



General Assembly

Amendment

February Session, 2002

LCO No. 3133

SB0007503133SD0

Offered by:

SEN. DAILY, 33rd Dist.

REP. FONTANA, 87th Dist.

To: Subst. Senate Bill No. 75

File No. 240

Cal. No. 180

**"AN ACT AMENDING THE CHARTER OF THE SOUTH CENTRAL
CONNECTICUT REGIONAL WATER AUTHORITY."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 1 of special act 77-98, as amended by section 5 of
4 special act 99-12, is amended to read as follows (*Effective from passage*):

5 It is found and declared as a matter of legislative determination that
6 the creation of the South Central Connecticut Regional Water
7 Authority for the primary purpose of providing and assuring the
8 provision of an adequate supply of pure water at reasonable cost
9 within the South Central Connecticut Regional Water District and such
10 other areas as may be served pursuant to cooperative agreements and
11 acquisitions authorized by section 11 of special act 77-98, as amended
12 by section 5 of special act 78-24 and section 3 of special act 84-46 and
13 this act, and, to the degree consistent with the foregoing, of advancing
14 water conservation and the conservation and compatible recreational
15 use of land held by the authority, and the carrying out of its powers,

16 purposes, and duties under sections 1 to 33, inclusive, of special act 77-
17 98, as amended by special act 78-24, special act 84-46 and sections 5 to
18 7, inclusive, of [this act, are] special act 99-12 and this act, and for the
19 benefit of the people residing in the South Central Connecticut
20 Regional Water District and the State of Connecticut, and for the
21 improvement of their health, safety and welfare, that said purposes are
22 public purposes, and that the authority will be performing an essential
23 governmental function in the exercise of its powers under sections 1 to
24 33, inclusive, of special act 77-98, as amended by special act 78-24,
25 special act 84-46 and sections 5 to 7, inclusive, of [this act] special act
26 99-12 and this act.

27 Sec. 2. Section 2 of special act 77-98, as amended by section 1 of
28 special act 78-24, is amended to read as follows (*Effective from passage*):

29 As used in sections 1 to 33, inclusive, of special act 77-98, as
30 amended by [this act] special act 78-24, unless a different meaning
31 appears in the context: "Authority" means the South Central
32 Connecticut Regional Water Authority created by section 5 of special
33 act 77-98, as amended by section 4 of special act 78-24 and this act;
34 "district" means the South Central Connecticut Regional Water District
35 created by section 3 of special act 77-98, as amended by section 2 of
36 special act 78-24; [; "representative policy board"] "Representative
37 policy board" means the representative policy board of the South
38 Central Connecticut Regional Water District created by section 4 of
39 special act 77-98, as amended by section 3 of special act 78-24; "chief
40 executive officer" means that full time employee of the authority
41 responsible for the execution of the policies of the authority and for the
42 direction of the other employees of the authority; "treasurer" means the
43 treasurer of the authority; "customer" means any person, firm,
44 corporation, company, association or governmental unit furnished
45 water service by the authority or any owner of property who
46 guarantees payment for water service to such property; "properties"
47 means the water supply and distribution system or systems and other
48 real or personal property of the authority; "bonds" means bonds, notes
49 and other obligations issued by the authority; "revenues" means all

50 rents, charges and other income derived from the operation of the
51 properties of the authority; "water supply system" means plants,
52 structures and other real and personal property acquired, constructed
53 or operated for the purpose of supplying water, including land,
54 reservoirs, basins, dams, canals, aqueducts, standpipes, conduits,
55 pipelines, mains, pumping stations, water distribution systems,
56 compensating reservoirs, waterworks or sources of water supply,
57 wells, purification or filtration plants or other plants and works,
58 connections, rights of flowage or diversion and other plants,
59 structures, conveyances, real or personal property or rights therein and
60 appurtenances necessary or useful and convenient for the
61 accumulation, supply or distribution of water; "subsidiary corporation"
62 means a corporation organized under the general statutes or by special
63 act which owns or operates all or part of a water supply system within
64 the district and all of the voting stock of which is owned by the
65 authority. A reference in sections 1 to 33, inclusive, of special act 77-98,
66 as amended by special act 78-24, and special act 84-46 to any general
67 statute, public act or special act shall include any amendment or
68 successor thereto.

69 Sec. 3. Subsection (a) of section 4 of special act 77-98, as amended by
70 section 3 of special act 78-24 and section 2 of special act 84-46, is
71 amended to read as follows (*Effective from passage*):

72 (a) There shall be a representative policy board of the South Central
73 Connecticut Regional Water District which shall consist of one elector
74 from each city and town within the district who shall be appointed by
75 the chief elected official of such city or town, with the approval of its
76 legislative body, and one elector of the state who shall be appointed by
77 the governor. Members shall serve for a term of three years
78 commencing July 1, except that the members first appointed shall
79 serve terms commencing July 1, 1977, and such members appointed
80 from Bethany, East Haven, Killingworth, New Haven, Orange and
81 West Haven shall serve until June 30, 1978, such members appointed
82 from Branford, Guilford, Madison, North Branford, Prospect and
83 Woodbridge shall serve until June 30, 1979, such members appointed

84 from Cheshire, Hamden, Milford, North Haven and Wallingford shall
85 serve until June 30, 1980, and the member first appointed by the
86 governor shall serve for a term commencing upon appointment and
87 ending on the third June thirtieth thereafter; provided members shall
88 continue to serve until their successors are appointed and have
89 qualified. In the event of the resignation, death or disability of a
90 member from any city or town or the state, a successor may be
91 appointed by the chief elected official of such city or town, or in the
92 case of the member appointed by the governor, for the unexpired
93 portion of the term. The chief elected official of each such city or town
94 may appoint a provisional member to serve until December 1, 1977,
95 with full authority to act as a member until said date. Members and
96 provisional members shall receive [fifty] one hundred dollars for each
97 day in which they are engaged in their duties and shall be reimbursed
98 for their necessary expenses incurred in the performance of their
99 duties. They shall elect a chairman and a vice-chairman, who shall be
100 members or provisional members of the representative policy board,
101 and a secretary. The chairman shall receive a per diem payment of 1.5
102 times the amount paid to members and provisional members. The
103 representative policy board shall meet at least quarterly with the
104 authority and such members of the staff of the authority as the
105 representative policy board deems appropriate.

106 Sec. 4. Section 11 of special act 77-98, as amended by section 5 of
107 special act 78-24 and section 3 of special act 84-46, is amended to read
108 as follows (*Effective from passage*):

109 Subject to the provisions of sections 1 to 33, inclusive, of special act
110 77-98, as amended by special act 78-24, special act 84-46, sections 5 to 7,
111 inclusive, of special act 99-12, and this act, the authority shall have the
112 power: (a) To sue and be sued; (b) to have a seal and alter the same at
113 its pleasure; (c) to acquire in the name of the authority by purchase,
114 lease or otherwise and to hold and dispose of personal property or any
115 interest therein, including shares of stock of a subsidiary corporation;
116 (d) to acquire in the name of the authority by purchase, lease or
117 otherwise and to hold and dispose of any real property or interest

118 therein, including water rights and rights of way and water discharge
119 rights, which the authority determines to be necessary or convenient,
120 and to acquire any existing water supply system or parts thereof which
121 are wholly or partially within the district as described under section [1
122 of this act] 3 of special act 78-24, as amended by section 2 of special act
123 78-24, section 1 of special act 84-46 and this act. As a means of so
124 acquiring, the authority or a subsidiary corporation may purchase all
125 of the stock or all or any part of the assets and franchises of any
126 existing privately owned water company, whereupon the authority or
127 such subsidiary corporation shall succeed to all rights, powers and
128 franchises thereof. Sections 16-43, 16-50c and 16-50d of the general
129 statutes shall not apply to any action by the authority or a subsidiary
130 corporation or any action by any privately owned water company, as
131 defined in section 16-1 of the general statutes, as amended, taken to
132 effectuate the acquisition of the stock or all or any part of the assets
133 and franchises of such water company by the authority, provided
134 section 16-43 shall apply to any action taken to effectuate the
135 acquisition of the stock or all or any part of the assets and franchises of
136 the Ansonia Derby Water Company by the authority. Notwithstanding
137 any provision of section 25-32 of the general statutes, land may be
138 transferred to the authority or a subsidiary corporation of the authority
139 as part of such an acquisition. The commissioner of health services
140 shall not grant a permit for a change in the use of any class I or class II
141 land owned by the Ansonia Derby Water Company on the effective
142 date of this section and not transferred to the authority or a subsidiary
143 corporation or a permit for the sale, lease or assignment of any such
144 class II land, unless (1) all provisions of section 25-32 are complied
145 with, and (2) the commissioner of health services determines, after
146 holding a hearing, notice of which shall be published not later than
147 thirty days before the hearing in one or more newspapers having a
148 substantial circulation in the municipalities in which the land is
149 located, that such change in the use or sale, lease, or assignment of the
150 land will not have a significant adverse impact upon present and
151 future water supply needs of the authority or a subsidiary corporation
152 of the authority; (e) to construct and develop any water supply system;

153 (f) to own, operate, maintain, repair, improve, construct, reconstruct,
154 replace, enlarge and extend any of its properties; (g) any provision in
155 any general statute, special act or charter to the contrary
156 notwithstanding, but subject to the provisions of section 12 of special
157 act 77-98, as amended by this act, and section 28 of special act 77-98, as
158 amended by section 9 of special act 78-24, to sell water, however
159 acquired, to customers within the district or to any municipality or
160 water company; (h) any provisions in any general statute, special act or
161 charter to the contrary notwithstanding, to purchase water approved
162 by the commissioner of health from any person, private corporation or
163 municipality when necessary or convenient for the operation of any
164 water supply system operated by the authority; (i) to adopt and amend
165 bylaws, rules and regulations for the management and regulation of its
166 affairs and for the use and protection of the water and properties of the
167 authority or a subsidiary corporation and, subject to the provisions of
168 any resolution authorizing the issuance of bonds, rules for the sale of
169 water and the collection of rents and charges. [therefore.] A copy of
170 such bylaws, rules and regulations and all amendments thereto,
171 certified by the secretary of the authority, shall be filed in the office of
172 the secretary of the state and with the clerk of each town and city
173 within the district. Any superior court located within the district shall
174 have jurisdiction over any violation of such bylaws, rules or
175 regulations and the authority may prosecute actions before the
176 superior court to enforce such bylaws, rules and regulations; (j) to
177 make contracts and to execute all necessary or convenient instruments,
178 including evidences of indebtedness, negotiable or non-negotiable; (k)
179 to borrow money, to issue negotiable bonds or notes, to fund and
180 refund the same and to provide for the rights of the holders of the
181 authority's obligations; (l) to open the grounds in any public street or
182 way or public grounds for the purpose of laying, installing,
183 maintaining or replacing pipes and conduits, provided upon the
184 completion of such work the grounds shall be restored to the condition
185 they were in previously; (m) to enter into cooperative agreements with
186 other water authorities, municipalities, water districts or water
187 companies within or without the district for interconnection of

188 facilities, for exchange or interchange of services and commodities or
189 for any other lawful purpose necessary or desirable to effect the
190 purposes of sections 1 to 33, inclusive, of special act 77-98, as amended
191 by special act 78-24, special act 84-46 and sections 5 to 7, inclusive, of
192 special act 99-12, such agreements to be binding for a period specified
193 therein; (n) to acquire, hold, develop and maintain land and other real
194 estate and waters for conservation and for compatible active and
195 passive recreational purposes and to levy charges for such uses,
196 provided the state department of health finds that such uses will not
197 harm the quality of water provided by the authority; (o) to apply for
198 and accept grants, loans or contributions from the United States, the
199 state of Connecticut or any agency, instrumentality or subdivision of
200 either of them or from any person, and to expend the proceeds for any
201 of its purposes; (p) to create programs and policies for the purpose of
202 conserving water; (q) to do any and all things necessary or convenient
203 to carry out the powers expressly given in sections 1 to 33, inclusive, of
204 special act 77-98, as amended by special act 78-24, special act 84-76,
205 and sections 5 to 7, inclusive, of special act 99-12 and this act, including
206 the powers granted by the general statutes to stock corporations,
207 except the power to issue stock.

208 Sec. 5. Section 16 of special act 77-98 is amended to read as follows
209 (*Effective from passage*):

210 All contracts in excess of [five] fifty thousand dollars for any
211 supplies, materials, equipment, construction work or other contractual
212 services shall be in writing and shall be awarded upon sealed bids or
213 proposals made in compliance with a public notice duly advertised by
214 publication at least ten days before the time fixed for opening said bids
215 or proposals, except for contracts for professional services, when the
216 supplies, materials, equipment or work can only be furnished by a
217 single party or when the authority determines by a two-thirds vote of
218 the entire authority that the award of such contract by negotiation
219 without public bidding will be in the best interest of the authority. The
220 authority may in its sole discretion reject all such bids or proposals or
221 any bids received from a person, firm or corporation the authority

222 finds to be unqualified to perform the contract, and shall award such
223 contract to the lowest responsible bidder qualified to perform the
224 contract.

225 Sec. 6. Subsection (b) of section 17 of special act 77-98 is amended to
226 read as follows (*Effective from passage*):

227 (b) No member or employee of the representative policy board or of
228 the authority shall accept or receive, directly or indirectly, from any
229 person, firm or corporation to which any contract or purchase order
230 may be awarded, by rebate, gift or otherwise, any [money, or any thing
231 of value or any] promise, obligation or contract for future reward or
232 compensation or any money or any thing of value in excess of ten
233 dollars, provided the aggregate value of all such things provided by a
234 donor to a recipient in any calendar year shall not exceed fifty dollars
235 and, excluding any food or beverage or food and beverage, costing less
236 than fifty dollars in the aggregate per recipient in a calendar year, and
237 consumed on an occasion or occasions at which the person paying,
238 directly or indirectly, for the food or beverage, or his representative, is
239 in attendance. Any person who violates any provision of this
240 subsection shall be fined not more than five hundred dollars or
241 imprisoned for not more than six months or both.

242 Sec. 7. Section 19 of special act 77-98 is amended to read as follows
243 (*Effective from passage*):

244 The authority shall not acquire, by purchase, lease or otherwise, any
245 existing water supply system or parts thereof or commence any project
246 costing more than [three] two million dollars to repair, improve,
247 construct, reconstruct, enlarge and extend any of its properties or
248 systems without the approval, following a public hearing, of a majority
249 of the total weighted votes of the membership of the representative
250 policy board. In the case of the first acquisition by the authority of an
251 existing water supply system or part thereof, after such approval by
252 the representative policy board the authority shall file with the town
253 clerk of each city and town in the district its plan for such acquisition.

254 The legislative body of each such city and town shall approve or
255 disapprove such acquisition plan within sixty days after such filing,
256 provided failure to disapprove within such sixty days shall be deemed
257 approval of such acquisition plan. The authority shall not first acquire
258 an existing water supply system or part thereof except in accordance
259 with an acquisition plan approved by at least sixty per cent of such
260 legislative bodies.

261 Sec. 8. Subsection (a) of section 21 of special act 77-98, as amended
262 by section 8 of special act 78-24, is amended to read as follows (*Effective*
263 *from passage*):

264 (a) Neither the authority nor a subsidiary corporation shall be
265 required to pay taxes or assessments upon any of the properties
266 acquired by it or under its jurisdiction, control or supervision,
267 provided in lieu of such taxes or assessments the authority shall make
268 annual payments to each municipality in which it or a subsidiary
269 corporation owns property related to the water supply system equal to
270 the taxes which would otherwise be due for the property of the
271 authority or such subsidiary corporation in such municipality,
272 excluding any improvements made to or constructed on any such real
273 property by the authority or such subsidiary corporation, provided
274 land owned by the authority or a subsidiary corporation related to the
275 water supply system shall be assessed in accordance with section 12-63
276 of the general statutes, and provided further payments for property
277 acquired by the authority or a subsidiary corporation during any tax
278 year shall be adjusted for such fractional year in accordance with the
279 customary practice in such municipality for adjusting taxes between
280 the buyer and seller of real property. In addition, the authority or a
281 subsidiary corporation shall reimburse each such municipality for its
282 expenses in providing municipal services to any improvements made
283 to or constructed on any real property by the authority or such
284 subsidiary corporation within such municipality. As used in this
285 section, "improvements" does not include water pipes or
286 improvements to water pipes.

287 Sec. 9. Section 22 of special act 77-98 is amended to read as follows
288 (*Effective from passage*):

289 (a) The authority, subject to the approval of the representative
290 policy board, shall have the power and is authorized from time to time
291 to issue its negotiable bonds for any of its corporate purposes,
292 including incidental expenses in connection therewith, and to secure
293 the payment of the same by a lien or pledge covering all or part of its
294 contracts, earnings or revenues. The authority shall have power from
295 time to time, whenever it deems refunding expedient, to refund any
296 bonds by the issuance of new bonds within the terms of any refunding
297 provisions of its bonds, whether the bonds to be refunded have or
298 have not matured, and may issue bonds partly to refund bonds then
299 outstanding and partly for any of its public purposes. Except as may
300 be otherwise expressly provided by the authority, every issue of bonds
301 by the authority shall be preferred obligations, taking priority over all
302 other claims against the authority, including payments in lieu of taxes
303 to any municipality, and payable out of any moneys, earnings or
304 revenues of the authority, subject only to any agreements with the
305 holders of particular bonds pledging any particular moneys, earnings
306 or revenues. Notwithstanding the fact that the bonds may be payable
307 from a special fund, if they are otherwise of such form and character as
308 to be negotiable instruments under the terms of the uniform
309 commercial code, the bonds shall be negotiable instruments within the
310 meaning of and for all the purposes of the uniform commercial code,
311 subject only to the provisions of the bonds for registration.

312 (b) The bonds shall be authorized by resolution of the authority and
313 shall bear such date or dates, mature at such time or times, not
314 exceeding forty years from their respective dates, bear interest at such
315 rates per annum, not exceeding statutory limitations, be payable at
316 such times, be in such denomination, be in such form, either coupon or
317 registered, carry such registration privileges, be executed in such
318 manner, be payable in lawful money of the United States of America,
319 at such place or places, and be subject to such terms of redemption as
320 such resolution or resolutions may provide. All bonds of the authority

321 shall be sold through a negotiated sale or a public sale [upon sealed
322 bids] to the bidder who shall offer the lowest [net interest] true interest
323 cost to the authority, to be determined by the authority. [The notice of
324 sale shall be published at least once, not less than ten nor more than
325 forty days before the date of sale, in a financial newspaper circulated in
326 the state of Connecticut and the city of New York and designated by
327 the authority. The notice shall call for the receipt of sealed bids and
328 shall fix the date, time and place of sale.]

329 (c) Any resolution or resolutions authorizing any bonds or any issue
330 of bonds may contain provisions which shall be a part of the contract
331 with the holders of the bonds thereby authorized as to (1) pledging all
332 or any part of the moneys, earnings, income and revenues derived
333 from all or any part of the properties of the authority to secure the
334 payment of the bonds or of any issue of the bonds subject to such
335 agreement with the bondholders as may then exist; (2) the rates,
336 rentals, fees and other charges to be fixed and collected and the
337 amounts to be raised in each year thereby, and the use and disposition
338 of the earnings and other revenues; (3) the setting aside of reserves and
339 the creation of sinking funds and the regulation and disposition
340 thereof; (4) limitations on the rights of the authority to restrict and
341 regulate the use of the properties in connection with which such bonds
342 are issued; (5) limitations on the purposes to which, and the manner in
343 which, the proceeds of sale of any issue of bonds may be applied; (6)
344 limitations on the issuance of additional bonds, the terms upon which
345 additional bonds may be issued and secured, and the refunding of
346 outstanding or other bonds; (7) the procedure, if any, by which the
347 terms of any contract with bondholders may be amended or
348 abrogated, the amount of bonds the holders of which must consent
349 thereto and the manner in which such consent may be given; (8) the
350 creation of special funds into which any earnings or revenues of the
351 authority may be deposited; (9) the terms and provisions of any trust
352 deed or indenture securing the bonds or under which bonds may be
353 issued; (10) definitions of the acts or omission to act which shall
354 constitute a default in the obligations and duties of the authority to the

355 bondholders and providing the rights and remedies of the
356 bondholders in the event of such default, including as a matter of right
357 the appointment of a receiver, provided such rights and remedies shall
358 not be inconsistent with the general laws of this state; (11) limitations
359 on the power of the authority to sell or otherwise dispose of its
360 properties; (12) any other matters, of like or different character, which
361 in any way affect the security or protection of the bonds; and (13)
362 limitations on the amount of moneys derived from the properties to be
363 expended for operating, administrative or other expenses of the
364 authority.

365 (d) The authority may obtain from a commercial bank or insurance
366 company a letter of credit, line of credit or other liquidity facility or
367 credit facility for the purpose of providing funds for the payments in
368 respect of bonds, notes or other obligations required by the holder
369 thereof to be redeemed or repurchased prior to maturity or for
370 providing additional security for such bonds, notes or other
371 obligations. In connection therewith, the authority may enter into
372 reimbursement agreements, remarketing agreements, standby bond
373 purchase agreements and any other necessary or appropriate
374 agreements. The authority may pledge all or any part of the moneys,
375 earnings, income and revenues derived from all or any part of the
376 properties of the authority and any other property which may be
377 pledged to bondholders to secure its payment obligations under any
378 agreement or contract entered into pursuant to this section subject to
379 such agreements with the bondholders as may then exist.

380 (e) In connection with or incidental to the carrying of bonds or notes
381 or in connection with or incidental to the sale and issuance of bonds or
382 notes, the authority may enter into such contracts to place the
383 obligation of the authority, as represented by the bonds or notes, in
384 whole or in part, on such interest rate or cash flow basis as the
385 authority may determine, including without limitation, interest rate
386 swap agreements, insurance agreements, forward payment conversion
387 agreements, provided such parties or counter parties shall be a
388 financial institution whose contracts providing for payments based on

389 levels of, or changes in, interest rates or market indices, contracts to
390 manage interest rate risk, including without limitation, interest rate
391 floors or caps, options, puts, calls and similar arrangements. Such
392 contracts shall contain such payment, security, default, remedy and
393 other terms and conditions as the authority may deem appropriate and
394 shall be entered into with such party or parties as the authority may
395 select, after giving due consideration, where applicable, for the
396 creditworthiness of the counter party or counter parties. The authority
397 may pledge all or any part of the moneys, earnings, income and
398 revenues derived from all or any part of the properties of the authority
399 and any other property which may be pledged to bondholders to
400 secure its payment obligations under any agreement or contract
401 entered into pursuant to this section subject to such agreements with
402 the bondholders as may then exist.

403 [(d)] (f) It is the intention of the general assembly that any pledge of
404 earnings, revenues or other moneys made by the authority shall be
405 valid and binding from the time when the pledge is made; that the
406 earnings, revenues or other moneys so pledged and thereafter received
407 by the authority shall immediately be subject to the lien of such pledge
408 without any physical delivery thereof or further act, and that the lien
409 of any such pledge shall be valid and binding as against all parties
410 having claims of any kind in tort, contract or otherwise against the
411 authority irrespective of whether such parties have notice thereof.
412 Neither the resolution nor any other instrument by which a pledge is
413 created need be recorded.

414 [(e)] (g) Neither the members of the authority nor any person
415 executing the bonds shall be liable personally on the bonds or be
416 subject to any personal liability or accountability by reason of the
417 issuance thereof.

418 [(f)] (h) The authority shall have the power out of any funds
419 available to purchase, as distinguished from the power of redemption
420 above provided, any bonds issued by it at a price of not more than the
421 principal amount thereof and accrued interest, and all bonds so

422 purchased shall be cancelled.

423 [(g)] (i) In the discretion of the authority, the bonds may be secured
424 by a trust indenture by and between the authority and a corporate
425 trustee, which may be any trust company or bank having the powers
426 of a trust company. Such trust indenture may contain such provisions
427 for protecting and enforcing the rights and remedies of the
428 bondholders as may be reasonable and proper and not in violation of
429 any law, including covenants setting forth the duties of the authority
430 in relation to the construction, maintenance, operation, repair and
431 insurance of the properties and the custody, safeguarding and
432 application of all moneys, and may provide that the properties shall be
433 constructed and paid for under the supervision and approval of
434 consulting engineers. The authority may provide by such trust
435 indenture or other depository for the methods of disbursement thereof,
436 with such safeguards and restrictions as it may determine. All
437 expenses incurred in carrying out such trust indenture may be treated
438 as part of the cost of maintenance, operation and repair of the
439 properties. If the bonds are secured by a trust indenture, bondholders
440 shall have no authority to appoint a separate trustee to represent them.

441 [(h)] (j) Notwithstanding any other provision of sections 1 to 33,
442 inclusive, of [this act] special act 77-98, as amended by special act 78-
443 24, special act 84-46 and this act, any resolution or resolutions
444 authorizing bonds or notes of the authority shall contain a covenant by
445 the authority that it will at all times maintain rates, fees, rentals or
446 other charges sufficient to pay, and that any contracts entered into by
447 the authority for the sale and distribution of water shall contain rates,
448 fees, rentals or other charges sufficient to pay, the cost of operation and
449 maintenance of the properties and the principal of and interest on any
450 obligation issued pursuant to such resolution or resolutions as the
451 same severally become due and payable, and to maintain any reserves
452 or other funds required by the terms of such resolution or resolutions.

453 [(i)] (k) If any officer of the authority whose signature or a facsimile
454 of whose signature appears on any bonds or coupons ceases to be such

455 officer before delivery of such bonds, such signature or such facsimile
456 shall nevertheless be valid and sufficient for all purposes as if he had
457 remained in office until such delivery.

458 Sec. 10. Section 23 of special act 77-98 is amended to read as follows
459 (*Effective from passage*):

460 The authority shall have the power and is authorized to issue
461 negotiable [bond anticipation] notes and may renew the same from
462 time to time, but the maximum maturity of any such note, including
463 renewals thereof, shall not exceed five years from date of issue of such
464 original note. Such notes shall be paid from any moneys of the
465 authority available therefor and not otherwise pledged or from the
466 proceeds of the sale of the bonds of the authority in anticipation of
467 which they were issued. The notes shall be issued and may be secured
468 in the same manner as the bonds and such notes and the resolution or
469 resolutions authorizing such notes may contain any provisions,
470 conditions or limitations which the bonds or a bond resolution of the
471 authority may contain. Such notes shall be as fully negotiable as the
472 bonds of the authority.

473 Sec. 11. Section 30 of special act 77-98, as amended by section 10 of
474 special act 78-24, is amended to read as follows (*Effective from passage*):

475 (a) The authority or any person who is aggrieved by a decision of
476 the representative policy board with respect to the establishment of
477 rates or charges, the establishment of land use standards and
478 disposition policies, the sale or other transfer or change of use of real
479 property, the location of purification or filtration plants, the
480 commencement of any project costing more than [one] two million
481 dollars to repair, improve, construct, reconstruct, enlarge or extend
482 any of the properties or systems of the authority or the acquisition by
483 purchase, lease or otherwise of any existing water supply system or
484 part thereof, other than the purchase of all or any part of the properties
485 and franchises of the New Haven Water Company, is entitled to
486 [judicial] review [under] by the Superior Court as provided in this

487 section. For the purposes of this section the holders of any bonds or
488 notes of the authority and any trustee acting on behalf of such holders
489 shall be deemed aggrieved persons with respect to any decision of the
490 representative policy board which violates any covenant or other
491 provision of the resolution or resolutions authorizing such bonds or
492 notes.

493 (b) Proceedings for review shall be instituted by filing a petition in
494 the [court of common pleas] Superior Court for the judicial district of
495 New Haven [County] within [thirty] forty-five days after publication
496 of the decision of the representative policy board or, if a rehearing is
497 requested, within [thirty] forty-five days after the decision thereon.
498 Copies of the petition shall be served upon the representative policy
499 board and published in a newspaper or newspapers having a general
500 circulation in each town or city comprising the district.

501 (c) The filing of the petition shall not of itself stay enforcement of the
502 decision of the representative policy board. The representative policy
503 board may grant, or the reviewing court may order, a stay upon
504 appropriate terms, provided enforcement of a decision respecting the
505 establishment of rates or charges may be stayed only after issuance of a
506 judgment for the appellant by the reviewing court.

507 (d) Within thirty days after service of the petition, or within such
508 further time as may be allowed by the court, the representative policy
509 board shall transmit to the reviewing court the original or a certified
510 copy of the entire record of the proceeding under review, which shall
511 include the representative policy board's findings of fact and
512 conclusions of law, separately stated. By stipulation of all parties to the
513 review proceedings, the record may be shortened. A party
514 unreasonably refusing to stipulate to limit the record may be taxed by
515 the court for the additional costs. The court may require or permit
516 subsequent corrections or additions to the record.

517 (e) If, before the date set for hearing, application is made to the court
518 for leave to present additional evidence, and it is shown to the

519 satisfaction of the court that the additional evidence is material and
520 that there were good reasons for failure to present it in the proceeding
521 before the representative policy board, the court may refer the case
522 back to the board with instructions to take such evidence as the court
523 directs. The representative policy board may modify its findings and
524 decision by reason of the additional evidence and shall file that
525 evidence and any modifications, new findings, or decisions with the
526 reviewing court.

527 (f) The review shall be conducted by the court without a jury and
528 shall be confined to the record. In cases of alleged irregularities in
529 procedure before the representative policy board, not shown in the
530 record, proof thereon may be taken in the court. The court, upon
531 request, shall hear oral argument and receive written briefs.

532 (g) The court shall not substitute its judgment for that of the
533 representative policy board as to the weight of the evidence on
534 questions of fact. The court [may] shall affirm the decision of the
535 representative policy board [or remand the case for further
536 proceedings. The court may reverse or modify the decision if] unless
537 the court finds that the substantial rights of the appellant have been
538 prejudiced because the representative policy board's findings,
539 inferences, conclusions, or decisions are: (1) In violation of
540 constitutional provisions, the general statutes or the provisions of this
541 or another special act; (2) in excess of the authority of the
542 representative policy board; (3) made upon unlawful procedure; (4)
543 affected by other error of law; (5) clearly erroneous in view of the
544 reliable probative, and substantial evidence on the whole record; or (6)
545 arbitrary or capricious or characterized by abuse of discretion or
546 clearly unwarranted exercise of discretion. If the court finds such
547 prejudice, it shall sustain the appeal and, if appropriate, may render a
548 judgment under subsection (h) of this section or remand the case for
549 further proceedings.

550 (h) If a particular representative policy board action is required by
551 law, the court, on sustaining the appeal, may render a judgment that

552 modifies the representative policy board decision, orders the
553 representative policy board action, or orders the representative policy
554 board to take such action as may be necessary to effect the particular
555 action.

556 [(h)] (i) In any case in which an aggrieved party claims that he
557 cannot pay the costs of an appeal under this section and will thereby
558 be deprived of a right to which he is entitled, he shall, within the time
559 permitted for filing the appeal, file with the clerk of the court to which
560 the appeal is to be taken an application for waiver of payment of such
561 fees, costs and necessary expenses, including the requirements of
562 bond, if any. The application shall conform to the requirements of
563 section 28A of the Practice Book. After such hearing as the court
564 determines is necessary, the court shall enter its judgment on the
565 application, which judgment shall contain a statement of the facts the
566 court has found, with its conclusions thereon. The filing of the
567 application for the waiver shall toll the time limits for the filing of an
568 appeal until such time as a judgment on such application is entered.

569 [(i)] (j) Neither the authority nor the representative policy board
570 shall be construed to be an agency within the scope of chapter 54 of the
571 general statutes.

572 Sec. 12. Section 12 of special act 78-24 is amended to read as follows
573 (*Effective from passage*):

574 Neither the members of the authority, [nor] any person acting in its
575 behalf nor any member or employee of the representative policy board,
576 while acting within the scope of their authority shall be subject to any
577 personal liabilities resulting from the erection, construction,
578 reconstruction, maintenance or operation of the properties or any of
579 the improvements of the authority or a subsidiary corporation or
580 resulting from carrying out any of the powers expressly given in
581 special act 77-98, as amended by [this act] special act 78-24, special act
582 84-46, special act 99-12 and this act."

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>from passage</i>
Sec. 7	<i>from passage</i>
Sec. 8	<i>from passage</i>
Sec. 9	<i>from passage</i>
Sec. 10	<i>from passage</i>
Sec. 11	<i>from passage</i>
Sec. 12	<i>from passage</i>