



Substitute Senate Bill No. 475

Special Act No. 15-22

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:

Section 1. (*Effective October 1, 2015*) As used in this section and sections 2 to 5, inclusive, of this act, the following words have the following meanings unless the context indicates another meaning or intent:

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

(2) "Municipalities" means the towns of New London, East Lyme and Waterford;

(3) "Project" or "facility" means a regional dispatch facility which the authority is authorized to plan, design, finance, construct, manage, operate or maintain under the provisions of sections 2 to 5, inclusive, of this 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 the facility or portion of the facility, including all property rights, easements and interests required; and

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

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

(b) Adoption of such ordinances by the legislative 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 dispatch authority or of a regional dispatch authority, as the case may be, and shall have all the rights, powers, duties and obligations of a municipal or regional dispatch authority, as the case may be, pursuant to sections 1 to 5, inclusive, of this act.

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

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

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(e) A decision by any municipality to join the authority shall not be a subject of collective bargaining but the impact of such decision upon wages, hours and other conditions of employment, shall be a subject of collective bargaining. Any collective bargaining agreements in effect at the time any municipality makes a decision to join the authority shall be given full force and effect throughout the term of said collective bargaining agreements.

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

- (1) Employ a staff, including a director, and to fix their duties;
- (2) Establish offices where necessary in 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 member municipality for all users

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who are provided 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;

(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 relationship 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 sections 1 to 5, inclusive, of this 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 sections 1 to 5, inclusive, of this 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 sections 1 to 5, inclusive, of this act;

(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 or transfer, and manage and operate, hold and dispose of real property and, subject to agreement with

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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 other municipalities, municipal, state and regional authorities, state and federal agencies and private entities to provide dispatching services in accordance with the provisions of sections 1 to 5, inclusive, of this act 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 other 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

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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 sections 1 to 5, inclusive, of this act, 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; and

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

(c) Any contracts authorized by sections 1 to 5, inclusive, of this act to be entered into by the 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

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requirements and the best interests of 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.

Sec. 4. (*Effective October 1, 2015*) (a) The exercise of the powers granted by sections 1 to 5, inclusive, of this 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 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 sections 1 to 5, inclusive, of this act which would otherwise be subject to taxation under chapter 203 of the general statutes 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

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of taxes on which a payment in lieu thereof has been made to the municipality.

Sec. 5. (*Effective October 1, 2015*) Any power granted by sections 1 to 4, inclusive, of this act 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.

Approved July 10, 2015