

Testimony of Tammy Daugherty, Director, City of New London Office of Development and Planning in favor of proposed bill, SB 475 **AN ACT CONCERNING MUTUAL CONSOLIDATION OF DISPATCH FACILITIES** before the Public Safety and Security Committee February 17, 2015.

I would like to thank the committee for this opportunity to testify in favor of the proposed bill introduced by Senator Paul Formica *to grant specific powers to a governing board and dispatch authority established by two or more municipalities to consolidate dispatch services.*

Last year we came before you with this same request, however I believe there was some confusion as to what the Towns of East Lyme, Waterford and the City of New London were asking for and as result the modified inter-local agreement language that passed through to Governor Malloy's desk did not meet the needs of our municipalities.

Our general municipal and labor attorneys have helped us craft the following clarification:

East Lyme, New London and Waterford are requesting enabling legislation to create a regional emergency communications center. The legislation that we proposed last year and respectfully resubmit for your consideration again would enable us to set up a stand-alone entity which would have its own employees who would be supervised, trained, paid, etc. by the regional entity.

We have modeled our draft legislation after existing regional agencies (solid waste and recycling authorities, health districts, etc.) established pursuant to enabling legislation that those statutes contain provisions which address the transfer of municipal employees from the towns to the regional entity. Those provisions serve the dual function of preserving and protecting the rights of the employees, while making it clear that henceforth they would be employees of the regional agency.

For illustration purposes, attached is a marked-up copy of Conn. Gen. Stat. Sec. 19a-244, pertaining to regional health agencies, which sets out those provisions. We believe these provisions (or substantially similar language) appear in other regional enabling acts. We hope that you would be comfortable inserting similar provisions into the proposed regional emergency communications legislation, as it would do nothing more than mirror already-existing legislation.

This would be different from an inter-local agreement whereby each town would agree to assign to one of the municipalities its dispatch employees, each of whom would retain their existing chains of command, pay rates, pension plans, fringe benefits, etc. currently provided by their respective municipalities. The inter-local agreement system works well when towns are "buying" services from one another, or agreeing to jointly perform functions and even dedicating their respective employees to a joint effort while retaining their employer-employee relationship. Here, however, the dispatch employees would no longer be employed, supervised, etc. by the respective municipality, but rather by the regional entity.

Moreover, East Lyme, New London and Waterford are not looking to privatize and outsource our emergency communication responsibilities. It is important to our communities that our regional communication center be eligible for Federal and State grants as a public entity and remain under direct shared oversight of member municipalities. Nonprofit, LLC and similar organized dispatch entities would not meet those needs nor protect our current employees as explained above.

Again, I would like to thank you for reconsidering our request and hope that our testimony today has clarified why the modified inter-local legislation does not meet our needs and we continue to pursue enabling legislation to create a regional agency (see attached).

Respectfully, Tammy Daugherty

§ 19a-244. Qualifications, term and duties of director of health. Employees

The director of health shall either (1) be a doctor of medicine and hold a degree in public health as a result of having at least one year's special training in public health, or, in lieu of said degree, shall meet the qualifications prescribed by the Commissioner of Public Health, or (2) be trained in public health and hold a masters degree in public health. The board may specify in a written agreement with such director the term of office, which shall not exceed three years, salary and duties required of and responsibilities assigned to such director in addition to those required by the general statutes or the Public Health Code, if any. He shall be removed during the term of such written agreement only for cause after a public hearing by the board on charges preferred, of which reasonable notice shall have been given. He shall devote his entire time to the performance of such duties as are required of directors of health by the general statutes or the Public Health Code and as the board specifies in its written agreement with him; and shall act as secretary and treasurer of the board, without the right to vote. He shall give to the district a bond with a surety company authorized to transact business in the state, for the faithful performance of his duties as treasurer, in such sum and upon such conditions as the board requires. He shall be the executive officer of the district department of health. Full-time employees of a city, town or borough health department at the time such city, town or borough votes to form or join a district department of health shall become employees of such district department of health. Such employees may retain their rights and benefits in the pension system of the town, city or borough by which they were employed and shall continue to retain their active participating membership therein until retired. Such employees shall pay into such pension system the contributions required of them for their class and membership. Any additional employees to be hired by the district or any vacancies to be filled shall be filled in accordance with the rules and regulations of the merit system of the state of Connecticut and the employees who are employees of cities, towns or boroughs which have adopted a local civil service or merit system shall be included in their comparable grade with fully attained seniority in the state merit system. Such employees shall perform such duties as are prescribed by the director of health. In the event of the withdrawal of a town, city or borough from the district department, or in the event of a dissolution of any district department, the employees thereof, originally employed therein, shall automatically become employees of the appropriate town, city or borough's board of health.

(1949 Rev., § 3880; 1958 Rev., § 19-109; 1969, P.A. 688, § 2; 1971, P.A. 183; 1978, P.A. 78-303, § 67, eff. Jan. 1, 1979; 1979, P.A. 79-85; 1982, P.A. 82-8; 1993, P.A. 93-381, § 9, eff. July 1, 1993; 1995, P.A. 95-257, §§ 12, 21, eff. July 1, 1995.)

Historical and Statutory Notes

Transfer of Section

This section, formerly set out as C.G.S.A. § 19-109, was transferred to C.G.S.A. § 19a-244 in Gen.St., Rev. to 1983.

Codification

On and after July 1, 1993: the terms "department of health services", "Connecticut alcohol and drug abuse commission", or "state alcohol and drug abuse commission", wherever appearing, have been changed to "department of public health and addiction services"; and the terms "commissioner of health services" or "executive director of the Connecticut alcohol and drug abuse commission", wherever appearing, have been changed to "commissioner of public

health and addiction services", pursuant to 1993, P.A. 93-381, § 9.

On and after July 1, 1995, the term "commissioner of public health and addiction services" has been changed to "commissioner of public health" and the term "department of public health and addiction services" has been changed to "department of public health", pursuant to 1995, P.A. 95-257, §§ 12, 21.

Effective Dates

1978 Act. 1978, P.A. 78-303, provided that § 67 of the act takes effect Jan. 1, 1979.

Derivation:

1935, Supp. § 929c(e).
1947, Supp. § 658i(e).

Library References

Health ⇨ 364, 365, 367.
Westlaw Topic No. 198H.

AN ACT CONCERNING MUTUAL CONSOLIDATION OF DISPATCH FACILITIES

Section 1 - DEFINITIONS

As used in Sections 2 through 5, inclusive, the following words and terms shall have the following meanings unless the context indicates another meaning or intent:

(a) "Municipality" or "municipalities" means any town, city, borough, consolidated town and city or consolidated town and borough.

(b) "Authority" means a regional dispatch authority created under the provisions of Sections 2 by two or more municipalities, or, if any such authority is abolished, the board, body or commission succeeding to the principal functions thereof or to whom the powers given by said sections to such authority shall be given by law.

(c) "Board" means a board of a regional dispatch authority created as provided in section 2.

(d) "Project" or "projects" or "facility" means any regional dispatch facility operated by an authority which two or more municipalities plan, design, finance, construct, manage, operate or maintain under the provisions of this Public Act, including real estate and improvements thereto and the extension or provision of utilities and other appurtenant facilities deemed necessary by the authority for the operation of a project or portion of a project, including all property rights, easements and interests required.

(e) "Cost" or "costs" as applied to any project shall include the cost of acquisition or construction, the cost of any subsequent additions thereto or expansion thereof, the cost of all equipment, financing charges, insurance, the cost of surveys, engineering and architectural services, legal expenses, administrative expenses and such other costs or expenses of the authority, including administrative, maintenance and operating costs, research and development, and operating capital as may be necessary or incident to the construction of the project, and of such subsequent additions thereto or expansion thereof, and the cost of financing such construction, additions, or expansion and placing the project and such additions or expansion in operation.

Section 2 - FORMATION

(a) Any municipality may, by ordinance, and any two or more municipalities may, by concurrent ordinances of their legislative bodies, adopt the provisions of this Public Act and designate any existing dispatch authority, or create a new authority to be designated as its regional dispatch authority.

(b) Adoption of such ordinance or ordinances by the legislative body or bodies shall constitute the authority created thereby a public body politic and corporate of the state, and any such authority shall be a political subdivision of the state established and created for the performance of an essential public and governmental function. Such

authority shall have all the powers and duties of a municipal authority or of a regional authority, as the case may be, and shall have all the rights, powers, duties and obligations of a municipal or regional authority, as the case may be, pursuant to this Public Act.

(c) The affairs of any such authority shall be managed by a board. Each municipality, which has become a part of an authority by adoption of the provisions of this act by ordinance, shall appoint, by its chief executive officer or as otherwise provided by ordinance, three persons to be members of such board. The term of office for members of the authority board shall be three years, except that during the initial formation of a board with three-year appointments, such appointments shall be so made that approximately one-third of the board shall be appointed for one year, approximately one-third for two years and approximately one-third for three years.

(d) If a regional authority is created, the member municipalities shall, by concurrent ordinances, determine the method of setting the board members' compensation, if any, and the method of their appointment and removal and their terms of office.

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

Section 3 - POWERS

(a) Any authority created pursuant to this chapter shall have the power to:

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

(2) Establish offices where necessary in any of the member municipalities or the region;

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

(4) Sue and be sued;

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

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

- (7) Conduct such hearings, examinations and investigations as may be necessary and appropriate to the conduct of its operations and the fulfillment of its responsibilities;
- (8) Obtain access to public records and apply for the process of subpoena if necessary to produce books, papers, records and other data;
- (9) Charge reasonable fees for the services it performs and waive, suspend, reduce or otherwise modify such fees, provided such user fees shall apply uniformly to each municipality for all users who are provided with dispatch services with respect to a given type or category of dispatch services, in accordance with criteria established by the authority;
- (10) Purchase, lease or rent such real and personal property as it may deem necessary, convenient or desirable;
- (11) Appoint such advisory councils as it may from time to time deem advisable, including but not limited to, local councils on regional dispatching to benefit the people of the municipality or the region;
- (12) Otherwise, do all things necessary for the performance of its duties, the fulfillment of its obligations, the conduct of its operations, the maintenance of its working relationships with the state, other municipalities, regions and persons, and the conduct of a comprehensive program for regional dispatching services, in accordance with the provisions of applicable statutes and regulations and the requirements of this Public Act;
- (13) Own, manage, lease and use real property or any interest therein;
- (14) Determine the location and character of any project to be developed under the provisions of this Public Act, subject to applicable statutes and regulations;
- (15) Mortgage or otherwise encumber all or any portion of a project of the authority whenever, in the opinion of the authority, such action is deemed to be in furtherance of the purposes of this chapter;
- (16) Grant options to purchase, or to renew a lease for, any project of the authority on such terms as the authority may determine to be reasonable;
- (17) Acquire, by purchase, gift, transfer, or by condemnation for public purposes, and manage and operate, hold and dispose of real property and, subject to agreements with lessors or lessees, develop or alter such property by making improvements and betterments with the purpose of enhancing the value and usefulness of such property;
- (18) Make short and long-range plans for regional dispatching;

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

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

(21) Contract with municipalities, municipal, state and regional authorities, state and federal agencies, and private entities to provide dispatching services in accordance with the provisions of this chapter and to plan, design, construct, manage, operate and maintain facilities on their behalf;

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

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

(24) Accept gifts, grants or loans of funds, property or service from any source, public or private, and comply, subject to the provisions of this chapter, with the terms and conditions thereof;

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

(26) In connection with the sale, purchase, receipt, lease, exchange, other disposition or acquisition of a project of the authority or of real property, indemnify and hold harmless any person including, without limitation, indemnification against taxation by the federal or state governments respecting any state or local property taxes and any realization of tax benefits or incentives associated with ownership of a project or of real property.

(b) It is the intention of this Public Act that the authorities shall be granted all powers necessary to fulfill the purposes of this Public Act and to carry out their assigned responsibilities and that the provisions of this chapter are to be construed liberally in furtherance of this intention.

(c) Any contracts authorized by this Public Act to be entered into by an authority may be entered into on either a negotiated or an open-bid basis, and the authority in its discretion may select the type of contract it deems most prudent to utilize, considering the scope of work, the management complexities associated therewith, the extent of current and future technological development requirements and the best interests of the municipality or the region. The terms and conditions of such contracts, and the fees or other compensation to be paid to any contracting persons pursuant to such contracts shall be determined by the authority.

Section 4 - EXEMPTION FROM TAXES

(a) The exercise of the powers granted by this Public Act shall constitute the performance of an essential governmental function and the authority shall not be required to pay any taxes or assessments upon or in respect to a project, or any property or moneys of the authority, levied by any municipality or political subdivision or special district having taxing powers of the state, nor shall the authority be required to pay state taxes of any kind, and the authority, its projects, property and money and the principal and interest of bonds issued under the provisions of this chapter, their transfer and the income therefrom, including revenues derived from the sale thereof, shall at all times be free from taxation, except for estate and gift taxes imposed by the state or any political subdivision thereof. Nothing herein shall prevent the authority from entering into agreements to make payments in lieu of taxes with respect to property acquired by it or by any person operating or managing a project on behalf of the authority and neither the authority nor its projects, properties, or money shall be obligated, liable or subject to lien of any kind for the enforcement, collection or payment thereof.

(b) Any real or personal property leased by the authority in connection with the operation of a project under the provisions of this chapter which would otherwise be subject to taxation under chapter 203 shall be exempt from the assessment of property taxes permitted and required under said chapter 203 if such real or personal property is the subject of an agreement to make payments in lieu of taxes with respect to such property between the authority or the lessee of such project and the municipality in which such project is located. Any lessee or operator of such project from such authority who has made any payment of taxes due under such agreement shall not be required to make any payment of taxes on which a payment in lieu thereof has been made to the municipality.

Section 5 - POWERS TO BE ADDITIONAL

Any power granted by this chapter shall be in addition to, and not in derogation of, any power granted to any municipality under the provisions of any special act or of any general statute.