



General Assembly

Substitute Bill No. 1250

January Session, 2007

* SB01250JUD__053107__ *

AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO IMPOSE A SURCHARGE TO COVER THE COSTS OF IMPLEMENTING THE CLEAN WATER PROJECT, ADOPT PROCUREMENT PROCESSES AND COMPLY WITH MINORITY HIRING AND SET-ASIDE GOALS.

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

1 Section 1. Number 438 of the special acts of 1941 is amended to read
2 as follows (*Effective from passage*):

3 (a) In any town or city in which The Metropolitan District shall
4 furnish water directly to the inhabitants for domestic and other
5 purposes and shall maintain a sewer system, it may impose for
6 purposes connected with said sewer system as hereinafter stated, a
7 sewer rate upon the users of such water who also use said sewer
8 system, which rate shall be proportional to the quantity of water used
9 as determined by water meters installed and serviced by said district,
10 and shall so far as practicable be uniform throughout the territory
11 served.

12 (b) Such sewer rate shall appear on the water bills of said district as
13 a separate item and shall be due and payable at the same time as the
14 water bills are due and payable. Delinquency in the payment of either
15 water or sewer rates, either non-payment or delay in payment, shall
16 render the user liable to penalty and to the discontinuance of the water

17 service and to a lien upon the premises of the user similar to that now
18 provided in case of non-payment of water rates.

19 (c) The avails of such sewer rate shall be used only for the
20 construction, maintenance, including the maintenance and operation
21 of sewer protection gates and works, repair or reconstruction of said
22 sewer system, any one or more of such purposes, and the payment of
23 the principal and interest of bonds issued for any of such purposes to
24 the extent and in the manner which the district board may, by
25 ordinance, prescribe as hereinafter provided.

26 (d) In accordance with and subject to the limits imposed by this
27 section, the district board may from time to time adopt, alter or repeal
28 ordinances determining the nature and amount of such sewer rates,
29 adjusting special cases, by measurement or estimation of sewer flow,
30 where quantity of water used does not properly reflect use of the
31 sewer. Such ordinances may prescribe the methods of collection and
32 may provide for penalty and discontinuance of water service and lien,
33 and may prescribe and limit the purposes for which the avails of the
34 sewer rates shall be used. Nothing herein contained shall preclude the
35 use of other methods of meeting the expense of such sewer system as
36 are now or may hereafter be provided by law.

37 (e) The district board, by ordinance, may establish and revise a fee
38 to be imposed on member municipalities and customers sufficient to
39 pay the cost of financing capital expenses necessary to comply with a
40 certain consent decree executed by the Metropolitan District
41 Commission of Hartford on or about March 23, 2006, in a case pending
42 in the United States District Court for the District of Connecticut
43 encaptioned United States of America and State of Connecticut v. The
44 Metropolitan District Commission of Hartford, Connecticut, provided no
45 such fee may be imposed upon a nonmember municipal customer that
46 entered into a written water supply agreement with the district on
47 January 26, 1996.

48 Sec. 2. Section 39 of number 511 of the special acts of 1929, as

49 amended by special acts 80-14 and 90-14, is amended to read as follows
50 (*Effective from passage*):

51 (a) Whenever any work shall be necessary to execute or perfect any
52 public work or improvement, or whenever any supplies for the district
53 shall be needed for any particular purpose and such work or supplies
54 shall involve the expenditure of more than ten thousand dollars, except
55 in the case of an emergency to be determined by the district board, a
56 written contract for such work or supplies shall be made under such
57 regulations as the district board may establish, which contract shall be
58 based on sealed bids made in compliance with public notice, duly
59 advertized by publication, in a daily newspaper published in said
60 district, at least five days before the time fixed for opening such bids or
61 proposals.

62 (b) The district board, by ordinance, shall adopt procurement
63 processes and limits for contracting for goods and services. Such
64 ordinance shall provide for (1) expenditure limits for contract bidding,
65 (2) selection of contractors, (3) use of quality-based selection for
66 professional services, (4) low bid selection, (5) procedures to meet state
67 or federal requirements for funding, (6) ethics standards, and (7) any
68 other provisions necessary to protect the interest of the district.

69 Sec. 3. (*Effective from passage*) (a) As used in this section:

70 (1) "District board" means the district board of the Metropolitan
71 District of Hartford County.

72 (2) "Small contractor" means any contractor, subcontractor,
73 manufacturer or service company (A) which has been doing business
74 and has maintained its principal place of business in the state for a
75 period of at least one year prior to the date of application for
76 certification under this section, (B) which had gross revenues not
77 exceeding three million dollars in the most recently completed fiscal
78 year prior to such application, and (C) at least fifty-one per cent of the
79 ownership of which is held by a person or persons who are active in
80 the daily affairs of the business and have the power to direct the

81 management and policies of the business.

82 (3) "Minority business enterprise" means any small contractor (A) in
83 which fifty-one per cent or more of the capital stock, if any, or assets of
84 which are owned by a person or persons who (i) are active in the daily
85 affairs of the enterprise, (ii) have the power to direct the management
86 and policies of the enterprise, and (iii) are members of a minority, and
87 (B) who has a certificate of eligibility issued by the Department of
88 Administrative Services under regulations adopted under section 4a-
89 60h of the general statutes.

90 (4) "Minority" means (A) Black Americans, including all persons
91 having origins in any of the black African racial groups not of Hispanic
92 origin; (B) Hispanic Americans, including all persons of Mexican,
93 Puerto Rican, Cuban, Central or South American, or other Spanish
94 culture, origin, regardless of race; (C) Asian Pacific Americans and
95 Pacific islanders; or (D) American Indians and persons having origins
96 in any of the original peoples of North America and maintaining
97 identifiable tribal affiliations through membership and participation or
98 community identification.

99 (5) "Ex-offender" means any person who has been convicted of an
100 offense and been released from any incarceration, paid all fines in
101 conjunction with such conviction and been discharged from any
102 probation or parole, if applicable.

103 (b) The district board of the Metropolitan District of Hartford
104 County shall not enter into an agreement with a contractor or
105 subcontractor for the construction or reconstruction of capital
106 improvements to the water supply system or sewerage system
107 operated by the district unless such contractor or subcontractor
108 supplies information to the district sufficient for the district to
109 determine that (1) twenty-five per cent of the employees of the
110 contractor or subcontractor are a minority, and (2) five per cent of such
111 employees are ex-offenders. An ex-offender who is a minority may be
112 included in the determination of the percentage under subdivisions (1)

113 and (2) of this section.

114 (c) The district board shall set aside in each fiscal year for award to
115 minority business enterprises, on the basis of a competitive bidding
116 procedure, contracts or portions of contracts for the construction or
117 reconstruction of capital improvements to the water supply system or
118 sewerage system operated by the district. The total value of such
119 contracts or portions thereof to be set aside shall be at least eighteen
120 and three-quarter per cent of the average of the total value of all such
121 contracts let by the district for each of the previous three fiscal years,
122 provided a contract that may not be set aside due to a conflict with a
123 federal law or regulation shall not be included in the calculation of
124 such average.

125 (d) (1) The Commission on Human Rights and Opportunities shall
126 conduct a study to determine if there is a disparity between the
127 number of qualified minority businesses ready, willing and able to
128 contract or subcontract with the district for the construction or
129 reconstruction for capital improvements to the water supply system or
130 sewerage system operated by the district and the number of qualified
131 minority businesses actually engaged to perform such contract. Such
132 study shall include recommendations on revisions to the percentage of
133 minority hiring provided for in subsection (b) of this section and to the
134 percentage of contracts to be set aside under subsection (c) of this
135 section. The study shall be submitted on or before December 1, 2007, to
136 the district and the joint standing committee of the General Assembly
137 having cognizance of matters relating to planning and development.
138 On or after January 1, 2008, the district may increase or decrease the
139 percentage of minority hiring provided for in subsection (b) of this
140 section or the percentage of contracts to be set aside under subsection
141 (e) of this section in accordance with the recommendations of said
142 report.

143 (2) The commission may waive or postpone the percentage of
144 minority hiring provided for in subsection (b) of this section and the
145 percentage of contracts to be set aside under subsection (c) of this

146 section based on the availability of contractors and subcontractors in
147 the labor force who can perform the contract.

148 (e) The Commission on Human Rights and Opportunities shall
149 select and appoint an independent construction contract compliance
150 officer or agent to monitor compliance by the district and each prime
151 construction contractor with the provisions of this section. The
152 independent contract compliance officer or agent shall file a written
153 report of his or her findings and recommendations with the
154 commission and the district quarterly. If the commission determines,
155 based on review of a written report, that the district is not in
156 compliance with the provisions of this section, the authority of the
157 district to impose and collect a fee pursuant to subsection (e) of
158 number 438 of the special acts of 1941, as amended by this act, shall be
159 suspended until the commission determines that the district is in
160 compliance with this section.

161 Sec. 4. (*Effective July 1, 2007*) (a) For the purposes described in
162 subsection (b) of this section, the State Bond Commission shall have
163 the power, from time to time, to authorize the issuance of bonds of the
164 state in one or more series and in principal amounts not exceeding in
165 the aggregate ten million dollars.

166 (b) The proceeds of the sale of said bonds, to the extent of the
167 amount stated in subsection (a) of this section, shall be used by the
168 Department of Environmental Protection for the purpose of a grant to
169 the Metropolitan District Commission to be used for the elimination of
170 the overflow of sanitary sewage to Trout Brook, Piper Brook, Mill
171 Brook, Goff Brook, Meadow Brook and the Connecticut River caused
172 by the inflow of rainwater from drains, roof leaders and sump pumps
173 and infiltration of groundwater into the sanitary sewers of West
174 Hartford, Newington, Rocky Hill, Wethersfield and Windsor.

175 (c) All provisions of section 3-20 of the general statutes, or the
176 exercise of any right or power granted thereby, which are not
177 inconsistent with the provisions of this section are hereby adopted and

178 shall apply to all bonds authorized by the State Bond Commission
 179 pursuant to this section, and temporary notes in anticipation of the
 180 money to be derived from the sale of any such bonds so authorized
 181 may be issued in accordance with said section 3-20 and from time to
 182 time renewed. Such bonds shall mature at such time or times not
 183 exceeding twenty years from their respective dates as may be provided
 184 in or pursuant to the resolution or resolutions of the State Bond
 185 Commission authorizing such bonds. None of said bonds shall be
 186 authorized except upon a finding by the State Bond Commission that
 187 there has been filed with it a request for such authorization which is
 188 signed by or on behalf of the Secretary of the Office of Policy and
 189 Management and states such terms and conditions as said commission,
 190 in its discretion, may require. Said bonds issued pursuant to this
 191 section shall be general obligations of the state and the full faith and
 192 credit of the state of Connecticut are pledged for the payment of the
 193 principal of and interest on said bonds as the same become due, and
 194 accordingly and as part of the contract of the state with the holders of
 195 said bonds, appropriation of all amounts necessary for punctual
 196 payment of such principal and interest is hereby made, and the State
 197 Treasurer shall pay such principal and interest as the same become
 198 due.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	Number 438 of the special acts of 1941
Sec. 2	<i>from passage</i>	Number 511 of the special acts of 1929, Sec. 39
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>July 1, 2007</i>	New section

FIN *Joint Favorable Subst.*

JUD *Joint Favorable*