



General Assembly

Amendment

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LCO No. 8556

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Offered by:

SEN. FONFARA, 1st Dist.

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To: Subst. Senate Bill No. 1170

File No. 463

Cal. No. 267

**"AN ACT CONCERNING THE MEMBERSHIP OF THE
CONNECTICUT RESOURCES RECOVERY AUTHORITY'S BOARD
OF DIRECTORS."**

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

3 "Section 1. Section 22a-261 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) There is hereby established and created a body politic and
6 corporate, constituting a public instrumentality and political
7 subdivision of the state of Connecticut established and created for the
8 performance of an essential public and governmental function, to be
9 known as the Connecticut Resources Recovery Authority. The
10 authority shall not be construed to be a department, institution or
11 agency of the state.

12 (b) On and before May 31, 2002, the powers of the authority shall be

13 vested in and exercised by a board of directors, which shall consist of
14 twelve directors: Four appointed by the Governor and two ex-officio
15 members, who shall have a vote including the Commissioner of
16 Transportation and the Commissioner of Economic and Community
17 Development; two appointed by the president pro tempore of the
18 Senate, two by the speaker of the House, one by the minority leader of
19 the Senate and one by the minority leader of the House of
20 Representatives. Any such legislative appointee may be a member of
21 the General Assembly. The directors appointed by the Governor under
22 this subsection shall serve for terms of four years each, from January
23 first next succeeding their appointment, provided, of the directors first
24 appointed, two shall serve for terms of two years, and two for terms of
25 four years, from January first next succeeding their appointment. Any
26 vacancy occurring under this subsection other than by expiration of
27 term shall be filled in the same manner as the original appointment for
28 the balance of the unexpired term. Of the four members appointed by
29 the Governor under this subsection, two shall be first selectmen,
30 mayors or managers of Connecticut municipalities; one from a
31 municipality with a population of less than fifty thousand, one from a
32 municipality of over fifty thousand population; two shall be public
33 members without official governmental office or status with extensive
34 high-level experience in municipal or corporate finance or business or
35 industry, provided not more than two of such appointees shall be
36 members of the same political party. The chairman of the board under
37 this subsection shall be appointed by the Governor, with the advice
38 and consent of both houses of the General Assembly and shall serve at
39 the pleasure of the Governor. Notwithstanding the provisions of this
40 subsection, the terms of all members of the board of directors who are
41 serving on May 31, 2002, shall expire on said date.

42 (c) [On and after] From June 1, 2002, to June 30, 2011, inclusive, the
43 powers of the authority shall be vested in and exercised by a board of
44 directors, which shall consist of eleven directors as follows: Three
45 appointed by the Governor, one of whom shall be a municipal official
46 of a municipality having a population of fifty thousand or less and one

47 of whom shall have extensive, high-level experience in the energy
48 field; two appointed by the president pro tempore of the Senate, one of
49 whom shall be a municipal official of a municipality having a
50 population of more than fifty thousand and one of whom shall have
51 extensive high-level experience in public or corporate finance or
52 business or industry; two appointed by the speaker of the House of
53 Representatives, one of whom shall be a municipal official of a
54 municipality having a population of more than fifty thousand and one
55 of whom shall have extensive high-level experience in public or
56 corporate finance or business or industry; two appointed by the
57 minority leader of the Senate, one of whom shall be a municipal official
58 of a municipality having a population of fifty thousand or less and one
59 of whom shall have extensive high-level experience in public or
60 corporate finance or business or industry; two appointed by the
61 minority leader of the House of Representatives, one of whom shall be
62 a municipal official of a municipality having a population of fifty
63 thousand or less and one of whom shall have extensive, high-level
64 experience in the environmental field. No director may be a member of
65 the General Assembly. Not more than two of the directors appointed
66 by the Governor shall be members of the same political party. The
67 appointed directors shall serve for terms of four years each, provided,
68 of the directors first appointed for terms beginning on June 1, 2002, (1)
69 two of the directors appointed by the Governor, one of the directors
70 appointed by the president pro tempore of the Senate, one of the
71 directors appointed by the speaker of the House of Representatives,
72 one of the directors appointed by the minority leader of the Senate and
73 one of the directors appointed by the minority leader of the House of
74 Representatives shall serve an initial term of two years and one month,
75 and (2) the other appointed directors shall serve an initial term of four
76 years and one month. The appointment of each director for a term
77 beginning on or after June 1, 2004, shall be made with the advice and
78 consent of both houses of the General Assembly. The Governor shall
79 designate one of the directors to serve as chairperson of the board,
80 with the advice and consent of both houses of the General Assembly.
81 The chairperson of the board shall serve at the pleasure of the

82 Governor. Any appointed director who fails to attend three
83 consecutive meetings of the board or who fails to attend fifty per cent
84 of all meetings of the board held during any calendar year shall be
85 deemed to have resigned from the board. Any vacancy occurring other
86 than by expiration of term shall be filled in the same manner as the
87 original appointment for the balance of the unexpired term. As used in
88 this subsection, "municipal official" means the first selectman, mayor,
89 city or town manager or chief financial officer of a municipality that
90 has entered into a solid waste disposal services contract with the
91 authority and pledged the municipality's full faith and credit for the
92 payment of obligations under such contract. Notwithstanding the
93 provisions of this subsection, the terms of all members on the board of
94 directors who are serving on June 30, 2011, shall expire on said date.

95 (d) On and after July 1, 2011, the powers of the authority shall be
96 vested in and exercised by a board of directors, which shall consist of
97 fifteen directors as follows: Five municipal officials, one each
98 appointed by the Governor, the president pro tempore of the Senate,
99 the speaker of the House of Representatives, the minority leader of the
100 Senate and the minority leader of the House of Representatives; five
101 representatives of municipalities having a population of thirty
102 thousand or more, four of whom shall be elected by the vote of all
103 municipalities having a contractual relationship with the authority and
104 one of whom shall be elected by the Court of Common Council of the
105 city of Hartford; and five representatives of municipalities having a
106 population of less than thirty thousand, each of whom shall be elected
107 by the vote of all municipalities having a contractual relationship with
108 the authority. The appointed directors shall serve for terms of four
109 years each, provided, of the directors first appointed for terms
110 beginning on July 1, 2011, the directors appointed by the president pro
111 tempore of the Senate and the speaker of the House of Representatives
112 shall serve an initial term of two years and one month and the other
113 appointed directors shall serve an initial term of four years and one
114 month. Five of the elected directors shall serve an initial term of two
115 years and five of the elected directors shall serve an initial term of four

116 years. No director shall serve more than eight consecutive years. The
117 Governor shall appoint one of the directors to serve as chairperson of
118 the board who shall serve at the pleasure of the Governor. Any
119 director who fails to attend three consecutive meetings of the board or
120 who fails to attend fifty per cent of all meetings of the board held
121 during any calendar year shall be deemed to have resigned from the
122 board. Any vacancy occurring other than by expiration of term shall be
123 filled in the same manner as the original appointment for the balance
124 of the unexpired term. As used in this subsection, "municipal official"
125 means the first selectman, mayor, city or town manager or chief
126 financial officer of a municipality that has entered into a solid waste
127 disposal services contract with the authority and pledged the
128 municipality's full faith and credit for the payment of obligations
129 under such contract.

130 [(d)] (e) The chairperson shall, with the approval of the directors,
131 appoint a president of the authority who shall be an employee of the
132 authority and paid a salary prescribed by the directors. The president
133 shall supervise the administrative affairs and technical activities of the
134 authority in accordance with the directives of the board.

135 [(e)] (f) Each director shall be entitled to reimbursement for said
136 director's actual and necessary expenses incurred during the
137 performance of said director's official duties.

138 [(f)] (g) Directors may engage in private employment, or in a
139 profession or business, subject to any applicable laws, rules and
140 regulations of the state or federal government regarding official ethics
141 or conflict of interest.

142 [(g) Six] (h) Eight directors of the authority shall constitute a
143 quorum for the transaction of any business or the exercise of any
144 power of the authority, provided, two directors from municipal
145 government shall be present in order for a quorum to be in attendance.
146 For the transaction of any business or the exercise of any power of the
147 authority, and except as otherwise provided in this chapter, the

148 authority shall have power to act by a majority of the directors present
149 at any meeting at which a quorum is in attendance. [If the legislative
150 body of a municipality that is the site of a facility passes a resolution
151 requesting the Governor to appoint a resident of such municipality to
152 be an ad hoc member, the Governor shall make such appointment
153 upon the next vacancy for the ad hoc members representing such
154 facility. The Governor shall appoint with the advice and consent of the
155 General Assembly ad hoc members to represent each facility operated
156 by the authority, provided at least one-half of such members shall be
157 chief elected officials of municipalities, or their designees. Each such
158 facility shall be represented by two such members. The ad hoc
159 members shall be electors from a municipality or municipalities in the
160 area to be served by the facility and shall vote only on matters
161 concerning such facility. The terms of the ad hoc members shall be four
162 years.]

163 [(h) There is established, effective June 1, 2002, a steering committee
164 of the board of directors, consisting of at least three but not more than
165 five directors, who shall be jointly appointed by the Governor, the
166 president pro tempore of the Senate and the speaker of the House of
167 Representatives. Said committee shall consist of at least one director
168 who is a municipal official, as defined in subsection (c) of this section.
169 The steering committee shall forthwith establish a financial
170 restructuring plan for the authority, subject to the approval of the
171 board of directors, and shall implement said plan. The financial
172 restructuring plan shall determine the financial condition of the
173 authority and provide for mitigation of the impact of the Connecticut
174 Resources Recovery Authority-Enron-Connecticut Light and Power
175 Company transaction on municipalities which have entered into solid
176 waste disposal services contracts with the authority. The steering
177 committee shall also review all aspects of the authority's finances and
178 administration, including but not limited to, tipping fees and
179 adjustments to such fees, the annual budget of the authority, any
180 budget transfers, any use of the authority's reserves, all contracts
181 entered into by or on behalf of the authority, including but not limited

182 to, an assessment of the alignment of interests between the authority
183 and the authority's contractors, all financings or restructuring of debts,
184 any sale or other disposition or valuation of assets of the authority,
185 including sales of electricity and steam, any joint ventures and
186 strategic partnerships, and the initiation and resolution of litigation,
187 arbitration and other disputes. The steering committee (1) shall have
188 access to all information, files and records maintained by the authority,
189 (2) may retain consultants and utilize other resources necessary to
190 carry out its responsibilities under this subsection, which have a total
191 cost of not more than five hundred thousand dollars, without the
192 approval of the board of directors, and may draw on accounts of the
193 authority for such costs, and (3) shall submit a report to the board of
194 directors and the General Assembly, in accordance with section 11-4a,
195 on its findings, progress and recommendations for future action by the
196 board of directors in carrying out the purposes of this subsection, not
197 later than December 31, 2002. Said report shall also include a report on
198 any loans made to the authority under section 22a-268d. The steering
199 committee shall terminate on December 31, 2002, unless extended by
200 the board.]

201 (i) The board may delegate to three or more directors such board
202 powers and duties as it may deem necessary and proper in conformity
203 with the provisions of this chapter and its bylaws. At least one of such
204 directors shall be a municipal official, as defined in subsection (c) of
205 this section, and at least one of such directors shall not be a state
206 employee.

207 (j) Appointed directors may not designate a representative to
208 perform in their absence their respective duties under this chapter.

209 (k) The term "director", as used in this section, shall include such
210 persons so designated as provided in this section and this designation
211 shall be deemed temporary only and shall not affect any applicable
212 civil service or retirement rights of any person so designated.

213 (l) The appointing authority for any director may remove such

214 director for inefficiency, neglect of duty or misconduct in office after
 215 giving the director a copy of the charges against the director and an
 216 opportunity to be heard, in person or by counsel, in the director's
 217 defense, upon not less than ten days' notice. If any director shall be so
 218 removed, the appointing authority for such director shall file in the
 219 office of the Secretary of the State a complete statement of charges
 220 made against such director and the appointing authority's findings on
 221 such statement of charges, together with a complete record of the
 222 proceedings.

223 (m) The authority shall continue as long as it has bonds or other
 224 obligations outstanding and until its existence is terminated by law.
 225 Upon the termination of the existence of the authority, all its rights and
 226 properties shall pass to and be vested in the state of Connecticut.

227 (n) The directors, members and officers of the authority and any
 228 person executing the bonds or notes of the authority shall not be liable
 229 personally on such bonds or notes or be subject to any personal
 230 liability or accountability by reason of the issuance thereof, nor shall
 231 any director, member or officer of the authority be personally liable for
 232 damage or injury, not wanton or wilful, caused in the performance of
 233 such person's duties and within the scope of such person's
 234 employment or appointment as such director, member or officer.

235 (o) Notwithstanding the provisions of any other law to the contrary,
 236 it shall not constitute a conflict of interest for a trustee, director,
 237 partner or officer of any person, firm or corporation, or any individual
 238 having a financial interest in a person, firm or corporation, to serve as a
 239 director of the authority, provided such trustee, director, partner,
 240 officer or individual shall abstain from deliberation, action or vote by
 241 the authority in specific respect to such person, firm or corporation."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-261