

MEMORANDUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
SOCIAL SECURITY ADMINISTRATION

TO : Mr. Edwin C. Simmons
Acting Assistant Bureau Director

DATE: March 26, 1973

REFER TO: RSI:PCC

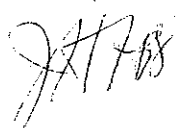
FROM : John Helsper, Chief
Contract Coverage Branch

SUBJECT: Modification No. 85 & 86, Rhode Island

Enclosed is the above identified modification and supporting documents for necessary action.

<u>2</u> 218(b)(5) Coverage Groups	<u>unk</u> No. of Employees
<u>1</u> 218(d)(4) Coverage Groups	<u>unk</u> No of Employees
<u> </u> Other (See Remarks)	<u> </u> No of Employees
<u>3</u> Total No. of Coverage Groups	<u>unk</u> Total No. of Employees Covered

Remarks:


John Helsper

Shaw/Smith:ea 3/26/73

Shaw 3/28

January 15, 1973

George V. O'Brien, District Manager
Providence, Rhode Island

Modifications Number 85 and 86 to the Federal-State Agreement

Walter W. Mode, Regional Commissioner
Boston, Massachusetts

Enclosed are the following:

- 1) Five copies of Modification No. 85, covering the services of employees of the Albion Fire District and the Providence Civic Center Authority.
- 2) Five copies of Modification No. 86, covering the services of school teachers of the Exeter-West Greenwich Regional School District. Attached to each copy of this modification is a certification by the Governor attesting to the voting by the individuals in positions covered by the Employee's Retirement System.

All enclosures were delivered personally to this office on January 12, 1973, rather than being received by mail. Upon receipt, all copies were immediately date-stamped.

The attachments are being forwarded to you for your review and forwarding for approval.

Your assistance is appreciated.

Enclosures

MEMORANDUM

DATE: February 12, 1973

TO : Regional Commissioner, SSA

FROM : Office of the General Counsel
Boston Regional Office

SUBJECT: State and Local Coverage - Rhode Island Modification No. 85

COMMENTS: Cleared for approval.

With respect to the Providence Civic Center Authority, we refer you to our memorandum of July 7, 1972 wherein we stated in pertinent part as follows:

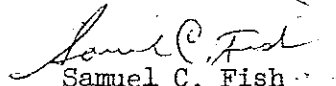
"The Authority was created pursuant to Chapter 3 of the 1969 Rhode Island Acts. It consists of five members appointed for fixed terms by the mayor of the City of Providence, subject to confirmation by the Providence city council. In the event an appointee fails to complete his term, the mayor is empowered to name a successor for the unexpired portion of the term. The purpose of the Authority is '*** to establish, maintain, improve and operate, or provide for the operation of a civic center in the city of Providence.' Inasmuch as the Authority seems to be both publicly controlled and to serve a public purpose, it would appear that it is a public, rather than a private organization. G.C. Opinion re Section 218 Agreements--Wisconsin-Milwaukee Auditorium, etc., October 17, 1958.

"The Authority was created 'a body corporate and politic' with the power (1) to adopt and amend by-laws, (2) to adopt a seal, (3) to maintain an office, (4) to sue and be sued, (5) to acquire, hold, improve, use, and dispose of property, (6) to hire (and presumably fire) employees and fix their compensation, (7) to make contracts, (8) to borrow money, (9) to issue notes in anticipation of revenues, and (10) '*** to do all other acts or things necessary or convenient to carry out its purpose or the powers expressly granted.' It is evident, therefore, that the Authority has all the indicia of a separate juristic entity for section 218 purposes. Handbook for Soc. Sec. Admrs. sec. 201.2; cf., G.C. Opinion re Section 218 Agreements - Wisconsin-Milwaukee Auditorium, etc., supra.

"This conclusion is not affected by the fact that the City is authorized to contribute or advance funds to the Authority and to issue bonds on its behalf, nor by the provision for ultimate takeover of the Authority and its civic center by the City.

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"Based on the foregoing, it is our view that the Authority is an instrumentality of the City and consequently a separate 'political subdivision' within the meaning of section 218. ***"


Samuel C. Fish
Regional Attorney