

Administrative Procedures Act Rules

The Rhode Island Port Authority and Economic Development Corporation (the “Port Authority”) in accordance with Chapter 42-35 of the General Laws of Rhode Island, 1956, as amended, (the “General Laws”) hereby adopts the following regulations as required by Section 42-35-2(a) (1) and (2) of the General Laws.

A. A General Description of the Organization of the Port Authority: General Course and Method of Operations

The Port Authority was created as a public corporation and an agency of the State of Rhode Island (the “State”) for the purpose of acquiring and developing real and personal property and to provide financing to others, promoting thereby the economic development of the State and the general welfare of its citizens. In addition, the Port Authority has additional powers as set forth in Chapter 42-64 of the General Laws of Rhode Island, as amended (the “Act”) which include, inter alia, the power to lease or sell any part of real or personal property owned by the Port Authority. Prior to undertaking the acquisition, construction, reconstruction, rehabilitation, development or improvement of a project as defined in the Act (the “Project”), the Port Authority must make the following statutory findings: (1) that the acquisition or construction and operation of the Project will prevent, eliminate or reduce unemployment or underemployment in the State and will generally benefit economic development of the State; (2) that adequate provision has been made or will be made for the payment of cost of the acquisition, construction, operation and maintenance and upkeep of the Project; (3) that with respect to real property, the plans and specifications assure adequate light, air, sanitation and fire protection; (4) that the Project is in conformity with the applicable provisions of Chapter 23 of Title 46 of the General Laws; and (5) that the Project is in conformity with the applicable provisions of the State Guide Plan.

The business and affairs of the Port Authority are conducted by a Board of Directors. The Board of Directors consist of members of the Economic Development Council. The Chairman of the Economic Development Council serves as Chairman of the Board of Directors of the Port Authority. The Director of the Department of Economic Development of the State is the Executive Director of the Port Authority and its principal executive officer. The Board of Directors of the Port Authority elects the officers of the Port Authority to conduct the day-to-day Port Authority’s business. Currently, the officers of the Port Authority include the Chairman, Vice-Chairman, Executive Director, Secretary, and Treasurer. Five directors constitute a quorum for the Board and the vote of a majority of the Board at which a quorum is present is necessary for any action taken by the Port Authority. The directors and the officers of the Port Authority receive no compensation for the performance of their duties on behalf of the Port Authority, but each officer or director may be paid for his or her reasonable expenses incurred in carrying out such duties.

B. Methods Whereby the Public May Obtain Information From the Port Authority

If any member of the public wishes to obtain public information about the Port Authority, such requests for information should be submitted in writing to the Port Authority at Seven Jackson Walkway, Providence, RI 02903, Attention: William J. Parsons, Associate Director. Any files maintained by the Port Authority with respect to proposed financing plans or containing an application for presentation to the Board of Directors in connection with the Port Authority's land sales program, or concerning any applicant or proposed applicant for or recipient of land sale proposals are materials of a privileged and confidential in nature within the meaning of Section 38-2-2(d) (2) of the General Laws, and are not available for public inspection. All of the above records of the Port Authority, including applications for project proposals and related applicant data, are subject to review by the Auditor General pursuant to Section 22-13-9 of the General Laws.

C. Forms of Request and Submissions

Any submissions or requests which members of the public wish to make to the Port Authority shall be made in writing at least ten (10) business days prior to the meeting of the Port Authority in which such submission or request is to be heard. A request or submission to the Port Authority shall state clearly and concisely its subject matter, the facts relied upon, the relief sought, and, by appropriate reference, the statutory provision or other authority relied upon for relief, shall be dated, shall be signed by the party making the submission or request and shall be accompanied by such additional information and documentation as the Executive Director or the Associate Director of the Port Authority may deem necessary in order for the Port Authority to consider such submission or request. All submissions or requests should be submitted by person or by mail to the Port Authority at Seven Jackson Walkway, Providence, RI 02903, Attention: William J. Parsons, Associate Director.

D. Inspection of Public Records

The Port Authority will make its public records, as defined by the Public Access Act, available for inspection and copying at its offices located at Seven Jackson Walkway, Providence, Rhode Island, during regular business hours. The Port Authority will assess a charge of fifteen cents per page for documents copyable on common business or legal size paper. The Port Authority will assess a charge of \$15 per hour for the search or retrieval of documents; provided, however, that no cost shall be charged for the first ten minutes of such search or retrieval. Copies of documents shall be provided, and search and retrieval of documents shall be provided, and search and retrieval of documents accomplished within a reasonable time after a request. If requested, the Port Authority shall provide an estimate of the cost of a request for documents prior to providing copies.

E. Documentation and Information Required to be Submitted by Applicants for Land Sales

The documentation and information required to be submitted by applicants seeking to purchase or lease real property owned by the Port Authority is set forth in the Application For Presentation to the Board of Directors, a copy of which is

attached hereto as Exhibit A and incorporated by reference herein, or as the same may be modified from time to time by the Board of Directors of the Port Authority. Copies of such application can be obtained from the office of the Port Authority at 7 Jackson Walkway, Providence, Rhode Island 02903 from 9:00 a.m. to 4:30 p.m. on regular business days.

The Port Authority will consider, among other criteria, the following when evaluating an application:

1. Whether the project is in conformance with land use goals, zoning, or other land ordinances, codes, plans or regulations of every municipality or political subdivision of the State in which such projects are situated.
2. Whether such project is in compliance with all other requirements of state and federal laws, codes or regulations.
3. The number of new jobs, and the wage levels of such new jobs that will be created or preserved upon completion of the project.
4. The location of the project.
5. The project's economic impact on the State.

F. Petition for Promulgation, Amendment or Repeal of Rules

A petition for the promulgation, amendment or repeal of a rule will be submitted in conformance with the requirements of Paragraph C above, and, in addition, will be entitled, "Petition for the Promulgation/Amendment/Repeal of Rule _____", stating the appropriate requested action and identifying the rule by number of name, and will set forth in full, as appropriate, the rule sought to be amended or repealed and the proposed new or amended rule.

The Port Authority will, within 30 days after submission of a petition in the manner set forth in the preceding paragraph, either deny the petition in writing or commence the procedure for adoption, amendment or repeal of a rule pursuant to Section 42-35-3 of the General Laws.

Adopted this _____ day of _____, 1989.