



Substitute Senate Bill No. 1440

Public Act No. 07-196

AN ACT CONCERNING THE SPECIAL TAXING DISTRICTS WITHIN REDDING AND BRIDGEPORT AND THE AUTHORITY OF SPECIAL SERVICES DISTRICTS TO BORROW MONEY.

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

Section 1. Section 1 of special act 05-14, as amended by section 2 of public act 06-163, is amended to read as follows (*Effective July 1, 2007*):

For purposes of this section:

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

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1999, and recorded in the Redding Land Records at volume 267, page 240; except upon action on or after the effective date of this section by the voters, as provided in section 7-325 of the general statutes, to enlarge the district, "district" shall include all those certain pieces or parcels of land, with the improvements thereon, situated in the Town of Redding, County of Fairfield and State of Connecticut, being shown as: "Parcel A (Assessor's No. 32-1, 2, 3) Acres = 41.4822"; "Parcel B (Assessor's No. 34-1) Acres = 1.4529"; "Parcel C (Assessor's No. 35-1) Acres = 1.8746"; all as shown on "Property Survey for THE GILBERT & BENNETT MFG. Co.", sheets 1, 2 and 3, on file in the Redding Town Clerk's Office as Map Nos. 3434, 3435 and 3436; together with that certain parcel of land (Redding Assessor's Map 103, Block 35, Lot 4) being shown as "Total Area = 0.765 AC." on "Map Prepared for Gilbert & Bennett Manufacturing Co. Redding, Connecticut" dated July 18, 1988, and on file in the Redding Town Clerk's Office as Map No. 3626, and upon its discontinuance, that certain parcel of land being shown as North Main Street on said maps;

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

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

(4) "Clean renewable energy bond qualified project" means a qualified project for which clean renewable energy bonds may be issued under 26 USC 54.

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Sec. 2. Subsection (b) of section 2 of special act 05-14 is amended to read as follows (*Effective from passage*):

(b) At the meeting called for the purpose of establishing the district, as provided in subsection (a) of this section, the voters may establish the district for any or all of the following purposes: To extinguish fires, to light streets, to plant and care for shade and ornamental trees, to plan, lay out, acquire, construct, finance and maintain roads, sidewalks, crosswalks, drains and sewers, [and] sewage treatment facilities [,] and other infrastructure improvements, to acquire, own, lease, pledge, encumber, maintain, operate and regulate the use of open space, parks, parking facilities and other interests in real and personal property, to appoint and employ watchmen or police officers, to acquire, construct, maintain and regulate the use of recreational facilities, to plan, lay out, acquire, construct, reconstruct, repair, maintain, supervise and manage a flood or erosion control system, to plan, lay out, acquire, construct, maintain, operate and regulate the use of a community water system, to plan, lay out, acquire, construct, maintain, operate, [and] regulate the use of, and make, transfer and assign mortgage loans or other loans related to a qualified green building and sustainable design project, to plan, lay out, acquire, construct, maintain, operate, regulate the use of, and make, transfer and assign mortgage loans or other loans related to a clean renewable energy bond qualified project, and to collect garbage, ashes and all other refuse matter in any portion of such district and provide for the disposal of such matter, to establish a zoning commission and a zoning board of appeals or a planning commission, or both, by adoption of chapter 124 or 126 of the general statutes, excluding section 8-29 of the general statutes, or both such chapters, as the case may be, which commissions or board shall be dissolved upon adoption of subdivision or zoning regulations by the town planning or zoning commission, and to adopt building regulations, which regulations shall be superseded upon adoption by the town of building regulations, and to

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adopt and enforce design codes and use restrictions applicable to real and personal property within the district. The district may contract with a town, city, borough or other district for carrying out any of the purposes for which such district was established.

Sec. 3. Section 5 of special act 05-14 is amended to read as follows
(*Effective from passage*):

(a) As used in this section, "bonds" means any bonds, including refunding bonds, notes, temporary notes or other obligations.

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

(c) The district is authorized to secure such bonds by the full faith and credit of the district or by a pledge of or lien on all or part of its revenues, fees or benefit assessments. The bonds of each issue shall be dated, shall bear interest at the rates and shall mature at the time or times not exceeding thirty years from their date or dates, as determined by the board, and may be redeemable before the maturity, at the option of the board, at the price or prices and under the terms and conditions fixed by the board before the issuance of the bonds. The board shall determine the form of the bonds and the manner of execution of the bonds, and shall fix the denomination of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within the state of Connecticut, and other locations as designated by the board. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be an officer before the delivery of the

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bonds, the signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery. The bonds shall be issued in registered form. The district may sell the bonds in a manner and for a price, whether at public or private sale, as it may determine to be in the best interests of the district.

(d) Any provisions which may be included in proceedings authorizing the issuance of bonds under this section may be included in an indenture of trust duly approved in accordance with this section which secures the bonds and any notes issued in anticipation thereof, and in such case, the provisions of such indenture shall be deemed to be a part of such proceedings as though they were expressly included therein.

(e) Any bonds issued by the district pursuant to this section shall be considered debt for urban renewal projects for the purposes of the limitation of municipal indebtedness pursuant to subsection (b) of section 7-374 of the general statutes.

(f) The board may authorize that the bonds be secured by a trust agreement by and between the district and a corporate trustee, which may be any trust company or bank having the powers of a trust company within the state of Connecticut. The trust agreement may pledge or assign the revenues. Either the resolution providing for the issuance of bonds or the trust agreement may contain covenants or provisions for protecting and enforcing the rights and remedies of the bondholders as may be necessary, reasonable or appropriate and not in violation of law.

(g) All expenses incurred in carrying out the trust agreement may be treated as a part of the cost of the operation of the district. The pledge by any trust agreement or resolution shall be valid and binding from time to time when the pledge is made; the revenues or other moneys

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so pledged and then held or thereafter received by the board shall immediately be subject to the lien of the pledge without any physical delivery thereof or further act; and the lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the board, irrespective of whether the parties have notice thereof. Notwithstanding any provision of the Uniform Commercial Code, neither this subsection, the resolution or any trust agreement by which a pledge is created need be filed or recorded except in the records of the board, and no filing need be made under title 42a of the general statutes.

(h) Bonds or notes issued under this section are hereby made securities in which all public officers and public bodies of the state of Connecticut and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control and belonging to them; and such bonds shall be securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the state of Connecticut for any purpose for which the deposit of bonds or notes of the state of Connecticut is now or may hereafter be authorized by law.

Sec. 4. (*Effective from passage*) (a) Notwithstanding any provision of the general statutes, including sections 7-324 to 7-329, inclusive, the district established by special act 05-14, as amended by this act, shall have the power to assess, levy and collect benefit assessments upon the land and buildings in the district which, in its judgment, are benefited by the improvements.

(b) (1) Notwithstanding any provision of the general statutes, including sections 7-324 to 7-329, inclusive, the district shall have the power to fix, revise, charge, collect, abate and forgive reasonable taxes, fees, rents and benefit assessments, and other charges for the cost of

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the improvements, financing costs, operating expenses and other services and commodities furnished or supplied to the real property in the district in accordance with the applicable provisions of the general statutes which apply to districts established under section 7-325 of the general statutes, and special act 05-14, as amended by this act, and in the manner prescribed by the district. Notwithstanding any provision of the general statutes, the district may pay the entire cost of any improvements, including the costs of financing such improvements, capitalized interest and the funding of any reserve funds necessary to secure such financing or the debt service of bonds or notes issued to finance such costs, from taxes, fees, rents, benefit assessments or other revenues and may assess, levy and collect said taxes, fees, rents or benefit assessments concurrently with the issuance of bonds, notes or other obligations to finance such improvements based on the estimated cost of the improvements prior to the acquisition or construction of the improvements or upon the completion or acquisition of the improvements.

(2) Notwithstanding any provision of the general statutes, whenever the district constructs, improves, extends, equips, rehabilitates, repairs, acquires or provides a grant for any improvements or finances the cost of such improvements, such proportion of the cost or estimated cost of the improvements and financing thereof as determined by the district, may be assessed by the district, herein referred to as "benefit assessments", in the manner prescribed by such district, upon the property benefited by such improvements and the balance of such costs shall be paid from the general funds of the district. The district may provide for the payment of such benefit assessments in annual installments, not exceeding thirty, and may forgive such benefit assessments in any single year without causing the remainder of installments of benefit assessments to be forgiven. Benefit assessments to buildings or structures constructed or expanded after the initial benefit assessment may be assessed as if the new or expanded

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buildings or structures had existed at the time of the original benefit assessment. It is hereby determined that the provision of open space whether within the district or in the town of Redding is a benefit to all the property in the district.

(3) In order to provide for the collection and enforcement of its taxes, fees, rents, benefit assessments and other charges, the district is hereby granted all the powers and privileges with respect thereto as districts organized pursuant to section 7-325 of the general statutes, and as held by municipal corporations or as otherwise provided in this section. Such taxes, fees, rents or benefit assessments, if not paid when due, shall constitute a lien upon the premises served and a charge against the owners thereof, which lien and charge shall bear interest at the same rate as delinquent property taxes. Each such lien may be continued, recorded and released in the manner provided for property tax liens and shall take precedence over all other liens or encumbrances except a lien for taxes of the town of Redding. Each such lien may be continued, recorded and released in the manner provided for property tax liens.

(4) The benefit assessments shall be adopted and revised by the board in accordance with the procedures to be established by the board, at a meeting called by the board, assuring that interested persons are afforded notice and an opportunity to be heard. The board shall hold at least one public hearing on its schedule of benefit assessments and other charges or any revision thereof before adoption, notice of which shall be delivered to the first selectman of the town of Redding and be published in a newspaper of general circulation in the town of Redding at least ten days in advance of the hearing. No later than the date of the publication, the board shall make available to the public and deliver to the first selectman of the town of Redding the proposed schedule of benefit assessments and other charges. The procedures regarding public hearing and appeal provided by section

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7-250 of the general statutes, shall apply for all benefit assessments made by the district except that the board shall be substituted for the water pollution control authority. Should the benefit assessments be assessed and levied prior to the acquisition or construction of the improvements, then the amount of the benefit assessments shall be adjusted to reflect the actual cost of the improvements, including all financing costs, once the improvements have been completed, should the actual cost be greater than or less than the estimated costs. Benefit assessments shall be due and payable at such times as are fixed by the board, provided the district shall give notice of such due date not less than thirty days prior to such due date by publication in a newspaper of general circulation in the town of Redding and by mailing such notice to the owners of the property assessed at their last-known address.

(c) The district and all its receipts, revenues, income and real and personal property shall be exempt from taxation and benefit assessments and the district shall not be required to pay any tax, excise or assessment to or from the state of Connecticut or any of its political subdivisions. The principal and interest on bonds or notes issued by the district shall be free from taxation at all times, except for estate and gift, franchise and excise taxes, imposed by the state of Connecticut or any political subdivision thereof, provided nothing in this section shall act to limit or restrict the ability of the state of Connecticut or the town of Redding to tax the individuals and entities, or their real or personal property or any person living or business operating within the boundaries of the district.

(d) Special act 05-14, as amended by section 2 of public act 06-163 and this act, being necessary for the public interest, shall be liberally construed to affect the purposes hereof.

Sec. 5. Subdivision (1) of subsection (a) of section 2 of public act 05-289 is repealed and the following is substituted in lieu thereof (*Effective*

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July 1, 2007):

(1) "District" means that certain real property, situated in the city of Bridgeport, the County of Fairfield and the state of Connecticut, the Steel Point Infrastructure Improvement District, a body politic and corporate, consisting of the area bounded and described as follows: Beginning at the intersection of [Nichols Street and] the southern right-of-way line of I-95 and the center line of Pembroke Street; thence proceeding easterly along [the center line of Nichols Street] the southern right-of-way line of I-95 to the western U.S. Channel Line of the Yellow Mill Channel; thence southerly along the western U.S. Channel Line of Yellow Mill Channel encompassing all waterborne structures contiguous to the peninsula to the U.S. Channel Line of Bridgeport Harbor; thence northwesterly along the U.S. Channel Line of Bridgeport Harbor encompassing all waterborne structures contiguous to the peninsula to the eastern U.S. Channel Line of the Pequonnock River; thence northerly along the eastern U.S. Channel Line of the Pequonnock River to the northern street line of Stratford Avenue; thence easterly along the northern street line of Stratford Avenue to the western street line of Kossuth Street; thence northerly along the western street line of Kossuth Street to the [northern] southern right-of-way line of the [entrance ramp to] East Main Street exit ramp from I-95; thence [northerly] easterly along the I-95 [ramps] exit ramp's right-of-way to the [southern street line of Nichols Street; thence proceeding easterly along the southern street line of Nichols Street] western street line of East Main Street; thence northerly along the western street line of East Main Street to the southerly right-of-way line of I-95; thence proceeding easterly along the southern right-of-way line of I-95 to the point of the beginning. The project boundaries shall also include any off-site locations mandated by any permitting agency for improvements associated with the project's traffic management requirements.

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Sec. 6. Section 7-339n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

A special services district shall constitute a body politic and corporate and the ordinance establishing such a district shall confer upon such district such of the following powers as are provided in the ordinance: (a) To sue and be sued; (b) to acquire, hold and convey any estate, real or personal; (c) to contract; (d) to borrow money, provided any obligation incurred for this purpose shall be discharged in accordance with the provisions of the ordinance establishing such district not more than ~~[one year]~~ seven years after it was incurred, and such district may pledge any revenues to be received pursuant to section 7-339r against any such obligation; (e) to recommend to the legislative body of the municipality in which such district is located the imposition of a levy upon the taxable interests in real property within such district, the revenues from which may be used in carrying out any of the powers of such district; (f) to construct, own, operate and maintain public or common improvements; and (g) to provide, within such district, some or all of the other services which such municipality is authorized to provide therein, except that no such ordinance may confer upon any such district the power to provide elementary or secondary public education services, and provided further no such ordinance may confer upon any such district the power to provide services which are then being provided within any portion of the area included in such district by any multitown body or authority.

Sec. 7. Section 7-391 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

When used in this chapter, unless the context otherwise requires, the following terms shall have the meanings herein specified: "Secretary" means the Secretary of the Office of Policy and Management; "municipality" includes each town, consolidated town and city, consolidated town and borough, city and borough; "audited

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agency" includes each district, as defined in section 7-324, or other municipal utility, the Metropolitan District of Hartford County, each regional planning agency, any other political subdivision of similar character which is created and any other agency created or designated by a municipality to act for such municipality whose annual receipts from all sources exceed [two hundred thousand] one million dollars; "reporting agency" includes each district, as defined in section 7-324, or other municipal utility, each regional planning agency, any other political subdivision of similar character which is created and any other agency created or designated by a municipality to act for such municipality whose annual receipts from all sources do not exceed [two hundred thousand] one million dollars; "appointing authority" means the legislative body of a municipality or the board, committee or other governing body of such audited agency, except in any town where the authority to adopt a budget rests with a town meeting or a representative town meeting "appointing authority" means the board of finance or other board, committee or body charged with preparing the budget, or in a town which has no board of finance or other such board, committee or body, means the board of selectmen or the town council; "audit report" means the report of the independent auditor and the annual financial statements of the municipality or audited agency; "independent auditor" means a public accountant who is licensed to practice in the state of Connecticut and who meets the independence standards included in generally accepted government auditing standards; "public accountant" means an individual who meets standards included in generally accepted government auditing standards for personnel performing government audits and the licensing requirements of the State Board of Accountancy; "receipts" means amounts accrued or received by a municipality, audited agency or reporting agency and reportable as revenues in accordance with generally accepted accounting principles; "municipal utility" means every Connecticut municipality or department or agency thereof, or Connecticut district, manufacturing, selling or distributing gas or

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electricity to be used for light, heat or power or water.

Approved July 5, 2007