



General Assembly

February Session, 2002

Raised Bill No. 466

LCO No. 1562

Referred to Committee on Planning and Development

Introduced by:

(PD)

AN ACT CONCERNING OVERSIGHT OF THE SOUTHEASTERN CONNECTICUT REGIONAL WATER AUTHORITY AND CONCERNING WATER AND SEWER RATES FOR NONRESIDENTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective from passage*) The Southeastern Connecticut
2 Council of Governments, established under sections 4-124i to 4-124p,
3 inclusive, of the general statutes, as amended, shall have oversight of
4 the activities of the Southeastern Connecticut Water Authority. In
5 exercising such oversight, the council of governments shall have the
6 following responsibilities:

7 (1) To appoint and, for cause, to remove members of the authority;

8 (2) To appoint three municipal chief elected officials to the authority
9 to represent the council of governments;

10 (3) To appoint an independent auditor to audit the accounts, books
11 and records of the authority on an annual basis and to review the
12 completed audit with the authority;

13 (4) To meet at least annually with the authority and to call

14 additional special meetings with the authority as the council of
15 governments deems necessary to review the progress and financial
16 condition of the authority and to discuss issues relating to water
17 supply and the operation of the authority; and

18 (5) To establish procedures and policies, jointly with the authority,
19 to govern the basis on which the authority shall coordinate its activities
20 to cooperatively develop the water supply and distribution system
21 necessary for an integrated regional water network.

22 Sec. 2. Section 5 of number 381 of the special acts of 1967 is amended
23 to read as follows (*Effective from passage*):

24 A corporation known as the "Southeastern Connecticut Water
25 Authority" is created for the purposes, charged with the duties and
26 granted the powers provided in [this act] number 381 of the special
27 acts of 1967. The authority shall be a body corporate and politic. The
28 authority shall consist of [five] seven members who shall not be
29 members of the advisory board, all of whom shall be residents of the
30 district. [and who] Three members shall be chief elected officials of
31 municipalities that are members of the Southeastern Connecticut
32 Council of Governments. Each member of the authority shall be
33 appointed by a majority of [those members of the representative
34 advisory board] the council of governments present at a meeting at
35 which two-thirds of the membership of said [advisory board] council
36 of governments are present, [in person or by proxy,] for terms of five
37 years, [and until their successors are appointed and have qualified,
38 except that of the members first appointed one shall be appointed for a
39 term of five years, one for a term of four years, one for a term of three
40 years, one for a term of two years and one for a term of one year. Not
41 more than three members of the authority shall be members of the
42 same political party] or in the case of municipal chief elected officials,
43 for their current terms as municipal chief elected officials. Initial
44 appointments of members of the authority, except members who are
45 municipal chief elected officials, shall be as follows: One shall be

46 appointed for a term of four years, one for a term of three years, one
47 for a term of two years and one for a term of one year. Thereafter,
48 appointments shall be for five years. Vacancies on the authority shall
49 be filled by appointments by the by the [advisory board] council of
50 governments for the unexpired terms. Members of the authority may
51 be removed from office by the [advisory board] for cause. Members of
52 the authority [shall receive such compensation for their services as
53 shall be fixed by the advisory board and] shall be reimbursed for their
54 necessary expenses incurred in the performance of their duties.

55 Sec. 3. Section 7 of number 381 of the special acts of 1967 is amended
56 to read as follows (*Effective from passage*):

57 The officers of the authority shall be a chairman, a vice chairman,
58 [and] a treasurer, [who shall be members of the authority,] and a
59 secretary, [who need not be a member of the authority] each of whom
60 shall be members of the authority. The first chairman shall be
61 designated by the [advisory board] council of governments for a
62 [three-year] one-year term and subsequent chairmen shall be elected
63 by the authority for [three-year terms] one-year terms. All other
64 officers shall be appointed by the authority for one-year terms and
65 shall serve at the pleasure of the authority. The officers may be elected
66 or appointed to consecutive terms. The treasurer shall execute a bond,
67 conditioned upon the faithful performance of the duties of his office,
68 the amount and sufficiency of which shall be approved by the
69 authority and the premium therefor shall be paid by the authority.

70 Sec. 4. Section 9 of number 381 of the special acts of 1967 is amended
71 to read as follows (*Effective from passage*):

72 The powers of the authority shall be exercised by the members at a
73 meeting duly called and held, and [three] four members shall
74 constitute a quorum. No action shall be taken except pursuant to the
75 favorable vote of at least [three] four members. The authority may
76 delegate to one or more of its members, officers, agents or employees
77 such powers and duties as it may deem proper.

78 Sec. 5. Section 27 of number 381 of the special acts of 1967 is
79 amended to read as follows (*Effective from passage*):

80 (a) The authority shall have an annual audit of its accounts, books
81 and records by a certified public accountant selected by the
82 [representative advisory board] council of governments. A copy of the
83 audit shall be delivered to the municipalities in the district and to the
84 public utilities commission. A concise financial statement shall be
85 published annually, at least once, in a newspaper of general circulation
86 in the municipality where the principal office of the authority is
87 located. If such publication is not made by the authority, the
88 [representative advisory board] council of governments shall publish
89 such statement at the expense of the authority. If the authority fails to
90 make such an audit, the auditor or accountant designated by the
91 [representative advisory board] council of governments shall examine,
92 at the expense of the authority, the accounts and books of the
93 authority, including its receipts, disbursements, contracts, leases,
94 sinking funds, investments and any other matters relating to its
95 finances, operation and affairs.

96 (b) The attorney general shall have the right to examine the books,
97 accounts and records of the authority.

98 Sec. 6. Subsection (a) of section 7-239 of the general statutes is
99 repealed and the following is substituted in lieu thereof (*Effective*
100 *October 1, 2002*):

101 (a) The legislative body shall establish just and equitable rates or
102 charges for the use of the waterworks system authorized herein, to be
103 paid by the owner of each lot or building which is connected with and
104 uses such system, and may change such rates or charges from time to
105 time. Such rates or charges shall be sufficient in each year for the
106 payment of the expense of operation, repair, replacements and
107 maintenance of such system and for the payment of the sums herein
108 required to be paid into the sinking fund. No such rate or charge shall
109 be established until after a public hearing at which all the users of the

110 waterworks system and the owners of property served or to be served
111 and others interested shall have an opportunity to be heard concerning
112 such proposed rate or charge. Notice of such hearing shall be given, at
113 least ten days before the date set therefor, in a newspaper having a
114 circulation in such municipality. Such notice shall set forth a schedule
115 of rates or charges, and a copy of the schedule of rates or charges
116 established shall be kept on file in the office of the legislative body and
117 in the office of the clerk of the municipality, and shall be open to
118 inspection by the public. The rates or charges so established for any
119 class of users or property served shall be extended to cover any
120 additional premises thereafter served which are within the same class,
121 without the necessity of a hearing thereon. The rate or charge for use of
122 the waterworks system for a lot or building outside of the boundaries
123 of the municipality shall be not more than one hundred ten per cent of
124 the amount charged for a lot or building located within the
125 municipality. Any change in such rates or charges may be made in the
126 same manner in which they were established, provided, if any change
127 is made substantially pro rata as to all classes of service, no hearing
128 shall be required. The provisions of this section shall not apply to the
129 sale of bottled water.

130 Sec. 7. Section 7-249 of the general statutes is repealed and the
131 following is substituted in lieu thereof (*Effective October 1, 2002*):

132 At any time after a municipality, by its water pollution control
133 authority, has acquired or constructed, a sewerage system or portion
134 thereof, the water pollution control authority may levy benefit
135 assessments upon the lands and buildings in the municipality which,
136 in its judgment, are especially benefited thereby, whether they abut on
137 such sewerage system or not, and upon the owners of such land and
138 buildings, according to such rule as the water pollution control
139 authority adopts, subject to the right of appeal as hereinafter provided.
140 The assessment of land and buildings located outside of the
141 boundaries of the municipality shall be not more than one hundred ten
142 per cent of the assessment for land and buildings located within the

143 municipality. Benefits to buildings or structures constructed or
144 expanded after the initial assessment may be assessed as if the new or
145 expanded buildings or structures had existed at the time of the initial
146 assessment. Such benefits and benefits to anticipated development of
147 land zoned for other than business, commercial or industrial purposes
148 or land classified as farm land, forest land or open space land on the
149 last completed grand list of the municipality in which such land is
150 located, pursuant to the provisions of sections 12-107a to 12-107e,
151 inclusive, as amended, shall not be assessed until such construction or
152 expansion or development is approved or occurs. In case of a property
153 so zoned or classified which exceeds by more than one hundred per
154 cent the size of the smallest lot permitted in the lowest density
155 residential zone allowed under zoning regulations or, in the case of a
156 town having no zoning regulations, a lot size of one acre in area and
157 one hundred fifty feet in frontage, assessment of such excess land shall
158 be deferred until such time as such excess land shall be built upon or a
159 building permit issued therefor or until approval of a subdivision plan
160 of such excess property by the planning commission having
161 jurisdiction, whichever event occurs first at which time assessment
162 may be made as provided herein. No lien securing payment shall be
163 filed until the property is assessed. The sum of initial and subsequent
164 assessments shall not exceed the special benefit accruing to the
165 property. Such assessment may include a proportionate share of the
166 cost of any part of the sewerage system, including the cost of
167 preliminary studies and surveys, detailed working plans and
168 specifications, acquiring necessary land or property or any interest
169 therein, damage awards, construction costs, interest charges during
170 construction, legal and other fees, or any other expense incidental to
171 the completion of the work. The water pollution control authority may
172 divide the total territory to be benefited by a sewerage system into
173 districts and may levy assessments against the property benefited in
174 each district separately. In assessing benefits against property in any
175 district the water pollution control authority may add to the cost of the
176 part of the sewerage system located in the district a proportionate

177 share of the cost of any part of the sewerage system located outside the
 178 district but deemed by the water pollution control authority to be
 179 necessary or desirable for the operation of the part of the system
 180 within the district. In assessing benefits and apportioning the amount
 181 to be raised thereby among the properties benefited, the water
 182 pollution control authority may give consideration to the area,
 183 frontage, grand list valuation and to present or permitted use or
 184 classification of benefited properties and to any other relevant factors.
 185 The water pollution control authority may make reasonable
 186 allowances in the case of properties having a frontage on more than
 187 one street and whenever for any reason the particular situation of any
 188 property requires an allowance. Revenue from the assessment of
 189 benefits shall be used solely for the acquisition or construction of the
 190 sewerage system providing such benefits or for the payment of
 191 principal of and interest on bonds or notes issued to finance such
 192 acquisition or construction. No assessment shall be made against any
 193 property in excess of the special benefit to accrue to such property. The
 194 water pollution control authority shall place a caveat on the land
 195 records in each instance where assessment of benefits to anticipated
 196 development of land zoned for other than business, commercial or
 197 industrial purposes or land classified as farm land, forest land or open
 198 space land has been deferred.

199 Sec. 8. (*Effective from passage*) Section 4 of number 381 of the special
 200 acts of 1967, as amended by section 1 of number 206 of the special acts
 201 of 1969 and special act 73-64, is repealed.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>from passage</i>
Sec. 6	<i>October 1, 2002</i>
Sec. 7	<i>October 1, 2002</i>

Sec. 8	<i>from passage</i>
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Statement of Purpose:

To (1) give Southeastern Connecticut Council of Governments (SCCOG) greater oversight of water supply and distribution in southeastern Connecticut by (A) authorizing SCCOG to replace and assume the responsibilities of the Representative Advisory Board, and (B) giving SCCOG three out of seven seats on the Southeastern Connecticut Water Authority, and (2) establish a maximum amount a municipality can charge out of town water and sewer users.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]