



General Assembly

February Session, 2012

Raised Bill No. 333

LCO No. 1226

01226_____ET_

Referred to Committee on Energy and Technology

Introduced by:

(ET)

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

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

1 Section 1. Section 22a-261 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2012*):

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

10 [(b) On and before May 31, 2002, the powers of the authority shall
11 be vested in and exercised by a board of directors, which shall consist
12 of twelve directors: Four appointed by the Governor and two ex-officio
13 members, who shall have a vote including the Commissioner of
14 Transportation and the Commissioner of Economic and Community
15 Development; two appointed by the president pro tempore of the

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

40 [(c) On and after] (b) From June 1, 2002, to June 30, 2012, inclusive,
41 the powers of the authority shall be vested in and exercised by a board
42 of directors, which shall consist of eleven directors as follows: Three
43 appointed by the Governor, one of whom shall be a municipal official
44 of a municipality having a population of fifty thousand or less and one
45 of whom shall have extensive, high-level experience in the energy
46 field; two appointed by the president pro tempore of the Senate, one of
47 whom shall be a municipal official of a municipality having a
48 population of more than fifty thousand and one of whom shall have
49 extensive high-level experience in public or corporate finance or

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

84 than by expiration of term shall be filled in the same manner as the
85 original appointment for the balance of the unexpired term. As used in
86 this subsection, "municipal official" means the first selectman, mayor,
87 city or town manager or chief financial officer of a municipality that
88 has entered into a solid waste disposal services contract with the
89 authority and pledged the municipality's full faith and credit for the
90 payment of obligations under such contract. Notwithstanding the
91 provisions of this subsection, the terms of all members on the board of
92 directors who are serving on June 30, 2012, shall expire on said date.

93 (c) On and after July 1, 2012, the powers of the authority shall be
94 vested in and exercised by a board of directors, which shall consist of
95 fifteen directors as follows: Five municipal officials, one each
96 appointed by the Governor, the president pro tempore of the Senate,
97 the speaker of the House of Representatives, the minority leader of the
98 Senate and the minority leader of the House of Representatives; three
99 representatives of municipalities having a population of thirty
100 thousand or more, each of whom shall be elected by the vote of all
101 municipalities having a contractual relationship with the authority;
102 and seven representatives of municipalities having a population of less
103 than thirty thousand, each of whom shall be elected by the vote of all
104 municipalities having a contractual relationship with the authority. No
105 more than six of the ten directors elected to the board may be from
106 municipalities served by the authority's Mid-Connecticut Project. The
107 appointed directors shall serve for terms of four years each, provided,
108 of the directors first appointed for terms beginning on July 1, 2012, the
109 directors appointed by the president pro tempore of the Senate and the
110 speaker of the House of Representatives shall serve an initial term of
111 two years and one month and the other appointed directors shall serve
112 an initial term of four years and one month. Five of the elected
113 directors shall serve an initial term of two years and five of the elected
114 directors shall serve an initial term of four years. No director shall
115 serve more than eight consecutive years. The board shall elect one of
116 the directors to serve as chairperson of the board for a term of two
117 years but not more than four consecutive years. Any director who fails

118 to attend three consecutive meetings of the board or who fails to attend
119 fifty per cent of all meetings of the board held during any calendar
120 year shall be deemed to have resigned from the board. Any vacancy
121 occurring other than by expiration of term shall be filled in the same
122 manner as the original appointment for the balance of the unexpired
123 term. As used in this subsection, "municipal official" means the first
124 selectman, mayor, city or town manager or chief financial officer of a
125 municipality that has entered into a solid waste disposal services
126 contract with the authority and pledged the municipality's full faith
127 and credit for the payment of obligations under such contract.

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

133 (e) Each director shall be entitled to reimbursement for said
134 director's actual and necessary expenses incurred during the
135 performance of said director's official duties.

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

140 (g) [Six] Eight directors of the authority shall constitute a quorum
141 for the transaction of any business or the exercise of any power of the
142 authority, provided, two directors from municipal government shall be
143 present in order for a quorum to be in attendance. For the transaction
144 of any business or the exercise of any power of the authority, and
145 except as otherwise provided in this chapter, the authority shall have
146 power to act by a majority of the directors present at any meeting at
147 which a quorum is in attendance. If the legislative body of a
148 municipality that is the site of a facility passes a resolution requesting
149 the Governor to appoint a resident of such municipality to be an ad

150 hoc member, the Governor shall make such appointment upon the
151 next vacancy for the ad hoc members representing such facility. The
152 Governor shall appoint with the advice and consent of the General
153 Assembly ad hoc members to represent each facility operated by the
154 authority provided at least one-half of such members shall be chief
155 elected officials of municipalities, or their designees. Each such facility
156 shall be represented by two such members. The ad hoc members shall
157 be electors from a municipality or municipalities in the area to be
158 served by the facility and shall vote only on matters concerning such
159 facility. The terms of the ad hoc members shall be four years.

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

184 arbitration and other disputes. The steering committee (1) shall have
185 access to all information, files and records maintained by the authority,
186 (2) may retain consultants and utilize other resources necessary to
187 carry out its responsibilities under this subsection, which have a total
188 cost of not more than five hundred thousand dollars, without the
189 approval of the board of directors, and may draw on accounts of the
190 authority for such costs, and (3) shall submit a report to the board of
191 directors and the General Assembly, in accordance with section 11-4a,
192 on its findings, progress and recommendations for future action by the
193 board of directors in carrying out the purposes of this subsection, not
194 later than December 31, 2002. Said report shall also include a report on
195 any loans made to the authority under section 22a-268d. The steering
196 committee shall terminate on December 31, 2002, unless extended by
197 the board.]

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

204 [(j)] (i) Appointed directors may not designate a representative to
205 perform in their absence their respective duties under this chapter.

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

211 [(l)] (k) The appointing authority for any director may remove such
212 director for inefficiency, neglect of duty or misconduct in office after
213 giving the director a copy of the charges against the director and an
214 opportunity to be heard, in person or by counsel, in the director's
215 defense, upon not less than ten days' notice. If any director shall be so

216 removed, the appointing authority for such director shall file in the
217 office of the Secretary of the State a complete statement of charges
218 made against such director and the appointing authority's findings on
219 such statement of charges, together with a complete record of the
220 proceedings.

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

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2012	22a-261

Statement of Purpose:

To alter the makeup of the Connecticut Resources Recovery Authority's board of directors.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]