



WORKING DRAFT

General Assembly

Amendment

January Session, 2011

LCO No. 8028

*SB0117008

028*

Offered by:

To: Subst. Senate Bill No. 1170

File No. 463

Cal. No.

"AN ACT CONCERNING THE MEMBERSHIP OF THE CONNECTICUT RESOURCES RECOVERY AUTHORITY'S BOARD OF DIRECTORS."

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

3 "Section 1. Section 22a-261 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2011*):

5 (a) There is hereby established and created a body politic and
6 corporate, constituting a public instrumentality and political
7 subdivision of the state of Connecticut established and created for the
8 performance of an essential public and governmental function, to be
9 known as the Connecticut Resources Recovery Authority. The
10 authority shall not be construed to be a department, institution or
11 agency of the state.

12 (b) On and before May 31, 2002, the powers of the authority shall be

13 vested in and exercised by a board of directors, which shall consist of
14 twelve directors: Four appointed by the Governor and two ex-officio
15 members, who shall have a vote including the Commissioner of
16 Transportation and the Commissioner of Economic and Community
17 Development; two appointed by the president pro tempore of the
18 Senate, two by the speaker of the House, one by the minority leader of
19 the Senate and one by the minority leader of the House of
20 Representatives. Any such legislative appointee may be a member of
21 the General Assembly. The directors appointed by the Governor under
22 this subsection shall serve for terms of four years each, from January
23 first next succeeding their appointment, provided, of the directors first
24 appointed, two shall serve for terms of two years, and two for terms of
25 four years, from January first next succeeding their appointment. Any
26 vacancy occurring under this subsection other than by expiration of
27 term shall be filled in the same manner as the original appointment for
28 the balance of the unexpired term. Of the four members appointed by
29 the Governor under this subsection, two shall be first selectmen,
30 mayors or managers of Connecticut municipalities; one from a
31 municipality with a population of less than fifty thousand, one from a
32 municipality of over fifty thousand population; two shall be public
33 members without official governmental office or status with extensive
34 high-level experience in municipal or corporate finance or business or
35 industry, provided not more than two of such appointees shall be
36 members of the same political party. The chairman of the board under
37 this subsection shall be appointed by the Governor, with the advice
38 and consent of both houses of the General Assembly and shall serve at
39 the pleasure of the Governor. Notwithstanding the provisions of this
40 subsection, the terms of all members of the board of directors who are
41 serving on May 31, 2002, shall expire on said date.

42 (c) [On and after] From June 1, 2002, to June 30, 2011, inclusive, the
43 powers of the authority shall be vested in and exercised by a board of
44 directors, which shall consist of eleven directors as follows: Three
45 appointed by the Governor, one of whom shall be a municipal official

46 of a municipality having a population of fifty thousand or less and one
47 of whom shall have extensive, high-level experience in the energy
48 field; two appointed by the president pro tempore of the Senate, one of
49 whom shall be a municipal official of a municipality having a
50 population of more than fifty thousand and one of whom shall have
51 extensive high-level experience in public or corporate finance or
52 business or industry; two appointed by the speaker of the House of
53 Representatives, one of whom shall be a municipal official of a
54 municipality having a population of more than fifty thousand and one
55 of whom shall have extensive high-level experience in public or
56 corporate finance or business or industry; two appointed by the
57 minority leader of the Senate, one of whom shall be a municipal official
58 of a municipality having a population of fifty thousand or less and one
59 of whom shall have extensive high-level experience in public or
60 corporate finance or business or industry; two appointed by the
61 minority leader of the House of Representatives, one of whom shall be
62 a municipal official of a municipality having a population of fifty
63 thousand or less and one of whom shall have extensive, high-level
64 experience in the environmental field. No director may be a member of
65 the General Assembly. Not more than two of the directors appointed
66 by the Governor shall be members of the same political party. The
67 appointed directors shall serve for terms of four years each, provided,
68 of the directors first appointed for terms beginning on June 1, 2002, (1)
69 two of the directors appointed by the Governor, one of the directors
70 appointed by the president pro tempore of the Senate, one of the
71 directors appointed by the speaker of the House of Representatives,
72 one of the directors appointed by the minority leader of the Senate and
73 one of the directors appointed by the minority leader of the House of
74 Representatives shall serve an initial term of two years and one month,
75 and (2) the other appointed directors shall serve an initial term of four
76 years and one month. The appointment of each director for a term
77 beginning on or after June 1, 2004, shall be made with the advice and
78 consent of both houses of the General Assembly. The Governor shall
79 designate one of the directors to serve as chairperson of the board,

80 with the advice and consent of both houses of the General Assembly.
81 The chairperson of the board shall serve at the pleasure of the
82 Governor. Any appointed director who fails to attend three
83 consecutive meetings of the board or who fails to attend fifty per cent
84 of all meetings of the board held during any calendar year shall be
85 deemed to have resigned from the board. Any vacancy occurring other
86 than by expiration of term shall be filled in the same manner as the
87 original appointment for the balance of the unexpired term. As used in
88 this subsection, "municipal official" means the first selectman, mayor,
89 city or town manager or chief financial officer of a municipality that
90 has entered into a solid waste disposal services contract with the
91 authority and pledged the municipality's full faith and credit for the
92 payment of obligations under such contract. Notwithstanding the
93 provisions of this subsection, the terms of all members on the board of
94 directors who are serving on June 30, 2011, shall expire upon
95 appointment of the board pursuant to subsection (d) of this section.

- 96 | • (d) On and after July 1, 2011, the powers of the authority shall
97 be vested in and exercised by a board of directors, which shall
98 consist of fifteen directors as follows: Five municipal officials,
99 one each appointed by the Governor, the president pro tempore
100 of the Senate, the speaker of the House of Representatives, the
101 minority leader of the Senate and the minority leader of the
102 House of Representatives; five representatives of municipalities
103 having a population of thirty thousand or more, one of which
104 shall be a representative of the City of Hartford, each of whom
105 shall be elected by the vote of all municipalities having a
106 contractual relationship with the authority; and five
107 representatives of municipalities having a population of less
108 than thirty thousand, each of whom shall be elected by the vote
109 of all municipalities having a contractual relationship with the
110 authority. No more than six of the ten directors elected to the
111 board may be from municipalities served by the authority's
112 Mid-Connecticut Project. The appointed directors shall serve for
113 terms of four years each, provided, of the directors first
114 appointed for terms beginning on July 1, 2011, the directors
115 appointed by the president pro tempore of the Senate and the
116 speaker of the House of Representatives shall serve an initial

Comment [PN1]: Added per discussion at M-CPMAC meeting June 2, 2011

117 term of two years and one month and the other appointed
118 directors shall serve an initial term of four years and one month.
119 Five of the elected directors shall serve an initial term of two
120 years and five of the elected directors shall serve an initial term
121 of four years. No director shall serve more than eight
122 consecutive years. The Governor shall appoint one of the
123 directors to serve as chairperson of the board who shall serve at
124 the pleasure of the Governor. Any director who fails to attend
125 three consecutive meetings of the board or who fails to attend
126 fifty per cent of all meetings of the board held during any
127 calendar year shall be deemed to have resigned from the board.
128 Any vacancy occurring other than by expiration of term shall be
129 filled in the same manner as the original appointment for the
130 balance of the unexpired term. As used in this subsection,
131 "municipal official" means the first selectman, mayor, city or
132 town manager or chief financial officer of a municipality that
133 has entered into a solid waste disposal services contract with the
134 authority and pledged the municipality's full faith and credit for
135 the payment of obligations under such contract, with the
136 exception of the City of Hartford, which may appoint its
137 member by action of that city's legislative body.
138 Appointments pursuant to this subsection shall be made within
139 ninety days of the effective date of this section.

140 [(d)] (e) The chairperson shall, with the approval of the directors,
141 appoint a president of the authority who shall be an employee of the
142 authority and paid a salary prescribed by the directors. The president
143 shall supervise the administrative affairs and technical activities of the
144 authority in accordance with the directives of the board.

145 [(e)] (f) Each director shall be entitled to reimbursement for said
146 director's actual and necessary expenses incurred during the
147 performance of said director's official duties.

148 [(f)] (g) Directors may engage in private employment, or in a
149 profession or business, subject to any applicable laws, rules and
150 regulations of the state or federal government regarding official ethics
151 or conflict of interest.

Comment [PN2]: Added per discussion at M-CPMAC meeting June 2, 2011.

152 [(g) Six] (h) Eight directors of the authority shall constitute a
153 quorum for the transaction of any business or the exercise of any
154 power of the authority, provided, two directors from municipal
155 government shall be present in order for a quorum to be in attendance.
156 For the transaction of any business or the exercise of any power of the
157 authority, and except as otherwise provided in this chapter, the
158 authority shall have power to act by a majority of the directors present
159 at any meeting at which a quorum is in attendance. ~~If the legislative
160 body of a municipality that is the site of a facility passes a resolution
161 requesting the Governor to appoint a resident of such municipality to
162 be an ad hoc member, the Governor shall make such appointment
163 upon the next vacancy for the ad hoc members representing such
164 facility. The Governor shall appoint with the advice and consent of the
165 General Assembly ad hoc members to represent each facility operated
166 by the authority, with the exception of the Mid-Connecticut Waste to
167 Energy Facility, provided at least one half of such members shall be
168 chief elected officials of municipalities, or their designees. Each such
169 facility shall be represented by two such members. The ad hoc
170 members shall be electors from a municipality or municipalities in the
171 area to be served by the facility and shall vote only on matters
172 concerning such facility. The terms of the ad hoc members shall be four
173 years.~~

Comment [PN3]: Deleted per discussion at M-CPMAC meeting June 2, 2011.

174 [(h) There is established, effective June 1, 2002, a steering committee
175 of the board of directors, consisting of at least three but not more than
176 five directors, who shall be jointly appointed by the Governor, the
177 president pro tempore of the Senate and the speaker of the House of
178 Representatives. Said committee shall consist of at least one director
179 who is a municipal official, as defined in subsection (c) of this section.
180 The steering committee shall forthwith establish a financial
181 restructuring plan for the authority, subject to the approval of the
182 board of directors, and shall implement said plan. The financial
183 restructuring plan shall determine the financial condition of the
184 authority and provide for mitigation of the impact of the Connecticut

185 Resources Recovery Authority-Enron-Connecticut Light and Power
186 Company transaction on municipalities which have entered into solid
187 waste disposal services contracts with the authority. The steering
188 committee shall also review all aspects of the authority's finances and
189 administration, including but not limited to, tipping fees and
190 adjustments to such fees, the annual budget of the authority, any
191 budget transfers, any use of the authority's reserves, all contracts
192 entered into by or on behalf of the authority, including but not limited
193 to, an assessment of the alignment of interests between the authority
194 and the authority's contractors, all financings or restructuring of debts,
195 any sale or other disposition or valuation of assets of the authority,
196 including sales of electricity and steam, any joint ventures and
197 strategic partnerships, and the initiation and resolution of litigation,
198 arbitration and other disputes. The steering committee (1) shall have
199 access to all information, files and records maintained by the authority,
200 (2) may retain consultants and utilize other resources necessary to
201 carry out its responsibilities under this subsection, which have a total
202 cost of not more than five hundred thousand dollars, without the
203 approval of the board of directors, and may draw on accounts of the
204 authority for such costs, and (3) shall submit a report to the board of
205 directors and the General Assembly, in accordance with section 11-4a,
206 on its findings, progress and recommendations for future action by the
207 board of directors in carrying out the purposes of this subsection, not
208 later than December 31, 2002. Said report shall also include a report on
209 any loans made to the authority under section 22a-268d. The steering
210 committee shall terminate on December 31, 2002, unless extended by
211 the board.]

212 (i) The board may delegate to three or more directors such board
213 powers and duties as it may deem necessary and proper in conformity
214 with the provisions of this chapter and its bylaws. At least one of such
215 directors shall be a municipal official, as defined in subsection (c) of
216 this section, and at least one of such directors shall not be a state
217 employee.

218 (j) Appointed directors may not designate a representative to
219 perform in their absence their respective duties under this chapter.

220 (k) The term "director", as used in this section, shall include such
221 persons so designated as provided in this section and this designation
222 shall be deemed temporary only and shall not affect any applicable
223 civil service or retirement rights of any person so designated.

224 (l) The appointing authority for any director may remove such
225 director for inefficiency, neglect of duty or misconduct in office after
226 giving the director a copy of the charges against the director and an
227 opportunity to be heard, in person or by counsel, in the director's
228 defense, upon not less than ten days' notice. If any director shall be so
229 removed, the appointing authority for such director shall file in the
230 office of the Secretary of the State a complete statement of charges
231 made against such director and the appointing authority's findings on
232 such statement of charges, together with a complete record of the
233 proceedings.

234 (m) The authority shall continue as long as it has bonds or other
235 obligations outstanding and until its existence is terminated by law.
236 Upon the termination of the existence of the authority, all its rights and
237 properties shall pass to and be vested in the state of Connecticut.

238 (n) The directors, members and officers of the authority and any
239 person executing the bonds or notes of the authority shall not be liable
240 personally on such bonds or notes or be subject to any personal
241 liability or accountability by reason of the issuance thereof, nor shall
242 any director, member or officer of the authority be personally liable for
243 damage or injury, not wanton or wilful, caused in the performance of
244 such person's duties and within the scope of such person's
245 employment or appointment as such director, member or officer.

246 ~~(o) Notwithstanding provisions of this section to the contrary,~~
247 ~~within ninety days of the effective date of this section, the power and~~
248 ~~authority to make any and all decisions concerning or affecting the~~

249 ~~Mid Connecticut Project shall be vested in and exercised by seven~~
250 ~~members, hereinafter, the Mid Connecticut Board, of the authority~~
251 ~~board of directors established under subsection (d) of this section, all~~
252 ~~of whom from municipalities served by the Mid Connecticut Project,~~
253 ~~and including the representative elected by the Court of Common~~
254 ~~Council of the city of Hartford. In the event more than seven members~~
255 ~~of the authority board of directors are from municipalities served by~~
256 ~~the Mid Connecticut Project, the seven members of the Mid-~~
257 ~~Connecticut Board shall include the representative elected by the~~
258 ~~Court of Common Council of the city of Hartford and six authority~~
259 ~~board of director members from municipalities served by the Mid-~~
260 ~~Connecticut Project, elected by those board of director members whose~~
261 ~~municipalities are served by the Mid Connecticut Project and who~~
262 ~~were elected by a vote of all municipalities having a contractual~~
263 ~~relationship with the authority. Any action taken by the Mid Conn~~
264 ~~Board, unless otherwise contrary to law, shall be binding upon the~~
265 ~~authority. Four members of the Mid Conn Board shall constitute a~~
266 ~~quorum for the transaction of any business or the exercise of any of its~~
267 ~~powers, said board shall act by a majority of the directors present at~~
268 ~~any meeting at which a quorum is in attendance. The members of the~~
269 ~~Mid Conn Board shall choose, by majority vote, one member to serve~~
270 ~~as chairperson. The provisions of subsections (f), (g), (j) and (n) of this~~
271 ~~section shall apply to the Mid Connecticut Board and its members.~~
272 ~~Members of the Mid Connecticut Board shall serve terms and be~~
273 ~~subject to term limits established under subsection (d) of this section.~~

274

275 [(o)] (p) Notwithstanding the provisions of any other law to the
276 contrary, it shall not constitute a conflict of interest for a trustee,
277 director, partner or officer of any person, firm or corporation, or any
278 individual having a financial interest in a person, firm or corporation,
279 to serve as a director of the authority, provided such trustee, director,
280 partner, officer or individual shall abstain from deliberation, action or
281 vote by the authority in specific respect to such person, firm or

Comment [PN4]: Deleted per discussion at M-CPMAC meeting June 2, 2011.

282 corporation.

Comment [JP5]: 22a-00--0261---K;;;;;

283 ~~Sec. 2. (Effective from passage) Until such time as the board of~~
 284 ~~directors established pursuant to subsection (d) of section 1 of this act~~
 285 ~~is constituted, there shall be a moratorium prohibiting the authority~~
 286 ~~from entering into any agreement or extending any existing agreement~~
 287 ~~relating in any way to the Mid-Connecticut Trash to Energy Facility, or~~
 288 ~~any component thereof. Without limiting the scope of the foregoing,~~
 289 ~~this prohibition shall extend to municipal service agreements. Any~~
 290 ~~such agreement entered into or executed during the moratorium shall~~
 291 ~~be void. Notwithstanding the provisions of this section, in the event of~~
 292 ~~any emergency declared or subsequently ratified by the authority~~
 293 ~~concerning said facility, said authority may contract with third parties,~~
 294 ~~public or private, for any purpose relating to such emergency,~~
 295 ~~provided the term of any such contract shall not extend for a period of~~
 296 ~~more than ninety days after such emergency is declared or ratified.~~

Comment [PN6]: Deleted per discussion at M-CPMAC meeting June 2, 2011.

297 This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2011</i>	22a-261
Sec. 2	<i>from passage</i>	New section