



PROCEDURE FOR NEGOTIATIONS WITH MUNICIPAL AND REGIONAL AUTHORITIES

BOARD OF DIRECTORS POLICY AND PROCEDURE NUMBER 021

1. DEFINITIONS

1.1 “Authority” has the same meaning as in Section 22a-260(a) of the General Statutes.

1.2 “Costs” has the same meaning as in Section 22a-260(v) of the General Statutes.

1.3 “Long-Term Contract” means any contract between the Authority and a Municipal or Regional Authority with an initial term of at least 10 years providing for those services, fees and charges described in Section 22a-275(b) of the General Statutes; and containing a pledge of the full faith and credit of the Municipal or Regional Authority for the payment of such fees and charges.

1.4 “Municipal Authority” has the same meaning as in Section 22a-260(n) of the General Statutes.

1.5 “Regional Authority” has the same meaning as in Section 22a-260(p) of the General Statutes.

1.6 “Revenues” has the same meaning as in Section 22a-260(s) of the General Statutes.

1.7 “Waste Management Project” has the same meaning as in Section 22a-260(t) of the General Statutes.

1.8 “Waste Management Services” has the same meaning as in Section 22a-260(f) of the General Statutes.

2. AUTHORITY OF INDIVIDUAL CONDUCTING THE NEGOTIATIONS

Before entering into formal negotiations over the terms of a Long-Term Contract with a Municipal or Regional Authority, the Authority must have received evidence that the official negotiating on behalf of the Municipal or Regional Authority is duly authorized so to negotiate. Such evidence may be either an opinion to such effect from the attorney for the

Municipal or Regional Authority or a certified copy of the appropriate resolutions adopted by the Municipal or Regional Authority.

3. USER FEES

In establishing User Fees for Municipal or Regional Authorities participating in a Waste Management Project or receiving Waste Management Services, the Authority will be guided by Section 22a-265(9) of the General Statutes. In determining the amount of the user Fees, the Authority will consider the applicable Costs and Revenues involved and, wherever feasible, assure that, where such Costs and Revenues are similar, the User Fees will apply uniformly to Municipal and Regional Authorities similarly situated.

4. CHANGES IN USER FEES

As required by Section 22A-265(9) of the General Statutes, the Authority will make no change in a User Fee without giving at least 60 days prior notice to the users affected thereby. At the Authority's option, such notice may be

- (1) By publication in a newspaper having circulation in the area involved; or
- (2) By actual notice to the users.

In those cases where the User Fee is determined by reference to Costs and Revenues, the Authority may adopt a formula by which the User Fee is, from time to time, determined. In such a case, if the Authority has given the notice provided by this section of the adoption of such a formula, the Authority need not give a separate notice each time the User Fee is changed through the application of the formula.

5. RESOLUTION OF DISPUTES

In the event that an impasse, dispute or other controversy arises during the negotiations over a Long-Term Contract which representatives of the Authority and of the Municipal or Regional Authority cannot resolve, the Municipal or Regional Authority may present its position to the Board of Directors of the Authority which may advise the staff of the position of the Authority to be taken in such negotiations. Such appeal to the Board of Directors shall be made at a regular or special meeting of the Board, provided the procedures for notice and the calling of such a meeting, as required by the Authority's Bylaws, are followed.

6. PROCEDURES FOR FACILITATING NEGOTIATIONS

In its negotiations over the terms of Lone-Term Contracts, the Authority will follow the provisions of Charter 361b of the General Statutes and any applicable guidelines adopted by it from time to time.

Approved By: Board of Directors

P&P Number: BOD 021

Effective Date: xxx