



General Assembly

February Session, 2014

***Raised Bill No. 5531***

LCO No. 2254



Referred to Committee on PUBLIC SAFETY AND SECURITY

Introduced by:  
(PS)

***AN ACT CONCERNING MUTUAL CONSOLIDATION OF DISPATCH FACILITIES.***

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

1 Section 1. (NEW) (*Effective October 1, 2014*) As used in this section  
2 and sections 2 to 5, inclusive, of this act, the following words have the  
3 following meanings unless the context indicates another meaning or  
4 intent:

5 (1) "Authority" means a regional dispatch authority created under  
6 the provisions of sections 2 to 5, inclusive, of this act or any entity  
7 which is a successor of an authority;

8 (2) "Municipality" means any town, city, borough, consolidated  
9 town and city or consolidated town and borough;

10 (3) "Project" or "facility" means a regional dispatch facility which the  
11 authority is authorized to plan, design, finance, construct, manage,  
12 operate or maintain under the provisions of sections 2 to 5, inclusive,  
13 of this act, including real estate and improvements thereto and the

14 extension or provision of utilities and other appurtenant facilities  
15 deemed necessary by the authority for the operation of the facility or  
16 portion of the facility, including all property rights, easements and  
17 interests required;

18 (4) "Cost" as applied to any project includes the cost of acquisition or  
19 construction, the cost of any subsequent additions thereto or expansion  
20 thereof; the cost of all equipment, financing charges, and insurance; the  
21 cost of surveys, engineering and architectural services, legal expenses,  
22 administrative expenses and such other costs or expenses of the  
23 authority, including maintenance and operating costs, research and  
24 development, and operating capital as may be necessary or incident to  
25 the construction of the project, and of such subsequent additions  
26 thereto or expansion thereof; and the cost of financing such  
27 construction, additions or expansion and placing the project and such  
28 additions or expansion in operation; and

29 (5) "Region" means two or more municipalities which have joined  
30 together by ordinance concerning dispatch services within such  
31 municipalities.

32 Sec. 2. (NEW) (*Effective October 1, 2014*) (a) Any two or more  
33 municipalities may, by concurrent ordinances of their legislative  
34 bodies, adopt the provisions of sections 1 to 5, inclusive, of this act and  
35 designate any existing dispatch authority or create a new authority to  
36 be designated as its regional dispatch authority.

37 (b) Adoption of such ordinances by the legislative bodies shall  
38 constitute the authority created thereby a public body politic and  
39 corporate of the state, and any such authority shall be a political  
40 subdivision of the state established and created for the performance of  
41 an essential public and governmental function. Such authority shall  
42 have all the powers and duties of a municipal authority or of a  
43 regional authority, as the case may be, and shall have all the rights,  
44 powers, duties and obligations of a municipal or regional authority, as

45 the case may be, pursuant to sections 1 to 5, inclusive, of this act.

46 (c) The affairs of the authority shall be managed by a board. Each  
47 member municipality shall appoint, by its chief executive officer or as  
48 otherwise provided by ordinance, three persons to be members of such  
49 board. The terms of one-third of the initial appointments of each  
50 member municipality shall expire one year after the date of such  
51 appointment. The terms of one-third shall expire two years after the  
52 date of such appointment. The terms of one-third shall expire three  
53 years after the date of such appointment. All subsequent appointments  
54 to replace those whose terms have expired shall be for a term of three  
55 years.

56 (d) The member municipalities shall, by concurrent ordinances,  
57 determine the method of setting the board members' compensation, if  
58 any.

59 (e) Any municipality may become a member of an existing authority  
60 upon such terms and conditions as the authority may determine. Any  
61 municipality which is a member of an existing authority may by vote  
62 of its legislative body elect to withdraw from such authority. Such  
63 withdrawal shall be effective only upon such terms and conditions as  
64 the authority may require and after compliance with the terms and  
65 conditions contained in any contracts between such municipality and  
66 the authority. No such withdrawal shall relieve such municipality of  
67 any liability, responsibility or obligation incurred by it as a member of  
68 the authority or as a user of its projects.

69 Sec. 3. (NEW) (*Effective October 1, 2014*) (a) Any authority created  
70 pursuant to sections 1 to 5, inclusive, of this act shall have the power  
71 to:

72 (1) Employ a staff, including a director, and to fix their duties;

73 (2) Establish offices where necessary in the region;

74 (3) Retain by contract or employ counsel, auditors, engineers,  
75 private consultants and advisors;

76 (4) Sue and be sued;

77 (5) Have a seal and alter it at its pleasure;

78 (6) Make and alter bylaws and rules and regulations with respect to  
79 the exercise of its powers;

80 (7) Conduct such hearings, examinations and investigations as may  
81 be necessary and appropriate to the conduct of its operations and the  
82 fulfillment of its responsibilities;

83 (8) Obtain access to public records and apply for the process of  
84 subpoena if necessary to produce books, papers, records and other  
85 data;

86 (9) Charge reasonable fees for the services it performs and waive,  
87 suspend, reduce or otherwise modify such fees, provided such user  
88 fees shall apply uniformly to each municipality for all users who are  
89 provided dispatch services, in accordance with criteria established by  
90 the authority;

91 (10) Purchase, lease or rent such real and personal property as it  
92 may deem necessary, convenient or desirable;

93 (11) Appoint such advisory councils as it may from time to time  
94 deem advisable;

95 (12) Otherwise, do all things necessary for the performance of its  
96 duties, the fulfillment of its obligations, the conduct of its operations,  
97 the maintenance of its working relationship with the state, other  
98 municipalities, regions and persons, and the conduct of a  
99 comprehensive program for regional dispatching services in  
100 accordance with the provisions of applicable statutes and regulations  
101 and the requirements of sections 1 to 5, inclusive, of this act;

102 (13) Own, manage, lease and use real property or any interest  
103 therein;

104 (14) Determine the location and character of any project to be  
105 developed under the provisions of sections 1 to 5, inclusive, of this act,  
106 subject to applicable statutes and regulations;

107 (15) Mortgage or otherwise encumber all or any portion of a project  
108 of the authority whenever, in the opinion of the authority, such action  
109 is deemed to be in furtherance of the purposes of sections 1 to 5,  
110 inclusive, of this act;

111 (16) Grant options to purchase, or to renew a lease for, any project of  
112 the authority on such terms as the authority may determine to be  
113 reasonable;

114 (17) Acquire, by purchase, gift, transfer, or by condemnation for  
115 public purposes, and manage and operate, hold and dispose of real  
116 property and, subject to agreement with lessors or lessees, develop or  
117 alter such property by making improvements and betterments with the  
118 purpose of enhancing the value and usefulness of such property;

119 (18) Make short and long-range plans for regional dispatching;

120 (19) Design or provide for the design of projects of the authority,  
121 including design for the alteration, reconstruction, improvement,  
122 enlargement or extension of existing facilities;

123 (20) Construct, erect, build, acquire, alter, reconstruct, improve,  
124 enlarge or extend projects of the authority including provision for the  
125 inspection and supervision thereof and the engineering, architectural,  
126 legal, fiscal and economic investigations and studies, surveys, designs,  
127 plans, working drawings, specifications, procedures and any other  
128 actions incidental thereto;

129 (21) Enter upon lands and waters, as may be necessary, to make  
130 surveys, soundings, borings and examinations in order to accomplish

131 the purposes of sections 1 to 5, inclusive, of this act;

132 (22) Contract with municipalities, municipal, state and regional  
133 authorities, state and federal agencies and private entities to provide  
134 dispatching services in accordance with the provisions of sections 1 to  
135 5, inclusive, of this act and to plan, design, construct, manage, operate  
136 and maintain facilities on their behalf;

137 (23) Design and construct improvements or alterations on properties  
138 which it owns or which it operates by contract on behalf of other  
139 municipal or regional authorities, state agencies or municipalities;

140 (24) Contract for services in the performance of architectural and  
141 engineering design, the supervision of design and construction, system  
142 management and facility management, for such professional or  
143 technical services as are specified in this section and for such other  
144 professional or technical services as may require either prequalification  
145 of a contractor or the submission by any individual, firm or consortium  
146 or association of individuals or firms of a proposal in response to an  
147 official request for proposal or similar written communication of such  
148 authority, whenever such services are, in the discretion of such  
149 authority, deemed necessary, desirable or convenient in carrying out  
150 the purposes of such authority;

151 (25) Accept gifts, grants or loans of funds, property or service from  
152 any source, public or private, and comply, subject to the provisions of  
153 sections 1 to 5, inclusive, of this act, with the terms and conditions  
154 thereof;

155 (26) Accept from a federal agency loans or grants for use in carrying  
156 out its purposes and enter into agreements with such agency  
157 respecting any such loans or grants; and

158 (27) In connection with the sale, purchase, receipt, lease, exchange,  
159 other disposition or acquisition of a project of the authority or of real  
160 property, indemnify and hold harmless any person including, without

161 limitation, indemnification against taxation by the federal or state  
162 governments respecting any state or local property taxes and any  
163 realization of tax benefits or incentives associated with ownership or a  
164 project or of real property.

165 (b) It is the intention of sections 1 to 5, inclusive, of this act that an  
166 authority shall be granted all powers necessary to fulfill the purposes  
167 of said sections and to carry out its assigned responsibilities and that  
168 the provisions of said sections are to be construed liberally in  
169 furtherance of this intention.

170 (c) Any contracts authorized by sections 1 to 5, inclusive, of this act  
171 to be entered into by an authority may be entered into on either a  
172 negotiated or an open-bid basis, and the authority in its discretion may  
173 select the type of contract it deems most prudent to utilize, considering  
174 the scope of work, the management complexities associated therewith,  
175 the extent of current and future technological development  
176 requirements and the best interests of the region. The terms and  
177 conditions of such contracts, and the fees or other compensation to be  
178 paid to any contracting persons pursuant to such contracts, shall be  
179 determined by the authority.

180 Sec. 4. (NEW) (*Effective October 1, 2014*) (a) The exercise of the  
181 powers granted by sections 1 to 5, inclusive, of this act shall constitute  
182 the performance of an essential governmental function and the  
183 authority shall not be required to pay any taxes or assessments upon  
184 or in respect to a project, or any property or moneys of the authority,  
185 levied by any municipality or political subdivision or special district  
186 having taxing powers of the state, nor shall the authority be required  
187 to pay state taxes of any kind, and the authority, its projects, property  
188 and money shall at all times be free from taxation, except for estate and  
189 gift taxes imposed by the state or any political subdivision thereof.  
190 Nothing herein shall prevent the authority from entering into  
191 agreements to make payments in lieu of taxes with respect to property  
192 acquired by it or by any person operating or managing a project on

193 behalf of the authority and neither the authority nor its projects,  
194 properties or money shall be obligated, liable or subject to lien of any  
195 kind for the enforcement, collection or payment thereof.

196 (b) Any real or personal property leased by the authority in  
197 connection with the operation of a project under the provisions of  
198 sections 1 to 5, inclusive, of this act which would otherwise be subject  
199 to taxation under chapter 203 of the general statutes shall be exempt  
200 from the assessment of property taxes permitted and required under  
201 said chapter 203 if such real or personal property is the subject of an  
202 agreement to make payments in lieu of taxes with respect to such  
203 property between the authority or the lessee of such project and the  
204 municipality in which such project is located. Any lessee or operator of  
205 such project from such authority who has made any payment of taxes  
206 due under such agreement shall not be required to make any payment  
207 of taxes on which a payment in lieu thereof has been made to the  
208 municipality.

209 Sec. 5. (NEW) (*Effective October 1, 2014*) Any power granted by  
210 sections 1 to 4, inclusive, of this act shall be in addition to, and not in  
211 derogation, of any power granted to any municipality under the  
212 provisions of any special act or of any general statute.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	New section
Sec. 2	<i>October 1, 2014</i>	New section
Sec. 3	<i>October 1, 2014</i>	New section
Sec. 4	<i>October 1, 2014</i>	New section
Sec. 5	<i>October 1, 2014</i>	New section

**Statement of Purpose:**

To authorize two or more municipalities to create a regional dispatch authority.



*[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.]*