



General Assembly

Amendment

January Session, 2005

LCO No. 7595

SB0133107595SD0

Offered by:
SEN. DAILY, 33rd Dist.

To: Subst. Senate Bill No. 1331 File No. 638 Cal. No. 464

**"AN ACT CONCERNING A STUDY OF THE ORGANIZATION AND
OPERATION OF SPECIAL TAXING DISTRICTS."**

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

3 "Section 1. (*Effective July 1, 2005*) For purposes of this section:

4 (1) "District" means certain real property, situated in the town of
5 Redding, County of Fairfield and State of Connecticut shown and
6 designated as Parcel D on "Property survey for The Gilbert & Bennett
7 Mfg. Co. in Georgetown Redding, Connecticut Sheet 3 of 3" and dated
8 September 20, 1987, which map is on file in the Redding town clerk's
9 office as Map 3436, excepting, however, so much of such property as
10 has previously been conveyed to other, including, but not limited to,
11 (A) the premises described in a certain deed to the town of Wilton,
12 dated September 22, 1999, and recorded in the Wilton Land Records at
13 volume 1193, page 183, (B) the premises described in a certain deed to
14 the town of Redding, dated November 4, 1999, and recorded in the
15 Redding Land Records at volume 235, page 33, and (C) the premises

16 described in a certain deed to the town of Redding dated November 4,
17 1999, and recorded in the Redding Land Records at volume 267, page
18 240;

19 (2) "Voter" means (A) any person who is an elector of the district, (B)
20 any citizen of the United States of the age of eighteen years or more
21 who, jointly or severally, is liable to the district for taxes assessed
22 against such citizen on an assessment of not less than one thousand
23 dollars on the last-completed grand list of such district, or who would
24 be so liable if not entitled to an exemption under subdivision (17), (19),
25 (22), (23), (25) or (26) of section 12-81 of the general statutes, or (C)
26 holders of record of interest in real property within such district; and

27 (3) "Qualified green building and sustainable design project" shall
28 have the same meaning as in 26 USC 142.

29 Sec. 2. (*Effective July 1, 2005*) (a) Upon the petition of fifteen or more
30 persons eligible to vote in the town of Redding, specifying the district
31 for any or all of the purposes set forth in this section, the selectmen of
32 Redding shall call a meeting of the voters of the district to act upon
33 such petition, which meeting shall be held at such place within said
34 town and such hour as the selectmen designate, not later than thirty
35 days after such petition has been received by such selectmen. Such
36 meeting shall be called by publication of a written notice of the same,
37 signed by the selectmen, at least fourteen days before the time fixed for
38 such meeting in two successive issues of a newspaper published or
39 circulated in said town. Not later than twenty-four hours before such
40 meeting, (1) two hundred or more voters, or ten per cent of the total
41 number of voters, whichever is less, may petition the selectmen in
42 writing for a referendum, or (2) the selectmen in their discretion may
43 order a referendum, on the sole question of whether the proposed
44 district should be established. Any such referendum shall be held not
45 less than seven nor more than fourteen days after the receipt of such
46 petition or the date of such order, on a day to be set by the selectmen
47 for a vote by paper ballots or by a "yes" or "no" vote on the voting
48 machines, during the hours between twelve o'clock noon and eight

49 o'clock p.m.; except that any town may, by vote of its selectmen,
50 provide for an earlier hour for opening the polls but not earlier than six
51 o'clock a.m., notwithstanding the provisions of any special act. If two-
52 thirds of the voters casting votes in such referendum vote in favor of
53 establishing the proposed district, the selectmen shall reconvene such
54 meeting not later than seven days after the day on which the
55 referendum is held. Upon approval of the petition for the proposed
56 district by two-thirds of the voters present at such meeting, or if a
57 referendum is held, upon the reconvening of such meeting after the
58 referendum, the voters may name the district and, upon the vote of a
59 majority of such voters, choose necessary officers therefor to hold
60 office until the first annual meeting thereof. The district shall file the
61 first report in the manner required pursuant to subsection (c) of section
62 7-325 of the general statutes, and shall thereupon be a body corporate
63 and politic and have the powers provided in sections 7-324 to 7-329,
64 inclusive, of the general statutes, not inconsistent with the general
65 statutes, in relation to the objects for which it was established, that are
66 necessary for the accomplishment of such objects, including the power
67 to lay and collect taxes. The clerk of such district shall cause its name
68 and a description of its territorial limits and of any additions that may
69 be made thereto to be recorded in, and a caveat be placed upon, the
70 land records of the town of Redding.

71 (b) At the meeting called for the purpose of establishing the district,
72 as provided in subsection (a) of this section, the voters may establish
73 the district for any or all of the following purposes: To extinguish fires,
74 to light streets, to plant and care for shade and ornamental trees, to
75 construct and maintain roads, sidewalks, crosswalks, drains and
76 sewers and sewage treatment facilities, to appoint and employ
77 watchmen or police officers, to acquire, construct, maintain and
78 regulate the use of recreational facilities, to plan, lay out, acquire,
79 construct, reconstruct, repair, maintain, supervise and manage a flood
80 or erosion control system, to plan, lay out, acquire, construct, maintain,
81 operate and regulate the use of a community water system, to plan, lay
82 out, acquire, construct, maintain, operate and regulate the use of a

83 qualified green building and sustainable design project and to collect
84 garbage, ashes and all other refuse matter in any portion of such
85 district and provide for the disposal of such matter, to establish a
86 zoning commission and a zoning board of appeals or a planning
87 commission, or both, by adoption of chapter 124 or 126 of the general
88 statutes, excluding section 8-29 of the general statutes, or both such
89 chapters, as the case may be, which commissions or board shall be
90 dissolved upon adoption of subdivision or zoning regulations by the
91 town planning or zoning commission, and to adopt building
92 regulations, which regulations shall be superseded upon adoption by
93 the town of building regulations. The district may contract with a
94 town, city, borough or other district for carrying out any of the
95 purposes for which such district was established.

96 (c) At the meeting called for the purpose of establishing the district,
97 as provided in subsection (a) of this section, the voters shall, by
98 ordinance, fix the date of the annual meeting of the voters for the
99 election of district officers and transaction of such other business as
100 may properly come before such annual meeting. At the organization
101 meeting of the district, the voters shall elect a president, vice-president,
102 five directors, a clerk and a treasurer to serve until the first annual
103 meeting for the election of officers and thereafter such officers shall be
104 elected annually; provided, upon its organization and at all times
105 thereafter, one director may be appointed by the first selectman of the
106 town of Redding. Not fewer than three members of the board of
107 directors shall be residents of the state of Connecticut. Except as
108 otherwise provided in subsection (d) of this section, not fewer than
109 fifteen voters of the district shall constitute a quorum for the
110 transaction of business at the organization meeting of the district; and
111 if fifteen voters are not present at such meeting, the selectmen may
112 adjourn such meeting from time to time, until at least fifteen voters are
113 present. Special meetings of the district may be called on the
114 application of ten per cent of the total number of voters of such district
115 or twenty of the voters of such district, whichever is less, or by the
116 president or any three directors upon giving notice as provided in this

117 subsection. Any special meeting called on the application of the voters
118 shall be held not later than twenty-one days after receiving such
119 application. Notice of the holding of the annual meeting and all special
120 meetings shall be given by publication of a notice of such meetings in a
121 newspaper having a general circulation in such district at least ten
122 days before the day of such meetings, signed by the president or any
123 three directors, which notice shall designate the time and place of such
124 meetings and the business to be transacted thereat. Two hundred or
125 more voters or ten per cent of the total number voters of the district,
126 whichever is less, may petition the clerk of such district, in writing, at
127 least twenty-four hours prior to any such meeting, requesting that any
128 item or items on the call of such meeting be submitted to the voters not
129 less than seven nor more than fourteen days thereafter, on a day to be
130 set by the district meeting or, if the district meeting does not set a date,
131 by the board of directors, for a vote by paper ballots or by a "yes" or
132 "no" vote on the voting machines, during the hours between twelve
133 o'clock noon and eight o'clock p.m., except that any district may, by
134 vote of its board of directors, provide for an earlier hour for opening
135 the polls but not earlier than six o'clock a.m. The paper ballots or
136 voting machine ballot labels, as the case may be, shall be provided by
137 the clerk. When such a petition has been filed with the clerk, the
138 president, after completion of other business and after reasonable
139 discussion shall adjourn such meeting and order such vote on such
140 item or items in accordance with the petition; and any item so voted
141 may be rescinded in the same manner. The clerk shall phrase such item
142 or items in a form suitable for printing on such paper ballots or ballot
143 labels. Except as provided in subsection (d) of this section, not fewer
144 than fifteen voters of the district shall constitute a quorum for the
145 transaction of business at any meeting of the district; and if fifteen
146 voters are not present at such meeting, the president of the district or,
147 in such president's absence, the vice-president may adjourn such
148 meeting from time to time, until at least fifteen voters are present; and
149 all meetings of the district where a quorum is present may be
150 adjourned from time to time by a vote of a majority of the voters
151 voting on the question. At any annual or special meeting, the voters

152 may, by a majority vote of those present, discontinue any purposes for
153 which the district is established or undertake any additional purpose
154 or purposes enumerated in section 7-326 of the general statutes.

155 (d) (1) A quorum for the transaction of business at the meeting
156 called for the purpose of establishing the district, as provided in
157 subsection (a) of this section, shall be either fifteen voters or a majority
158 of the holders of record of interests in real property within such
159 district, as long as the assessments of such holders of record constitute
160 more than one-half the total of assessments for all interests in real
161 property within such district. If fifteen voters or a majority of such
162 holders of record are not present at such meeting, or the assessments of
163 such holders of record constitute less than one-half of the total of
164 assessments for all interests in real property with such district, the
165 selectmen may adjourn such meeting, from time to time, until at least
166 fifteen voters or a majority of the holder of record of interests in real
167 property within such district are present, and the assessments of the
168 holders of record present constitute more than one-half of the total of
169 assessments for all interests in real property within such district.

170 (2) A quorum for the transaction of business at any other meeting of
171 the district shall be either fifteen voters of the district or a majority of
172 the holders of record of interests in real property within such district,
173 as long as the assessments of such holders of record constitute more
174 than one-half the total of assessments for all interests in real property
175 within such district. If fifteen voters or a majority of such holders of
176 record are not present at such meeting, or the assessments of such
177 holders of record constitute less than one-half of the total of
178 assessments for all interests in real property with such district, the
179 president of the district or, in such president's absence, the vice-
180 president, may adjourn such meeting, from time to time, until at least
181 fifteen voters or a majority of the holder of record of interests in real
182 property within such district are present, and the assessments of the
183 holders of record present constitute more than one-half of the total of
184 assessments for all interests in real property within such district.

185 (e) In a case in which an action for a vote by the voters of the
186 district is to be initiated by the petition of such voters, in addition to
187 such other requirements as the general statutes or any special act may
188 impose, such petition shall be on a form prescribed or approved by the
189 clerk of such district, and each page of such petition shall contain a
190 statement, signed under penalties of false statement, by the person
191 who circulated the same, setting forth such circulator's name and
192 address, and stating that each person whose name appears on said
193 page signed the same in person in the presence of such circulator, that
194 the circulator either knows each such signer or that the signer
195 satisfactorily proved such signer's identification to the circulator and
196 that all the signatures on said page were obtained not earlier than six
197 months prior to the filing of said petition. Any page of a petition which
198 does not contain such a statement by the circulator shall be invalid.
199 Any circulator who makes a false statement in the statement
200 hereinbefore provided shall be subject to the penalty provided for false
201 statement. No petition shall be valid for any action for a vote by the
202 voters at any regular or special district meeting unless such petition
203 shall be circulated by a person eligible to vote in such district.

204 Sec. 3. (*Effective July 1, 2005*) Whenever the officers of such district
205 vote to terminate its corporate existence and whenever a petition
206 signed by ten per cent of the total number of persons qualified to vote
207 in the meeting of such district or twenty of the voters of such district,
208 whichever is less, applying for a special meeting to vote on the
209 termination of the district is received by the clerk, the clerk shall call a
210 special meeting of the voters residing within such district, the notice of
211 which shall be signed by the officers thereof, by advertising the same
212 in the same manner as is provided in section 7-325 of the general
213 statutes. Not later than twenty-four hours before any such meeting,
214 two hundred or more voters or ten per cent of the total number of
215 voters, whichever is less, may petition the clerk of the district, in
216 writing, that a referendum on the question of whether the district
217 should be terminated be held in the manner provided in section 7-327
218 of the general statutes. If, at such meeting, a two-thirds majority of the

219 voters present vote to terminate the corporate existence of the district,
220 or, if a referendum is held, two-thirds of the voters casting votes in
221 such referendum vote to terminate the corporate existence of the
222 district, the officers shall proceed to terminate the affairs of such
223 district. The district shall pay all outstanding indebtedness and turn
224 over the balance of the assets of such district to the town in which the
225 district is located, if the legislative body of the town authorizes such
226 action. No district shall be terminated under this section until all of its
227 outstanding indebtedness is paid unless the legislative body of the
228 town in which the district is located agrees in writing to assume such
229 indebtedness. On completion of the duties of the officers of such
230 district, the clerk shall cause a certificate of the vote of such meeting to
231 be recorded in the land records of the town in which the district is
232 located and the clerk shall notify the Secretary of the Office of Policy
233 and Management.

234 Sec. 4. (*Effective July 1, 2005*) (a) For purposes of voting at meetings
235 held by such district, any tenant in common of any interest in real
236 property shall have a vote equal to the fraction of such tenant in
237 common's ownership of such interest. Any joint tenant of any interest
238 in real property shall vote as if each such tenant owned an equal
239 fractional share of such real property. A corporation shall have its vote
240 cast by the chief executive officer of such corporation or such officer's
241 designee. Any entity that is not a corporation shall have its vote cast by
242 a person authorized by such entity to cast its vote. No owner shall
243 have more than one vote.

244 (b) No holder of record of an interest in real property shall be
245 precluded from participating in any district meeting or referendum
246 because of the form of entity that holds such interest, whether such
247 holder of record is (1) a corporation, partnership, unincorporated
248 association, trustee, fiduciary, guardian, conservator or other form of
249 entity, or any combination thereof, or (2) an individual who holds
250 interests jointly or in common with another individual or individuals,
251 or with any one or more of the entities listed in subdivision (1) of this
252 subsection.

253 Sec. 5. (*Effective July 1, 2005*) (a) As used in this section, "bonds"
254 means any bonds, including refunding bonds, notes, temporary notes
255 or other obligations.

256 (b) For the purpose of carrying out or administering the purposes
257 and functions of the district, as provided in subsection (b) of section 2
258 of this act, the district, acting by and through its board of directors, is
259 authorized to issue bonds as provided in the general statutes. The
260 bonds may be secured as to both principal and interest by (1) the full
261 faith and credit of the district, (2) fees, revenues or benefit assessments,
262 or (3) a combination of subdivisions (1) and (2) of this subsection.

263 (c) The district is authorized to secure such bonds by the full faith
264 and credit of the district or by a pledge of or lien on all or part of its
265 revenues, fees or benefit assessments. The bonds of each issue shall be
266 dated, shall bear interest at the rates and shall mature at the time or
267 times not exceeding thirty years from their date or dates, as
268 determined by the board, and may be redeemable before the maturity,
269 at the option of the board, at the price or prices and under the terms
270 and conditions fixed by the board before the issuance of the bonds. The
271 board shall determine the form of the bonds and the manner of
272 execution of the bonds, and shall fix the denomination of the bonds
273 and the place or places of payment of principal and interest, which
274 may be at any bank or trust company within the state of Connecticut,
275 and other locations as designated by the board. In case any officer
276 whose signature or a facsimile of whose signature shall appear on any
277 bonds or coupons shall cease to be an officer before the delivery of the
278 bonds, the signature or facsimile shall nevertheless be valid and
279 sufficient for all purposes the same as if such officer had remained in
280 office until the delivery. The bonds shall be issued in registered form.
281 The district may sell the bonds in a manner and for a price, whether at
282 public or private sale, as it may determine to be in the best interests of
283 the district.

284 (d) Any provisions which may be included in proceedings
285 authorizing the issuance of bonds under this section may be included

286 in an indenture of trust duly approved in accordance with this section
287 which secures the bonds and any notes issued in anticipation thereof,
288 and in such case, the provisions of such indenture shall be deemed to
289 be a part of such proceedings as though they were expressly included
290 therein.

291 Sec. 6. (*Effective July 1, 2005*) While any bonds or notes issued by the
292 district remain outstanding, the powers, duties or existence of the
293 district shall not be diminished or impaired in any way that will affect
294 adversely the interests and rights of the holders of the bonds or notes.
295 Bonds or notes issued under this act shall not be considered to
296 constitute a debt of the state of Connecticut or the town of Redding, or
297 a pledge of the faith and credit of the state of Connecticut or the town
298 of Redding. The bonds or notes shall be payable solely by the district
299 or as special obligations payable from particular district revenues. Any
300 bonds or notes issued by the district shall contain on their face a
301 statement to the effect that neither the state of Connecticut nor the
302 town of Redding shall be obliged to pay the principal or the interest
303 thereon, and that neither the faith and credit nor taxing power of the
304 state of Connecticut or the town of Redding is pledged to the payment
305 of the bonds or notes.

306 Sec. 7. (*Effective July 1, 2005*) (a) The clerk of the district shall submit
307 project activity reports quarterly to the Secretary of the Office of Policy
308 and Management and to the chairpersons of the joint standing
309 committee of the General Assembly having cognizance of matters
310 relating to finance, revenue and bonding. Such reports shall provide
311 information and updates on the projects undertaken by the district,
312 including the status of the design, financing, construction, sales and
313 such other items as the secretary or chairpersons may request.

314 (b) The district shall take affirmative steps to provide for the full
315 disclosure of information relating to the public financing and
316 maintenance of improvements to real property undertaken by the
317 district. Such information shall be provided to any existing residents
318 and to all prospective residents of the district. The district shall furnish

319 each developer of a residential development within the district with
 320 sufficient copies of such information to provide each prospective initial
 321 purchaser of property in such district with a copy, and any developer
 322 of a residential development within the district, when required by law
 323 to provide a public offering statement, shall include a copy of such
 324 information relating to the public financing and maintenance of
 325 improvements in the public offering statement."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2005</i>	New section
Sec. 2	<i>July 1, 2005</i>	New section
Sec. 3	<i>July 1, 2005</i>	New section
Sec. 4	<i>July 1, 2005</i>	New section
Sec. 5	<i>July 1, 2005</i>	New section
Sec. 6	<i>July 1, 2005</i>	New section
Sec. 7	<i>July 1, 2005</i>	New section