



House Bill No. 6008

Public Act No. 17-1

**AN ACT ESTABLISHING AN INDEPENDENT CONSUMER
ADVOCATE FOR METROPOLITAN DISTRICT OF HARTFORD
COUNTY CONSUMERS.**

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

Section 1. (NEW) (*Effective from passage*) (a) There is established an Independent Consumer Advocate to act as an independent advocate for consumer interests in all matters which may affect Metropolitan District of Hartford County consumers, including, but not limited to, rates, water quality, water supply and wastewater service quality. Costs related to the Independent Consumer Advocate, including, but not limited to, hourly fees and necessary expenses shall be paid for by the district. The annual amount of such costs shall not exceed seventy thousand dollars for the first year and fifty thousand dollars for each year thereafter, unless there is a demonstration of substantial need made by the Independent Consumer Advocate and approved by the board of directors of the district.

(b) The Independent Consumer Advocate may appear and participate in Metropolitan District of Hartford matters or any other federal or state regulatory or judicial proceeding in which consumers of the district are or may be involved. The Independent Consumer Advocate, in carrying out his or her duties, shall: (1) Have access to the

House Bill No. 6008

records of the district, (2) have the right to make a reasonable number of copies of district records, (3) be entitled to call upon the assistance of the district's technical and legal experts, and (4) have the benefit of all other information of the district, except for employment records and other internal documents that are not relevant to the duties of the Independent Consumer Advocate.

(c) (1) The Independent Consumer Advocate shall be a member of the bar of this state and shall have private legal experience in public utility law and policy but shall not be a member of the district's board of directors or a person who has or may have conflicts of interest, as defined by the Rules of Professional Conduct, in representing the district's consumers as a class. (2) Prior to November 1, 2017, and prior to November first in each odd-numbered year thereafter, the Consumer Counsel, appointed pursuant to section 16-2a of the general statutes, shall select the Independent Consumer Advocate to serve for a two-year term commencing on the following first day of January. The Independent Consumer Advocate may be terminated by the Consumer Counsel prior to the completion of a two-year term only for misconduct, material neglect of duty or incompetence. (3) The Independent Consumer Advocate shall be independent of the district's board of directors and may not be removed by the district's board of directors for any reason. The district's board of directors shall not direct or oversee the activities of the Independent Consumer Advocate. The district's board of directors shall cooperate with reasonable requests of the Independent Consumer Advocate to enable the Independent Consumer Advocate to effectively perform his or her duties and functions.

(d) (1) The Independent Consumer Advocate shall prepare reports of his or her activities and submit such reports at the end of each calendar quarter to the district, the chief elected official of each town receiving service from the district and to the Consumer Counsel. Such

House Bill No. 6008

quarterly reports shall be posted on the Internet web sites of the district and the Consumer Counsel. (2) The Independent Consumer Advocate shall hold an annual public forum on the second Wednesday of October each year at a location where the district holds hearings, for the purpose of describing the recent activities of the Independent Consumer Advocate and receiving feedback from consumers. The district shall publicize the public forum through an announcement at the preceding scheduled meeting of the district, on its Internet web site and in a notice on or attached to its consumer bills. The Independent Consumer Advocate may hold additional public forums as he or she deems necessary.

(e) Nothing in this section shall be construed to prevent any interested person, including, but not limited to, any individual consumer or group of consumers, from participating in any Metropolitan District of Hartford meeting or hearing on their own behalf or through counsel.

(f) The Metropolitan District of Hartford shall promptly adopt any changes to its rules, regulations or other governing documents necessary to carry out the requirements of this section.

Sec. 2. Section 13 of number 511 of the special acts of 1929, as amended by number 398 of the special acts of 1943, number 366 of the special acts of 1949, section 3 of special act 77-54, section 7 of special act 83-31, section 3 of special act 90-27 and section 4 of public act 93-380, is amended to read as follows (*Effective from passage*):

The board of finance shall review and amend if necessary and furnish to the district board at its December meeting an itemized budget of the estimated expenditures and revenues of The Metropolitan District for the ensuing year. This budget shall be in three parts and parts one and two shall be in two sections and part three shall be in one section as follows: Part I, expenditures to be financed by taxation: First section, the

House Bill No. 6008

estimated expenditures showing the total amount of money required to pay all fixed charges and running expenses, including a contingency fund, as determined by the board of finance by estimate based on such facts as are obtainable; and, per contra, an estimate of the receipts for the forthcoming year from which these expenses will be met; second section, the permanent and temporary improvements and extraordinary expenditures which in the judgment of the board of finance should be made in the ensuing year, or to provide a fund which may be allowed to accumulate from year to year for the purpose of financing wastewater facilities construction; Part II, functions and operations of the water department, customarily financed from water revenues: First section, the amount of money required to pay all the fixed charges and running expenses including a contingency fund as determined by the board of finance by estimate based on such facts as are obtainable; and, per contra, an estimate of the receipts for the forthcoming year from which these expenses will be met; second section, the permanent and temporary improvements and extraordinary expenditures which in the judgment of the board of finance should be made in the ensuing year, with an estimate of the sources from which these expenditures are to be financed, or to provide a fund or funds which may be allowed to accumulate from year to year for the purpose of financing water facilities construction; Part III, enterprise funds to be established in connection with the issuance of revenue bonds or other facility, system or program specific obligations of the district issued pursuant to section 4 of special act 90-27, and sections 5 to 7, inclusive, of [this act] public act 93-380, and funded from user charges, fees, rates and rentals: From the commencement of operation of any facility, system or program, the estimated expenditures of each facility, system or program showing all fixed charges and running expenses, permanent and temporary improvements, debt service payments becoming due and payable for the ensuing year and extraordinary expenditures as determined by the board of finance by estimate based on such facts as are obtainable and an estimate of the revenues of such facility, system or program for the forthcoming year

House Bill No. 6008

from which these expenses and costs will be met. Upon the completion of the proposed budget by the board of finance it shall be published for three consecutive days, except Sundays or holidays, in one or more newspapers published within said district. After such proposed budget or estimate has been so published it shall be referred to the district board for adoption and, when such budget or estimate has been so adopted, the estimates of expenses therein for each function or department shall constitute the appropriations for the district for the ensuing year. No expenditure for any function or department designated in the budget shall exceed the appropriation therefor, provided the district board may, upon approval of the board of finance or, in the absence of such approval by a vote of the district board, make additional or supplemental appropriations in any part of the budget from the undesignated fund balance or retained earnings applying to any part or transfer any unexpended balance of any appropriation included in any part of the budget to any other appropriation in the same part thereof provided there shall be attached to the resolution making such additional or supplemental appropriation or transfer a certificate from the chief financial officer that a balance actually exists free from encumbrance, or funds are available from the undesignated fund balance or retained earnings within section one of any part of the budget. If an emergency condition in the services or functions of The Metropolitan District shall be declared to exist by formal vote of the district board and if such condition shall require additional expenditures or receipt of additional revenues which cannot be met by the established budget for the year or, in the case of revenues, will not be timely received, the board of finance shall be requested by the district board to prepare and submit a special emergency budget, with a stipulation as to how the funds therefor shall be provided. Such emergency budget shall be submitted to the district board for approval in the same manner as the annual budget, but publication thereof shall not be required. For purposes of this section, in addition to emergency conditions determined by formal vote of the district board, an emergency condition shall exist in the event one or

House Bill No. 6008

more of the member municipalities of the district fail to timely pay, in full, the tax due under section 15 of number 511 of the special acts of 1929.

Sec. 3. Section 18 of number 511 of the special acts of 1929, as amended by section 3 of number 332 of the special acts of 1931, number 285 of the special acts of 1949 and section 2 of special act 81-56, is amended to read as follows (*Effective from passage*):

The purposes for which such bonds, notes, or other certificates of debt may be issued and for which the avails thereof shall be used are: To meet the cost of public improvements and such other improvements authorized by the charter of the district; to raise funds in anticipation of a bond issue for the purpose of financing such improvements for a temporary period previous to the issue of such bonds; for working capital purposes or to raise funds in anticipation of taxes, including taxes imposed or expected to be imposed under section 15 of number 511 of the special acts of 1929, or in anticipation of sewer or water revenues estimated to be received by the issue of notes maturing in [six months] three years or less from the date of issue; to redeem or refund outstanding bonds or other obligations of the district, not intending to include bonds or other obligations of the component towns not assumed under the provisions of this act; to meet the cost in whole or in part, including damages awarded, which the district is required to defray temporarily in connection with public improvements duly authorized where benefits assessed cannot be immediately collected, provided this authority shall be an alternative to and not a limitation of the power of the district board to provide for the issue of assessment certificates.

Sec. 4. (NEW) (*Effective from passage*) (a) A grant in lieu of taxes, payable pursuant to section 12-18b of the general statutes, to a member municipality of The Metropolitan District that fails to pay an amount assessed by said district for sewer use shall be withheld, in whole or in

House Bill No. 6008

part, as follows: If any amount assessed by said district to such municipality on or after January first of a calendar year and due on or before September first of such year remains unpaid on September first of such year, a withholding of such grant equal to the sum of such unpaid amount, plus the amount due in October of such year and a surcharge equal to five per cent of the sum of such amounts. If, on or by December first of such year, such municipality remits payment for such unpaid assessment amounts, any amount withheld from such grant payment pursuant to this subsection shall be paid to such municipality. If, on or by December first of such year, such municipality fails to remit payment for such unpaid assessment amounts, the Secretary of the Office of Policy and Management shall remit to said district, on behalf of such municipality, an amount equal to such unpaid assessment amounts, and to such municipality, by December thirty-first of such year, an amount equal to the amount withheld from such grant payment pursuant to this subsection. The secretary may retain an amount equal to the five per cent surcharge withheld pursuant to this subsection.

(b) Any member municipality of The Metropolitan District that fails to timely pay an amount assessed by said district for sewer use during the current or prior fiscal year shall be ineligible for early disbursement of any grant from the municipal revenue sharing account such municipality may be entitled to pursuant to section 4-66l of the general statutes.

Approved May 16, 2017