annually, a list of prequalified contractors, architects, and engineers*
2 *shall be publicly posted with all other program information;*

3 (7) *Providing technical assistance and guidance to school districts on the necessity of*
4 *school construction application process;*

5 (8) *Providing technical advice and assistance, training, and education to cities, towns,*
6 *and/or local education agencies and to general contractors, subcontractors, construction or*
7 *project managers, designers and others in planning, maintenance, and establishment of school*
8 *facility space;*

9 (9) *Developing a project priority system, based on the recommendations of the school*
10 *building authority advisory board, in accordance with school construction regulations for the*
11 *school building authority capital fund, subject to review and, if necessary, to be revised on*
12 *intervals not to exceed five (5) years. Project priorities shall include, but not be limited to, the*
13 *following order of priorities:*

14 (i) *Projects to replace or renovate a building that is structurally unsound or*
15 *otherwise in a condition seriously jeopardizing the health and safety of school children*
16 *where no alternative exists;*

17 (ii) *Projects needed to prevent loss of accreditation;*

18 (iii) *Projects needed for the replacement, renovation, or modernization of the*
19 *HVAC system in any schoolhouse to increase energy conservation and decrease energy-*
20 *related costs in said schoolhouse;*

21 (iv) *Projects needed to replace or add to obsolete buildings in order to provide for*
22 *a full range of programs consistent with state and approved local requirements; and*

23 (v) *Projects needed to comply with mandatory, instructional programs;*

1 (10) Maintaining a current list of requested school projects and the priority given them;

2 (11) Collecting and maintaining readily available data on all the public school facilities in
3 the state;

4 (12) Collecting, maintaining, and making publicly available quarterly progress reports of
5 all ongoing school construction projects that shall include, at a minimum, the costs of the project
6 and the time schedule of the project;

7 (13) Recommending policies and procedures designed to reduce borrowing for school
8 construction programs at both state and local levels;

9 (14) At least every five (5) years, conducting a needs survey to ascertain the capital
10 construction, reconstruction, maintenance, and other capital needs for schools in each district of
11 the state, including public charter schools;

12 (15) Developing a formal enrollment projection model or using projection models already
13 available;

14 (16) Encouraging local education agencies to investigate opportunities for the maximum
15 utilization of space in and around the district;

16 (17) Collecting and maintaining a clearinghouse of prototypical school plans that may be
17 consulted by eligible applicants;

18 (18) Retaining the services of consultants, as necessary, to effectuate the roles and
19 responsibilities listed within this section;

20 (19) No district shall receive a combined total of more than twenty (20) incentive
21 percentage points for projects that commence construction by December 30, ~~2023~~ 2024, and five
22 (5) incentive points for projects that commence construction thereafter; provided further, these
23 caps shall be in addition to amounts received under §§ 16-7-40(a)(1) and 6-7-40(a)(2).

1 *Furthermore, a district's share shall not be decreased by more than half of its regular share*
2 *irrespective of the number of incentive points received, nor shall a district's state share increase*
3 *by more than half of its regular share, including amounts received under §§ 16-7-40(a)(1) and 16-*
4 *7-40(a)(2), irrespective of the number of incentive points received. Notwithstanding any provision*
5 *of the general laws to the contrary, the reimbursement or aid received under this chapter or*
6 *chapter 38.2 of title 45 shall not exceed one hundred percent (100%) of the sum of the total project*
7 *costs plus interest costs. If a two hundred and fifty million dollar (\$250,000,000) general*
8 *obligation bond is approved on the November 2018 ballot, projects approved between May 1,*
9 *2015, and January 1, 2018, are eligible to receive incentive points (above and beyond what the*
10 *project was awarded at the time of approval) pursuant to § 16-7-39 and § 16-7-40. Provided,*
11 *however, any project approved during this time period with a project cost in excess of one million*
12 *five hundred thousand dollars (\$1,500,000), which does not include an owner's program manager*
13 *and a commissioning agent, shall only be eligible to receive five (5) incentive points. Incentive*
14 *points awarded pursuant to the provisions of this subsection shall only be applied to*
15 *reimbursements occurring on or after July 1, 2018. Any project approved between May 1, 2015,*
16 *and January 1, 2018, that is withdrawn and/or resubmitted for approval shall not be eligible for*
17 *any incentive points.*

18 *SECTION 4. This act shall take effect upon passage."*

19 The City Clerk is hereby directed to forward a copy of this Resolution to the
20 Representatives and Senators from the City of Warwick.

21
22 This Resolution shall take effect upon passage.

23
24
25 SPONSORED BY: COUNCIL PRESIDENT MCALLISTER
26 ON BEHALF OF MAYOR PICOZZI

27
28 COMMITTEE: UNANIMOUS CONSENT