



General Assembly

Amendment

February Session, 2014

LCO No. 5236

SB0033205236HDO

Offered by:

REP. ROJAS, 9th Dist.

SEN. OSTEN, 19th Dist.

To: Subst. Senate Bill No. 332

File No. 481

Cal. No. 446

(As Amended by Senate Amendment Schedule "A")

"AN ACT AMENDING THE CHARTER OF THE METROPOLITAN DISTRICT IN HARTFORD COUNTY."

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

3 "Section 1. Number 358 of the special acts of 1931, as amended by
4 special act 77-62, is amended to read as follows (*Effective January 1,*
5 *2015*):

6 The Metropolitan District is authorized to supply water [, at rates
7 uniform with those charged within said district,] to any town or city
8 that is not a member town or city of the district, any part of which is
9 situated not more than twenty miles from the state capitol at Hartford,
10 or to the inhabitants thereof, or to any state facility located within such
11 area, upon such terms as may be agreed upon, but all other sources
12 belonging to any such town or city shall be developed by such

13 consumer or made available for development by said district. Except
14 as otherwise agreed between the district and a customer, the district
15 shall supply water at water use rates and with customer service
16 charges uniform with those charged within said district. Any
17 nonmember town surcharge imposed on any such customer or
18 inhabitant shall not exceed the amount of the customer service charge.
19 The cost of constructing the pipe connection between the district and
20 such town or city and the cost for capital improvements within such
21 town or city shall be paid by such town or city or by the customers
22 inhabiting such town or city. The cost of constructing the pipe
23 connection between the district and any such state facility shall be paid
24 by the state of Connecticut. Nothing herein shall authorize The
25 Metropolitan District to supply any water in competition with any
26 water system in any town or city, except by agreement.

27 Sec. 2. (*Effective from passage*) The Metropolitan District shall not
28 assess the special sewer service charge established pursuant to district
29 ordinance S12x, any costs associated with the Clean Water Project, or
30 any other costs associated with the sewer infrastructure of the district
31 against nonmember customers to whom the district is supplying water
32 pursuant to number 358 of the special acts of 1931, as amended by
33 special act 77-62 and section 1 of this act.

34 Sec. 3. Section 8 of number 511 of the special acts of 1929, as
35 amended by section 3 of special act 83-31 and section 1 of special act
36 99-12, is amended to read as follows (*Effective October 1, 2014*):

37 Said board, either directly or under committees consisting of one or
38 more members of said board, shall organize bureaus for the convenient
39 carrying into effect of the several functions herein committed to said
40 board and may define the powers and duties of such bureaus and
41 delegate to them such powers and duties by ordinance, by-law or
42 otherwise as may, in the judgment of the board, be necessary for the
43 convenient operation of the same. No member of the board shall
44 receive any pay for his services as such member or as a member of a
45 sub-committee of the board except that a reasonable sum may

46 annually be appropriated for the actual expenses of said board. The
47 board may, by ordinance, by-law or otherwise, fix the salaries and
48 define the duties of all officers and employees or may delegate the
49 fixing of salaries of employees and assignment of duties of employees
50 to sub-committees or bureau managers. The chairman and vice-
51 chairman of said district and of all sub-committees, bureaus, boards
52 and commissions appointed by the district board shall, unless
53 otherwise provided in the appointment or herein, hold office until the
54 end of the fiscal year of their appointment and thereafter shall be
55 appointed for terms of two years and until their successors shall be
56 appointed and shall have qualified. The members of all sub-
57 committees, bureaus, boards and commissions appointed by the
58 district board shall, unless otherwise provided in the appointment or
59 herein, hold such membership until the end of the fiscal year of their
60 appointment and thereafter shall hold membership for terms of two
61 years and until their successors shall be appointed and shall have
62 qualified. The managers of the water bureau and of the bureau of
63 public works and such others of the officers as by the district board
64 shall be especially so designated shall hold office during good
65 behavior and shall be removed only for cause. All other officers and
66 employees may be removed at any time by the district board at
67 pleasure. All vacancies may be filled by the district board. Said district
68 board shall have power to fill any vacancy occurring in its number for
69 the unexpired portion of the term and, except as otherwise expressly
70 provided, shall act in all cases by a majority of those present at any
71 regular or special meeting, duly warned. A majority of the board shall
72 constitute a quorum and the time, place and manner of calling
73 meetings and the holding thereof, including the manner of dissolving
74 tie votes, shall be prescribed by said board by by-law or otherwise. The
75 district board shall be the final judge of the election returns and
76 validity of elections and qualifications of its members and shall decide
77 all tie votes in elections. Except as hereinafter provided, the district
78 board shall have power to authorize the sale, transfer and conveyance
79 of real and personal estate belonging to the district, and shall provide
80 by by-law or otherwise for the form and manner of execution of the

81 documents and instruments convenient therefor. The district board
82 shall make provision for the proper auditing of the district accounts
83 and may cause any officer to execute bonds to the district with surety
84 to the acceptance of the district board for the faithful performance of
85 duties. The district board shall post the current budget of the district in
86 a conspicuous location on the district's Internet web site.

87 Sec. 4. Section 2 of special act 75-73, as amended by section 2 of
88 special act 83-18, section 2 of special act 84-75 and section 17 of public
89 act 93-380, is amended to read as follows (*Effective October 1, 2014*):

90 (a) The members of the board of commissioners appointed prior to
91 and holding office on the effective date of special act 75-73, special act
92 83-18, special act 84-75, [or this act] public act 93-380 or this act shall
93 continue to serve until the expiration of their terms for which they were
94 appointed. Thereafter, members shall be appointed by the legislative
95 body of each member municipality, to replace the members whose terms
96 expire and until their successors are appointed and qualify, provided, in
97 no event shall the total number of members appointed by the legislative
98 body of any member municipality exceed: (1) Six in the city of Hartford,
99 (2) three in the city of East Hartford, (3) one in the town of Rocky Hill, (4)
100 one in the town of Wethersfield, (5) one in the town of Newington, (6)
101 one in the town of Windsor, (7) one in the town of Bloomfield and (8)
102 three in the town of West Hartford.

103 (b) Appointments to the district board by the legislative bodies of
104 the member municipalities shall be made in accordance with the
105 following schedule:

106 (1) The legislative body of the city of Hartford shall appoint (A)
107 three commissioners for a term of two years to commence January 1,
108 1977, and (B) three commissioners for a term of six years to commence
109 January 1, 1981;

110 (2) The legislative body of the city of East Hartford shall appoint (A)
111 two commissioners for a term of four years to commence January 1,

112 1977, and (B) one commissioner for a term of six years to commence
113 January 1, 1979;

114 (3) The legislative body of the town of Wethersfield shall appoint
115 one commissioner for a term of six years to commence January 1, 1979;

116 (4) The legislative body of the town of Newington shall appoint one
117 commissioner for a term of six years to commence January 1, 1981;

118 (5) The legislative body of the town of Windsor shall appoint one
119 commissioner for a term of six years to commence January 1, 1981;

120 (6) The legislative body of the town of Bloomfield shall appoint one
121 commissioner for a term of two years to commence January 1, 1987;

122 (7) The legislative body of the town of Rocky Hill shall appoint one
123 commissioner for a term of six years to commence January 1, 1977;

124 (8) The legislative body of the town of West Hartford shall appoint
125 (A) one commissioner for a term of one year to commence January 1,
126 1984, (B) one commissioner for a term of three years to commence
127 January 1, 1984, and (C) one commissioner for a term of five years to
128 commence January 1, 1984.

129 (c) Upon the expiration of the initial terms of appointment under
130 this section, members shall be appointed for terms of six years from
131 January first in the year of their appointment and shall serve until their
132 successors are appointed and qualify.

133 (d) On and after January 1, 1989, the eight members appointed by
134 the governor to the district board shall be electors from The
135 Metropolitan District, not more than three of whom shall be from any
136 one municipality within said district nor shall such appointees
137 represent more than fifty per cent of any municipality's representation
138 on the district board. The appointments by the governor shall be for six
139 years and shall be made in accordance with the following schedule:

140 (1) Three commissioners from the city of Hartford for a term to
141 commence January 1, 1989;

142 (2) One commissioner from the city of East Hartford for a term to
143 commence January 1, 1989;

144 (3) One commissioner from the town of Wethersfield for a term to
145 commence January 1, 1989;

146 (4) One commissioner from the town of Newington for a term to
147 commence January 1, 1991;

148 (5) One commissioner from the town of Windsor for a term to
149 commence January 1, 1989;

150 (6) One commissioner from the town of West Hartford for a term to
151 commence January 1, 1989.

152 (e) The four commissioners appointed by the designated members
153 of the General Assembly shall be appointed as follows: (1) One
154 commissioner by the president pro tempore of the Senate, for a term of
155 five and one-half years commencing July 1, 1993; (2) one commissioner
156 by the speaker of the House of Representatives, for a term of four and
157 one-half years commencing July 1, 1993; (3) one commissioner by the
158 minority leader of the Senate, for a term of three and one-half years,
159 commencing July 1, 1993, and (4) one commissioner by the minority
160 leader of the House of Representatives, for a term of two and one-half
161 years, commencing July 1, 1993. After such initial appointment the
162 terms of all such commissioners shall thereafter be six years. Such
163 commissioners shall be electors from The Metropolitan District,
164 provided no two commissioners shall be residents of the same
165 municipality.

166 (f) On and after October 1, 2014, the legislative bodies of
167 nonmember municipalities shall appoint four members to the board of
168 commissioners, provided in no event shall the total number of
169 members appointed by the legislative body of any nonmember

170 municipality exceed: (1) One from the town of Glastonbury; (2) one
171 from the town of South Windsor; (3) one from the town of East
172 Granby; and (4) one from the town of Farmington. Such
173 commissioners shall be ex-officio, nonvoting members of the board of
174 commissioners. Commissioners appointed pursuant to this subsection
175 shall be appointed for terms of six years from January first in the year
176 of their appointment and shall serve until their successors are
177 appointed and qualify.

178 Sec. 5. Subsection (b) of section 1 of special act 75-73, as amended by
179 section 1 of special act 83-18, section 1 of special act 84-75, section 16 of
180 public act 93-380 and section 4 of special act 99-12, is amended to read
181 as follows (*Effective October 1, 2014*):

182 (b) On and after [July 1, 1993] October 1, 2014, said district board
183 shall be composed of [twenty-nine] a total of thirty-three electors of
184 said district and nonmember municipalities, seventeen to be appointed
185 by the member municipalities, from among their respective electors; [,
186 eight] twelve to be appointed, from among their respective electors, as
187 follows: Eight to be appointed by the Governor, one to be appointed by
188 the speaker of the House of Representatives, one to be appointed by
189 the minority leader of the House of Representatives, one to be
190 appointed by the president pro tempore of the Senate, and one to be
191 appointed by the minority leader of the Senate; [,] and four to be
192 appointed by the nonmember municipalities, from among their
193 respective electors, all such appointments being subject to the
194 provisions of section 2 of special act 75-73, as amended by section 2 of
195 special act 83-18, section 2 of special act 84-75, [and] section 17 of
196 public act 93-380 and section 4 of this act. The provisions of section 9-
197 167a of the general statutes shall apply only to appointments made
198 under this section by municipalities having three or more members
199 and only with respect to members appointed by any such
200 municipality. For the commissioners appointed by the member
201 municipalities and the Governor, membership of the district board
202 shall be apportioned among the member municipalities as follows:

203 Nine commissioners from the city of Hartford, four commissioners
204 from the city of East Hartford, one commissioner from the town of
205 Rocky Hill, two commissioners from the town of Wethersfield, two
206 commissioners from the town of Newington, one commissioner from
207 the town of Bloomfield, two commissioners from the town of Windsor
208 and four commissioners from the town of West Hartford.

209 Sec. 6. (*Effective January 1, 2015*) The Metropolitan District
210 Commission shall annually prepare a report that includes the
211 following: (1) A list of all bond issues for the preceding fiscal year,
212 including, for each such issue, the financial advisor and underwriters,
213 whether the issue was competitive, negotiated or privately placed, and
214 the issue's face value and net proceeds; (2) a list of all projects receiving
215 financial assistance during the preceding fiscal year, including each
216 project's purpose, location, and the amount of funds provided by the
217 district; (3) the cumulative value of all bonds issued, the value of
218 outstanding bonds and capital projects associated with such bonds; (4)
219 as of February 15th of each fiscal year, an accounting showing all water
220 revenue and expenditures by source, category and type; and (5) the
221 affirmative action policy statement, a description of the composition of
222 the district's work force by race, sex, and occupation and a description
223 of the district's affirmative action efforts. The district shall, not later
224 than January first, submit one copy of such report to the Governor, to
225 the Auditors of Public Accounts and to the Office of Fiscal Analysis
226 and two copies of such report to the Legislative Program Review and
227 Investigations Committee. Not later than thirty days after receiving
228 copies of such report from the district, the Legislative Program Review
229 and Investigations Committee shall prepare an assessment of whether
230 the report complies with the requirements of this section and shall
231 submit the assessment and a copy of the report to the joint standing
232 committee of the General Assembly having cognizance of matters
233 relating to municipalities.

234 Sec. 7. (*Effective January 1, 2015*) For the fiscal year commencing
235 January 1, 2015, and for each fiscal year thereafter, the Metropolitan

236 District Commission shall submit a personnel status report to the
237 Office of Fiscal Analysis. Such report shall include: (1) The total
238 number of employees at the end of each quarter; (2) the positions
239 vacated and the positions filled during each quarter; and (3) the
240 positions estimated to be vacant and the positions estimated to be
241 filled at the end of the fiscal year.

242 Sec. 8. (*Effective January 1, 2015*) The Metropolitan District
243 Commission shall, annually, submit a copy of the audit prepared
244 pursuant to chapter 111 of the general statutes to the Office of Fiscal
245 Analysis.

246 Sec. 9. (*Effective from passage*) Subsection (a) of section 4 of special act
247 90-27, as amended by section 6 of public act 93-380, is amended to read
248 as follows:

249 (a) The Metropolitan District in Hartford County created pursuant
250 to number 511 of the special acts of 1929, as amended, may issue bonds
251 or other obligations, or may enter into leases of real or personal
252 property or any interest therein, from time to time for the purpose of
253 paying all or any part of the cost of designing, acquiring, purchasing,
254 constructing, reconstructing, improving, extending, financing,
255 refinancing, operating or managing any facility, system, program or
256 equipment necessary or desirable in connection with carrying out any
257 of its authorized purposes, including payment of expenses of
258 administration properly chargeable thereto, including, without
259 limitation, legal, architectural and engineering expenses and fees, and
260 costs of audits, and payment of costs, fees and expenses which the
261 district board may deem necessary or advantageous in connection with
262 the authorization, sale and issuance of bonds or notes or other
263 obligations, including but not limited to, underwriters' discount and
264 payment of all other items of expense incurred in connection
265 therewith. The district may issue such types of bonds or other
266 obligations as the district board by resolution approved by a majority
267 of its members may determine, including, without limiting the
268 generality of the foregoing, bonds or other obligations payable as to

269 principal and interest exclusively from the income and revenues of a
270 particular facility, system or program. Bonds or other obligations
271 payable as to principal and interest exclusively from the income and
272 revenues of a particular facility, system or program shall not constitute
273 an indebtedness within the meaning of any statutory limitation on the
274 indebtedness of the district or any member municipality.
275 Notwithstanding the provisions of sections 23, 24, 25, 26 and 51 of
276 number 511 of the special acts of 1929, as amended, any surplus
277 moneys not needed in the determination of the district board to meet
278 the purposes of funds established pursuant to said sections and any
279 surplus revenues in the assessable sewer fund may be pledged as
280 additional security for any such bonds or the provider of any credit
281 enhancement for any such bonds, which also may be secured by a
282 pledge of any income or revenues of the district, or a mortgage on any
283 facility or system or the site thereof. Whenever and for so long as the
284 district has issued and has outstanding bonds pursuant to this section,
285 the district board shall fix, charge and collect rates, rents, fees and
286 other charges in accordance herewith. Neither the members of the
287 district nor any person executing the bonds shall be liable personally
288 on the bonds by reason of the issuance thereof. The bonds and other
289 obligations of the district, and such bonds and obligations shall so state
290 on their face, shall not be a debt of the state or any political subdivision
291 thereof, and no person other than the district shall be liable thereon,
292 nor shall such bonds or obligations be payable out of any funds or
293 properties other than those of the district. Bonds of the district issued
294 under the provisions of sections 2 and 13 of number 511 of the special
295 acts of 1929, as amended, and sections 2 and 4 of special act 90-27, as
296 amended by [this act] public act 93-380, are declared to be issued for an
297 essential public and governmental purpose. In anticipation of the sale
298 of such bonds the district may issue negotiable bond anticipation notes
299 and may renew the same from time to time, but the maximum
300 maturity of any such note including renewals thereof, shall not exceed
301 five years from the date of issue of the original note. Such notes shall
302 be paid from any revenues of the district available therefor and not
303 otherwise pledged, or from the proceeds of sale of the bonds of the

304 district in anticipation of which they were issued. Such notes and the
305 resolution or resolutions authorizing the same may contain any
306 provisions, conditions or limitations which a bond resolution of the
307 district may contain.

308 Sec. 10. Subsection (b) of section 4 of special act 90-27 is amended to
309 read as follows (*Effective from passage*):

310 (b) Bonds of the district may be issued as serial bonds or as term
311 bonds, or a combination thereof, as the district board, in its discretion,
312 may determine. Bonds shall be authorized by resolution adopted by a
313 majority of the members of the district board and shall bear such date or
314 dates, mature at such time or times, not exceeding [twenty-five] thirty
315 years from their respective dates, bear interest at such rate or rates, or
316 have provisions for the manner of determining such rate or rates,
317 payable at such time or times, be in such denominations, be in such form,
318 either coupon or registered, carry such registration privileges, be
319 executed in such manner, be payable in lawful money of the United
320 States of America at such place or places and be subject to such terms of
321 redemption as such resolution or resolutions may provide. The bonds or
322 notes may be sold at public or private sale for such price or prices as the
323 district shall determine. Pending preparation of the definitive bonds, the
324 district may issue interim receipts or certificates which shall be
325 exchanged for such definitive bonds.

326 Sec. 11. (*Effective from passage*) The state of Connecticut does hereby
327 pledge to and agree with the holders of any bonds, notes and other
328 obligations issued by the Metropolitan District in Hartford County
329 created pursuant to number 511 of the special acts of 1929, as
330 amended, under the authority of chapter 103 of the general statutes or
331 under section 4 of special act 90-27, as amended by section 6 of public
332 act 93-380 and section 10 of this act, which are payable solely from the
333 income and revenue of a particular facility, system or program or the
334 revenues to be derived from sewerage system use charges, and with
335 those parties who may enter into contracts with the district in respect
336 of the same, that the state will not limit or alter the rights vested in the

337 authority to charge and collect such income, revenues, or sewerage
 338 system use charges, or in the holders of any bonds, notes or other
 339 obligations of the district until such obligations, together with the
 340 interest thereon, are fully met and discharged and such contracts are
 341 fully performed on the part of the district, provided nothing contained
 342 herein shall preclude such limitation or alteration if and when
 343 adequate provision shall be made by law for the protection of the
 344 holders of such bonds, notes and other obligations of the district or
 345 those entering into contracts with the district. The district is authorized
 346 to include this pledge and undertaking for the state in such bonds,
 347 notes and other obligations or contracts."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2015</i>	Number 358 of the special acts of 1931
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>October 1, 2014</i>	Number 511 of the special acts of 1929, Sec. 8
Sec. 4	<i>October 1, 2014</i>	SA 75-73, Sec. 2
Sec. 5	<i>October 1, 2014</i>	SA 75-73, Sec. 1(b)
Sec. 6	<i>January 1, 2015</i>	New section
Sec. 7	<i>January 1, 2015</i>	New section
Sec. 8	<i>January 1, 2015</i>	New section
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>from passage</i>	SA 90-27, Sec. 4(b)
Sec. 11	<i>from passage</i>	New section