



General Assembly

January Session, 2015

**Committee Bill No. 475**

LCO No. 5150



Referred to Committee on PUBLIC SAFETY AND SECURITY

Introduced by:  
(PS)

***AN ACT CONCERNING MUTUAL CONSOLIDATION OF DISPATCH FACILITIES IN NEW LONDON, EAST LYME AND WATERFORD.***

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

1 Section 1. (*Effective October 1, 2015*) As used in this section and  
2 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) "Municipalities" means the towns of New London, East Lyme  
9 and Waterford;

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 (A)  
19 acquisition or construction, the cost of any subsequent additions  
20 thereto or expansion thereof; (B) all equipment, financing charges and  
21 insurance; (C) surveys, engineering and architectural services, legal  
22 expenses, administrative expenses and such other costs or expenses of  
23 the 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 (D) financing such construction,  
27 additions or expansion and placing the project and such additions or  
28 expansion in operation; and

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

31 Sec. 2. (*Effective October 1, 2015*) (a) The municipalities may, by  
32 concurrent ordinances of their legislative bodies, adopt the provisions  
33 of sections 1 to 5, inclusive, of this act and designate any existing  
34 dispatch authority or create a new authority to be designated as its  
35 regional dispatch authority.

36 (b) Adoption of such ordinances by the legislative bodies shall  
37 constitute the authority created thereby a public body politic and  
38 corporate of the state, and any such authority shall be a political  
39 subdivision of the state established and created for the performance of  
40 an essential public and governmental function. Such authority shall  
41 have all the powers and duties of a municipal dispatch authority or of  
42 a regional dispatch authority, as the case may be, and shall have all the  
43 rights, powers, duties and obligations of a municipal or regional  
44 dispatch authority, as the case may be, pursuant to sections 1 to 5,  
45 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 of such initial appointments shall  
52 expire two years after the date of such appointment. The terms of one-  
53 third of such initial appointments shall expire three years after the date  
54 of such appointment. All subsequent appointments to replace  
55 members whose terms have expired shall be for a term of three 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) A decision by any municipality to join the authority shall not be  
60 a subject of collective bargaining but the impact of such decision upon  
61 wages, hours and other conditions of employment, shall be a subject of  
62 collective bargaining.

63 Sec. 3. (*Effective October 1, 2015*) (a) Any authority created pursuant  
64 to sections 1 to 5, inclusive, of this act shall have the power to:

- 65 (1) Employ a staff, including a director, and to fix their duties;
- 66 (2) Establish offices where necessary in the region;
- 67 (3) Retain by contract or employ counsel, auditors, engineers,  
68 private consultants and advisors;
- 69 (4) Sue and be sued;
- 70 (5) Have a seal and alter it at its pleasure;
- 71 (6) Make and alter bylaws and rules and regulations with respect to  
72 the exercise of its powers;
- 73 (7) Conduct such hearings, examinations and investigations as may

74 be necessary and appropriate to the conduct of its operations and the  
75 fulfillment of its responsibilities;

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

79 (9) Charge reasonable fees for the services it performs and waive,  
80 suspend, reduce or otherwise modify such fees, provided such user  
81 fees shall apply uniformly to each member municipality for all users  
82 who are provided dispatch services, in accordance with criteria  
83 established by the authority;

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

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

88 (12) Otherwise, do all things necessary for the performance of its  
89 duties, the fulfillment of its obligations, the conduct of its operations,  
90 the maintenance of its working relationship with the state, other  
91 municipalities, regions and persons, and the conduct of a  
92 comprehensive program for regional dispatching services in  
93 accordance with the provisions of applicable statutes and regulations  
94 and the requirements of sections 1 to 5, inclusive, of this act;

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

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

100 (15) Mortgage or otherwise encumber all or any portion of a project  
101 of the authority whenever, in the opinion of the authority, such action  
102 is deemed to be in furtherance of the purposes of sections 1 to 5,

103 inclusive, of this act;

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

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

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

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

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

122 (21) Contract with other municipalities, municipal, state and  
123 regional authorities, state and federal agencies and private entities to  
124 provide dispatching services in accordance with the provisions of  
125 sections 1 to 5, inclusive, of this act and to plan, design, construct,  
126 manage, operate and maintain facilities on their behalf;

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

131 (23) Contract for services in the performance of architectural and

132 engineering design, the supervision of design and construction, system  
133 management and facility management, for such professional or  
134 technical services as are specified in this section and for such other  
135 professional or technical services as may require either prequalification  
136 of a contractor or the submission by any individual, firm or consortium  
137 or association of individuals or firms of a proposal in response to an  
138 official request for proposal or similar written communication of such  
139 authority, whenever such services are, in the discretion of such  
140 authority, deemed necessary, desirable or convenient in carrying out  
141 the purposes of such authority;

142 (24) Accept gifts, grants or loans of funds, property or service from  
143 any source, public or private, and comply, subject to the provisions of  
144 sections 1 to 5, inclusive, of this act, with the terms and conditions  
145 thereof;

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

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

156 (b) It is the intention of sections 1 to 5, inclusive, of this act that the  
157 authority shall be granted all powers necessary to fulfill the purposes  
158 of said sections and to carry out its assigned responsibilities and that  
159 the provisions of said sections are to be construed liberally in  
160 furtherance of this intention.

161 (c) Any contracts authorized by sections 1 to 5, inclusive, of this act  
162 to be entered into by the authority may be entered into on either a

163 negotiated or an open-bid basis, and the authority in its discretion may  
164 select the type of contract it deems most prudent to utilize, considering  
165 the scope of work, the management complexities associated therewith,  
166 the extent of current and future technological development  
167 requirements and the best interests of the region. The terms and  
168 conditions of such contracts, and the fees or other compensation to be  
169 paid to any contracting persons pursuant to such contracts, shall be  
170 determined by the authority.

171       Sec. 4. (*Effective October 1, 2015*) (a) The exercise of the powers  
172 granted by sections 1 to 5, inclusive, of this act shall constitute the  
173 performance of an essential governmental function and the authority  
174 shall not be required to pay any taxes or assessments upon or in  
175 respect to a project, or any property or moneys of the authority, levied  
176 by any municipality or political subdivision or special district having  
177 taxing powers of the state, nor shall the authority be required to pay  
178 state taxes of any kind, and the authority, its projects, property and  
179 money shall at all times be free from taxation, except for estate and gift  
180 taxes imposed by the state or any political subdivision thereof.  
181 Nothing herein shall prevent the authority from entering into  
182 agreements to make payments in lieu of taxes with respect to property  
183 acquired by it or by any person operating or managing a project on  
184 behalf of the authority and neither the authority nor its projects,  
185 properties or money shall be obligated, liable or subject to lien of any  
186 kind for the enforcement, collection or payment thereof.

187       (b) Any real or personal property leased by the authority in  
188 connection with the operation of a project under the provisions of  
189 sections 1 to 5, inclusive, of this act which would otherwise be subject  
190 to taxation under chapter 203 of the general statutes shall be exempt  
191 from the assessment of property taxes permitted and required under  
192 said chapter 203 if such real or personal property is the subject of an  
193 agreement to make payments in lieu of taxes with respect to such  
194 property between the authority or the lessee of such project and the  
195 municipality in which such project is located. Any lessee or operator of

196 such project from such authority who has made any payment of taxes  
197 due under such agreement shall not be required to make any payment  
198 of taxes on which a payment in lieu thereof has been made to the  
199 municipality.

200 Sec. 5. (Effective October 1, 2015) Any power granted by sections 1 to  
201 4, inclusive, of this act shall be in addition to, and not in derogation, of  
202 any power granted to any municipality under the provisions of any  
203 special act or of any general statute.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	New section
Sec. 2	October 1, 2015	New section
Sec. 3	October 1, 2015	New section
Sec. 4	October 1, 2015	New section
Sec. 5	October 1, 2015	New section

**Statement of Purpose:**

To authorize the towns of New London, East Lyme and Waterford 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.]*

Co-Sponsors: SEN. FORMICA, 20th Dist.

S.B. 475