

Agenda for Public Hearing on Proposed Revisions to General Ordinances and Water Ordinances

Metropolitan District Commission
555 Main Street, MDC Headquarters, Board Room
Wednesday, November 1, 2017 at 4:00 P.M.

1. CALL TO ORDER (Chair)
2. INTRODUCTION OF HEARING COMMISSIONER AND STAFF (District Clerk)
3. GENERAL STATEMENT (Chair)
4. READING OF HEARING NOTICE AND STATEMENT OF PURPOSE (District Clerk)
5. PUBLIC HEARING PROCEDURE AND GUIDELINES (Chair)
6. OPEN UP TO COMMENTS AND OPINIONS FROM THE PUBLIC
 - A. G9 "INDEPENDENT CONSUMER ADVOCATE" ORDINANCE
 - B. WATER ORDINANCES
7. REMIND ATTENDEES THAT THEY MAY REGISTER OPINIONS WITH CLERK IF THEY HAVE NOT SPOKEN AT THE HEARING
8. ADJOURNMENT

October 30, 2017

**NOTICE OF PUBLIC HEARING ON
PROPOSED REVISIONS TO ORDINANCES**

THIS NOTICE CONTAINS AN UPDATED PROPOSED ORDINANCE

Pursuant to Special Act 01-3, as adopted by the General Assembly of the State of Connecticut, The Metropolitan District will hold a public hearing on proposed additions to The Metropolitan District General Ordinances **Part G9 “INDEPENDENT CONSUMER ADVOCATE”**. The hearing will be held in the Board Room at District Headquarters, 555 Main Street, Hartford, Connecticut on **Wednesday, November 1, 2017 at 4:00 P.M.**

The proposed ordinance revisions are available for inspection at the Office of the District Clerk of The Metropolitan District, 555 Main Street, Hartford and www.themdc.org/district-board.

STATEMENT OF PURPOSE OF ADDITION OF PART G9 “INDEPENDENT CONSUMER ADVOCATE”: To create an Independent Consumer Advocate to advocate on behalf of District customers’ interests.

John S. Mirtle, Esq.
District Clerk

G-9 INDEPENDENT CONSUMER ADVOCATE

PART 9, GENERAL ORDINANCES

<u>Section</u>	<u>Section Title</u>
G9a	Independent Consumer Advocate
G9b	Reports

SEC. G9a INDEPENDENT CONSUMER ADVOCATE

The State of Connecticut Consumer Counsel (“Consumer Counsel”) will appoint an Independent Consumer Advocate (“Consumer Advocate”) who shall be a member of the Connecticut bar and shall have private legal experience in public utility law and policy. The Consumer Advocate shall act as an independent advocate for consumer interests in all matters which may affect District consumers, including, but not limited to, rates, water quality, water supply and wastewater service quality. The Consumer Counsel will appoint the Independent Consumer Advocate prior to November 1, 2017 and then in each odd numbered year thereafter to serve for a two-year term commencing on the following first day of January. The Consumer Advocate shall be independent of the District Board and may not be removed by the District Board for any reason. The District Board shall not direct or oversee the activities of the Consumer Advocate. The District Board shall cooperate with reasonable requests of the Consumer Advocate to enable the Consumer Advocate to effectively perform his or her duties and functions. The 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. Costs related to the 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 period from November 1, 2017 through December 31, 2018 and fifty thousand dollars for each year thereafter, unless there is a demonstration of substantial need made by the Consumer Advocate and approved by the District Board. From November 1, 2017 through December 31, 2017, the Consumer Advocate shall not perform any of his or her official functions as set forth herein, but rather perform those duties reasonably necessary to enable him or her to commence performing the official functions of the Consumer Advocate as of January 1, 2018.

The Consumer Advocate may appear and participate in District matters or any other federal or state regulatory or judicial proceeding in which consumers generally of the District are or may be involved. The Consumer Advocate, in carrying out his or her duties, shall: (1) Have access to the 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 Consumer Advocate. Prior to January 1, 2018, the Consumer Advocate and representatives of the District shall determine those District records that may be publicly disclosed without prior consent of the District. Requests for public disclosure of any other records shall be forwarded to the District Clerk and processed in accordance with the State of Connecticut Freedom of Information Act.

Nothing herein shall be construed to prevent any party interested in any proceeding or action of the District from appearing in person or from being represented by counsel therein.

SEC. G9b REPORTS

The 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 quarterly reports shall be posted on the Internet web sites of the District and the Consumer Counsel. The 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 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 Consumer Advocate may hold additional public forums as he or she deems necessary.

October 30, 2017

**NOTICE OF PUBLIC HEARING ON
PROPOSED REVISIONS TO ORDINANCES**

THIS NOTICE CONTAINS UPDATED PROPOSED ORDINANCE REVISIONS

Pursuant to Special Act 01-3, as adopted by the General Assembly of the State of Connecticut, The Metropolitan District will hold a public hearing on proposed revisions and additions to The Metropolitan District Water Ordinances:

§ W2b “UNPAID WATER BILL CONSTITUTES LIEN”

STATEMENT OF PURPOSE OF REVISION- Update ordinance to be consistent with District Charter.

§ W2c “SHUT-OFF FOR NON-PAYMENT”

STATEMENT OF PURPOSE OF REVISION- Update ordinance to allow shutoff for denial of access to District equipment.

§ W4h “INSTALLATION OF MAINS BY DEVELOPER’S METHOD”

STATEMENT OF PURPOSE OF REVISION- Update ordinance to expand Developer’s Method.

§ W4i “ACQUISITION OF WATER COMPANY”

STATEMENT OF PURPOSE OF ADDITION- Creation of ordinance to address acquisition of small water systems.

§ W5g “COMBINATION SERVICES NOT ALLOWED”

STATEMENT OF PURPOSE OF REVISION- Update ordinance to include inspection of combination services.

§ W6b “CHARGES FOR MAINTENANCE”

STATEMENT OF PURPOSE OF REVISION- Clarify ordinance regarding hydrant maintenance.

§ W7o “AIRCRAFT”

STATEMENT OF PURPOSE OF REVISION- Update ordinance to prohibit use of drones on District land.

The hearing will be held in the Board Room at District Headquarters, 555 Main Street, Hartford, Connecticut on **Wednesday, November 1, 2017 at 4:00 P.M.** The proposed ordinance revisions are available for inspection at the Office of the District Clerk of The Metropolitan District, 555 Main Street, Hartford and www.themdc.org/district-board.

John S. Mirtle, Esq.
District Clerk

SEC. W2b UNPAID WATER BILL CONSTITUTES LIEN

Any claim or debt due for charges for the use of water shall be and constitute a lien upon the lot, house, tenement or premises upon, or in conjunction with which, said water was used until such claim or debt, together with interest and lien charges shall be fully paid, but no such lien shall attach unless a certificate of such lien, describing the property on which the same exists and the amount to be claimed, signed by the Registrar or other authorized representative of the Water Bureau, shall be filed with the town clerk of the town wherein such lien accrued, within ~~one~~ two years s after the original charge shall have become payable.

SEC. W2c SHUT-OFF FOR NON-PAYMENT/DENIAL OF ACCESS

The Water Bureau reserves the right to shut off the water from premises where the bill remains unpaid 30 days after date on which payment is due or the property owner refuses to grant access to view, inspect, repair or replace the water meter or other District equipment. If so turned off, the water will not be turned on again without payment of all charges, plus a fee as established by the Water Bureau as part of its Special Rules and Charges.

(Adopted March 3, 1986)

(Effective March 13, 1986)

SEC. W4h INSTALLATION OF MAINS BY DEVELOPER'S METHOD

In lieu of the installation of a Class II main or mains and appurtenances and the assessment therefore, ~~in unimproved rights-of-way in sub-division developments~~, the Water Bureau may, by agreement with the developer or owner, require the construction of, such main or mains and appurtenances at the expense of said developer or owner. The Water Bureau is empowered to authorize the District Clerk to enter into agreements on behalf of the developer's contractors or Water Bureau forces, or combinations thereof, as mutually determined and agreed upon. Such agreements shall provide for assumption of liability by the developer or owner in connection with such construction and adequate insurance shall be required. In cases where, in staff's opinion, special circumstances are involved, the Administration must bring the matter to The Water Bureau for approval. The Chairman or Vice Chairman of the Water Bureau is authorized to sign all such agreements on behalf of The Metropolitan District. The Chairman of the Water Bureau may, at his or her discretion, authorize the District Clerk to sign all such agreements on behalf of The Metropolitan District.

(Adopted June 5, 2000)

(Effective June 15, 2000)

SEC. W4i ACQUISITION OF PRIVATE SYSTEM

If any private water system petitions the District to acquire or incorporate the private system into the District's water supply distribution system, or the District is legally ordered to acquire any private system in accordance with Conn. Gen. Stat. § 16-262o, the system must be inspected by District staff and meet District design and construction standards. The design and construction of any

necessary improvements will be done in accordance with the District's process for the Developer's Method described in § W4h. The costs associated with any necessary improvements of the acquired private water system shall be paid by the acquired water company or by the properties so served.

SEC. W5g COMBINATION SERVICES NOT ALLOWED

The installation of combined fire and domestic services will not ordinarily be permitted except by special permission, a separate service connection being required in each case. When a combination service is to be installed by special permission or an existing combination service is repaired or replaced, the service pipe shall be laid in a manner prescribed by the Water Bureau and subject to inspection, before backfilling, by a representative of said bureau.

SEC. W6b CHARGES FOR MAINTENANCE

All public hydrants and their connections, when installed, are part of the plant public water system of The Metropolitan District, which will maintain them subject to an annual charge to be paid by the requesting authority-responsible party. A public hydrant is defined as any hydrant connected to a public water main regardless of whether the public main is located outside a public roadway. Annual charges for maintenance will be billed to the municipality where the public hydrant is located. A private hydrant is a hydrant connected to a private service and is outside The District's public water system. Annual charges for maintenance of private hydrants will be billed to the property owner or owner of the private water system. The amount of the annual charges for public and private hydrants shall be those established by the Water Bureau, based on current costs.

Non-payment of the annual maintenance charge, after due notice thirty days in advance, will be sufficient authority for the Water Bureau to discontinue service at all hydrants where such payment is in arrears.

SEC. W7o AIRCRAFT

The landing of aircraft on any reservoir, pond, or lake which is on the premises of the Metropolitan District is prohibited, except in case of emergency, and except that permission may be granted by an authorized agent of The Metropolitan District. The unauthorized use of any unmanned aerial vehicle (drone) is prohibited on all property owned by The Metropolitan District.

(Adopted July 11, 1966)

(Effective July 21, 1966)