

SENATE No. 1450

The Commonwealth of Massachusetts

PRESENTED BY:

John F. Keenan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the issuance of revenue bonds for the construction and reconstruction of telecommunications facilities by the city of Quincy.

PETITION OF:

NAME:

John F. Keenan

DISTRICT/ADDRESS:

Norfolk and Plymouth

SENATE No. 1450

By Mr. Keenan, a petition (accompanied by bill, Senate, No. 1450) of John F. Keenan (with approval of the mayor and city council) for legislation relative to the issuance of revenue bonds for the construction and reconstruction of telecommunications facilities by the city of Quincy. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act relative to the issuance of revenue bonds for the construction and reconstruction of telecommunications facilities by the city of Quincy.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Notwithstanding the provisions of any general or special law to the
2 contrary, the city of Quincy, when authorized by a two thirds vote as defined in section one of
3 chapter forty-four, may borrow money by the issue of revenue bonds or notes to pay costs of
4 designing, engineering, constructing and reconstructing telecommunications facilities, which
5 revenue bonds shall be limited obligations of the city, payable from rates and charges collected
6 by the city for the provision of telecommunications services. Such project costs may include all
7 costs, whether incurred prior to or after the issue of bonds or notes hereunder, of establishing,
8 purchasing, extending or enlarging a municipally owned telecommunications system,
9 remodeling, reconstructing, or making extraordinary repairs to a municipally owned
10 telecommunications system and for the payment of , financing charges, interest prior to and
11 during the carrying out of any project and for a reasonable period thereafter, planning,

12 engineering, finance advisory and legal services, administrative expenses, the funding of notes
13 issued for project costs as hereinafter provided, such reserves for debt service or other capital or
14 current expenses as may be required by a trust agreement or resolution securing any such notes
15 or bonds, and all other expenses incidental to the determination of the feasibility of any project
16 or to carrying out the project or to placing the project in operation. Any bonds or notes issued
17 pursuant to this act shall not be subject to the limitation on indebtedness set forth in section 10 of
18 chapter 44 of the General Laws.

19 SECTION 2. The bonds of each issue shall mature at such time or times, not exceeding
20 thirty years from their dates of issue, and may be made redeemable before maturity with or
21 without premiums. Subject to the provisions of this act, the treasurer shall determine the date or
22 dates of the bonds, their denomination or denominations, the place or places of payment of the
23 principal and interest, which may be at any bank or trust company within or without the
24 commonwealth, their interest rate or rates, including rates variable from time to time as
25 determined by such index, banker's loan rate or other method, maturity or maturities, redemption
26 privileges, if any, and the form and other details of the bonds. The bonds shall be signed by the
27 city treasurer, and shall bear the seal of the city or a facsimile thereof. The city may sell its
28 bonds in such manner, either at public or private sale, for such price, at such rate or rates of
29 interest, or at such discount in lieu of interest, as the officers authorized to issue the same shall
30 determine.

31 SECTION 3. Any bonds issued under this act may be secured by a resolution or by a trust
32 or security agreement between the city and a corporate trustee, which may be any trust company
33 or bank having the powers of a trust company within or without the commonwealth, or by a trust
34 or security agreement directly between the city and the purchasers of the bonds, and such

35 resolution or trust or security agreement shall be in such form and executed in such manner as
36 may be determined by the authorized officers. Such trust or security agreement or resolution may
37 pledge or assign, in whole or in part, the revenues held or to be received by the city from or on
38 account of the operation of its telecommunications facilities, and any contract or other rights to
39 receive the same, whether then existing or thereafter coming into existence and whether then
40 held or thereafter acquired by the city, and the proceeds thereof. Such trust or security agreement
41 or resolution may contain such provisions for protecting and enforcing the rights, security and
42 remedies of the bondholders as may, in the discretion of the authorized officers, be reasonable
43 and proper and not in violation of law. Without limiting the generality of the foregoing, such
44 agreement or resolution may include provisions defining defaults and providing for remedies in
45 the event of default, which may include the acceleration of maturities, and covenants setting
46 forth the duties of, and limitations on, the city in relation to the custody, safeguarding,
47 investment and application of moneys, the issue of additional or refunding bonds, the fixing,
48 revision and collection of fees, charges and other revenues, the use of any surplus bond proceeds,
49 the establishment of reserves, the construction and operation of the telecommunication facilities,
50 and the making and amending of contracts relating to the bonds. It shall be lawful for any bank
51 or trust company to act as a depository or trustee of the proceeds of bonds, revenues or other
52 moneys under a trust or security agreement or resolution and to furnish such indemnification or
53 to pledge such securities and issue such letters or lines of credit or other credit facilities as may
54 be required by the city acting hereunder. Any such trust or security agreement or resolution may
55 set forth the rights and remedies of bondholders and of the trustee and may restrict the individual
56 right of action by bondholders.

57 SECTION 4. Any pledge of revenues, contract or other rights to receive revenues, or the
58 proceeds thereof made by the city under this act shall be valid and binding and shall be deemed
59 continuously perfected for the purposes of the Uniform Commercial Code and other laws from
60 the time when the pledge is made; the revenues, moneys, rights and proceeds so pledged and
61 then held or thereafter acquired or received by the city shall immediately be subject to the lien of
62 such pledge without any physical delivery or segregation thereof or further act; and the lien of
63 such pledge shall be valid and binding against all parties having claims of any kind in tort,
64 contract or otherwise against the city, irrespective of whether such parties have notice thereof.
65 Neither the resolution, any trust or security agreement nor any other agreement by which a
66 pledge is created need be filed or recorded except in the records of the city and no filing need be
67 made under the Uniform Commercial Code.

68 SECTION 5. The city may issue refunding bonds for the purpose of paying any of its
69 bonds issued pursuant to this act at or prior to maturity or upon acceleration or redemption.
70 Refunding bonds may be issued in such amounts, at such times prior to the maturity or
71 redemption of the refunding bonds as the treasurer, with the approval of the mayor, shall
72 determine. The refunding bonds may be issued in sufficient amounts to pay or provide the
73 principal of the bonds being refunded, together with any redemption premium on the bonds, any
74 interest accrued or to accrue to the date of payment of such bonds, the expenses of issue of the
75 refunding bonds, the expenses of redeeming the bonds being refunded, and such reserves for debt
76 service or other expenses from the proceeds of such refunding bonds as may be required by a
77 trust or security agreement or resolution securing the bonds.

78 SECTION 6. In addition to other security provided herein or otherwise by law, bonds or
79 notes issued by the city pursuant to this act may be secured, in whole or in part, by insurance or

80 by letters or lines of credit or other credit facilities issued by any bank, trust company or other
81 financial institution, within or without the commonwealth, and the city may pledge or assign any
82 of the rates and charges collected by the city for the provision of telecommunications services as
83 security for the reimbursement by the city to the issuers of such letters or lines of credit,
84 insurance or credit facilities of any payments made thereunder.

85 SECTION 7. Any debt service fund, construction fund, debt service reserve fund,
86 depreciation reserve fund or other fund established in connection with the issuance of bonds
87 under this act shall be kept separate from other moneys of the city. The moneys deposited in any
88 such funds, together with income derived from any investments held as part of such funds, shall
89 be expended without further authorization or appropriation as provided for in the trust or security
90 agreement or resolution establishing such funds.

91 SECTION 8. All moneys received pursuant to the provisions of this act, whether as
92 proceeds from the issue of bonds, as revenues, or otherwise, shall be deemed to be trust funds to
93 be held and applied solely as provided in this act.

94 SECTION 9. The provisions of this act shall be deemed to provide an additional and
95 alternative method for the effectuation of the purposes of this act and shall be construed to be
96 supplemental to, and not in derogation of, powers otherwise conferred by law on the city,
97 provided, however, that insofar as the provisions of this act are inconsistent with the provisions
98 of any general or special law, administrative order or rule, the provisions of this act shall be
99 controlling.

100 SECTION 10. In case any officer whose signature or a facsimile of whose signature shall
101 appear on any bonds or notes issued under this act shall cease to be such officer before the

102 delivery thereof, such signature or such facsimile shall nevertheless be valid and sufficient for all
103 purposes the same as if he or she had remained in office until after such delivery.

104 SECTION 11. The owner of real property located in the city may enter into an agreement
105 with the city to pay a fixed assessment for a right of access of that real property to one or more
106 service connections to the city's telecommunications facilities. A notice of such agreement, or
107 of multiple agreements, shall be recorded as a betterment and except as otherwise set forth
108 herein, or by the agreement of the parties hereunder, shall be subject to the provisions of chapter
109 eighty relative to the apportionment, division, reassessment and collection of assessment,
110 abatement and collections of assessments, and to interest; provided, however, that for purposes
111 of this section, such lien shall take effect by operation of law on the day immediately following
112 the due date of such assessment or apportioned part of such assessment and such assessment may
113 bear interest at a rate determined by the city treasurer, or by agreement with the owner at the
114 time such agreement is entered into between the city and the property owner. In addition to
115 remedies available under chapter eighty, the property owner shall be personally liable for
116 payment under the agreement; provided, however, that upon assumption of such personal
117 obligation to a purchaser or other transferee of all of the original owners interest in the property
118 at the time of conveyance and the recording of such assumption, the owner shall be relieved of
119 such personal liability. An agreement between an owner and the city pursuant to this act shall
120 not be considered a breach of limitation or prohibition contained in a note, mortgage or contract
121 on the transfer of an interest in property.

122 Notwithstanding any provision of chapter 183A to the contrary, the organization of unit
123 owners of a condominium may petition the city to enter into an agreement pursuant to this act.
124 Such agreement shall: (i) be approved by a majority of the unit owners; (ii) include an

125 identification of the units and unit owners subject to the agreement; and (iii) include a statement
126 by an officer or trustee of the organization of unit owners certifying that the required number of
127 unit owners have approved the agreement. As between the affected unit owners and the city,
128 such certification shall be conclusive evidence of the authority of the organization of unit owners
129 to enter into the agreement. A notice of such agreement shall be recorded as a betterment in the
130 registry of deeds or registry district of the land court where the master deed is recorded and shall
131 be otherwise subject to the provisions of chapter 80 as provided for in this act. The assessment
132 under such agreement may be charged or assessed to the organization of unit owners but shall
133 not constitute an assessment of common expenses. Instead, the allocable share of the assessment
134 shall attach as a lien to the units identified in the recorded notice and the owners of such units
135 shall also be personally liable for their allocable share of the assessment as provided for in this
136 section.

137 The assessment charged pursuant to all agreements authorized by this act shall be a
138 uniform charge for each service connection allowed under such agreement, the city may
139 determine from time to time, to increase the charge, based upon generally accepted consumer
140 price indexes. The assessment charged pursuant to an agreement shall remain unchanged for the
141 term of that agreement. Revenues received by the city from charges assessed under this act shall
142 be used first to pay amounts due under long-term obligations of the city related to the city's
143 telecommunications facilities, and any remaining receipts shall be used to offset operational
144 costs of the city's telecommunications facilities.

145 SECTION 12. This act shall take effect upon its passage.