

MATTABASSETT DISTRICT CHARTER

City of New Britain

Town of Berlin

Town of Cromwell

City of Middletown

CONNECTICUT

October 1968

Updated: October 1, 1985
September 27, 2006
February 26, 2014

MATTABASSETT DISTRICT CHARTER

Sec. 1-1 The City of New Britain, Town of Berlin and Town of Cromwell, acting in accordance with the provisions of Number 240 of the Special Acts of 1961, have, with the approval of a majority of each of their legislative bodies, declared the Mattabassett District to exist for the purpose, more particularly defined herein, of constructing a sewerage system and for the operation and maintenance of such system.

Sec. 1-2 The Mattabassett District shall be governed by the provisions of this charter as ratified by the legislative bodies of each constituent Charter Municipality (New Britain, Berlin and Cromwell) in 1968, and again in October 1985 and September 2006, and again in February 2014 to include Middletown as a Constituent Municipality.

Sec. 1-3 The purpose of the Mattabassett District is the relief of waters in, bordering or entering the district from pollution or threatened pollution arising from causes within or without the district and the consequent improvement of conditions affecting public health by:

1. The acquisition, construction, operation and maintenance and improvement of works for the collection, treatment, purification and disposal of sewage and other wastes.
2. Assessing service charges to municipalities, occupants or owners of property for direct or indirect connections with and the use of services or such works, and providing for the establishment, collection and enforcement of such charges.
3. Providing for the financing of such works, for the issuance of bonds therefore, and for the payment and security of such bonds.
4. Declaring the district to be a body politic and corporate having full responsibility and powers with respect to such works and the establishment, collection, enforcement, use and disposition of all such service charges.

Sec. 1-4 As used in this charter, unless a different meaning clearly appears from the context:

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- a. "District" shall mean the Mattabassett District.
- b. "District Board" shall mean the board of directors of the district.
- c. "Municipality" and "Municipalities"(plural) shall mean any city, town, borough, or fire district.
- d. "Constituent Municipality" shall mean the Cities of New Britain and Middletown, and the Towns of Berlin and Cromwell.
- e. "Charter Municipality" shall mean the City of New Britain, and the Towns of Berlin and Cromwell.
- f. The terms "sewage", "sewerage system", "acquire a sewerage system", "construct a sewerage system", "operate a sewerage system", and "person" shall have the meanings defined in Sec. 7-245 of the General Statutes.
- g. "Real Property" shall mean lands within the State and improvements thereof or thereon, or any rights or interests therein.
- h. "Pollution" shall mean the condition of water resulting from the introduction therein of substances of a kind and in quantities rendering it detrimental or immediately or potentially dangerous to the public health or unfit for public or commercial use.
- i. "Industrial Wastes" shall mean liquid or other wastes resulting from any processes of industry, manufacture, trade, or business or from the development of any natural resource.
- j. "Bonds" shall mean bonds, notes, or other obligations issued pursuant to this charter.
- k. "Service Charges" or "Sewerage System Service Charges" shall mean and encompass all Annual Assessments and all other fees, connection fees, user fees, rents, and other similar charges paid to the District for direct or indirect connection with or the use of services of the District's facility and/or sewerage system.

Revisions:

Section 4-12 Adopted October 1, 1985

Sections 2-4, 2-9, 2-11, 3-19. 4-4 Adopted October 27, 2006

Sections 1-2, 1-4, 2-1, 2-2, 2-3, 2-4, 2-5, 2-6, 4-1, 4-5, 4-7, 4-10, 4-12, 4-13, 5-1 Adopted February 26, 2014

1. "Annual Assessment" (Annual Sewer User Fee) shall mean and include present capital costs, future capital costs, debt costs, and operating costs, as further described in Section 4-12 of the Charter, and as determined and established by the District and charged annually to and paid by the Constituent Municipalities and other served Municipalities for connection with and use of the services of the District's facility and sewerage system.
- m. "Costs" shall mean, in addition to the usual connotations thereof, the cost of acquisition, or construction of all or any part of a sewerage system and of all or any property, rights, easements, privileges, agreements and franchises deemed by the district board to be necessary or useful and convenient therefore or in connection therewith, including interest or discount on bonds, cost of issuance of bonds, engineering and inspection costs and legal expenses cost of financial, professional and other estimates and advice, organization, administrative, operating and other expenses of the district board prior to and during such acquisition or construction, and all such other expenses as may be necessary or incident to the financing, acquisition, construction and completion of the sewerage system or part thereof and the placing of the same in operation, and also such provision or reserves for working capital, operating, maintenance or replacement expenses or for payment or security of principal of or interest on bonds during or after such acquisition or construction as the district board, or any municipality, or other person of any moneys theretofore expended for the purposes of the district board or to any municipality of any moneys theretofore expended in connection with sanitation facilities.

Sec. 1-5 The territorial limits of the district shall be coterminous with the perimeter boundary of the Municipalities forming the district.

Sec. 2-1 The affairs of the district shall be governed and managed by the district board, composed of not more than fifteen members, appointed by the Constituent Municipalities.

Sec. 2-2 Effective with the ratification of the amendments to this Charter by the Charter Municipalities, representatives to the District Board shall be determined as follows: (A) Each Constituent Municipality shall be represented by a base number of three (3) representatives to the board, and (B) each Constituent Municipality whose population, minus five thousand, is greater than the result of dividing the aggregate population of the Constituent Municipalities by the number of Constituent Municipalities shall be entitled to additional population-based representation. The number of additional representatives to which a Constituent Municipality is entitled may be calculated by (i) dividing the aggregate population of the Constituent Municipalities, (ii) subtracting the result from the population of the Constituent Municipality, minus five thousand, (iii) dividing the result by fifteen thousand, and (iv) rounding the result to the nearest whole number. The population of each Municipality shall be determined according to the last completed federal census. Within sixty days following the publication of each subsequent federal census, the district board shall meet to determine whether any reapportionment shall be made in the number of members representing each Constituent Municipality on the board. If the board determines at such meeting that a reapportionment is required, each Constituent Municipality affected by such reapportionment shall increase or decrease its representatives on the board, as applicable, not later than one year after the date on which the board makes such determination.

Sec. 2-3 Each Constituent Municipality shall elect its representatives to the district board by a vote of its legislative body, except a Constituent Municipality may, by vote of such legislative body, use an alternative means of selection. Alternative means of selection may include, without limitation, direct election by the electors of a Constituent Municipality. Each Constituent Municipality shall determine the term of office of its representatives to the board of directors, provided no such term of office shall be more than three (3) years. In the event of a vacancy in the membership of the district board occurring during an unexpired term of office, a

person shall be appointed by the legislative body of the municipality from which the vacancy occurs to serve for the unexpired term. Each representative appointed shall continue to serve until his/her successor has been appointed and qualified; however, no person shall continue to serve as a member of the board after removal of his/her residence from the Municipality by which he/she was appointed.

Sec. 2-4 At the first meeting of the district board after the City of Middletown has been admitted to the district, the board of directors shall select an “initial chairperson” who shall be a representative from the Constituent Municipality with the greatest population, according to the last completed federal census, and shall be elected from the representatives of such Municipality by a majority vote of all of the representatives on the board, except that if no representative from such Municipality is able to serve as chairperson, the chairperson shall be elected from the full membership of the board. The term of office of such “initial chairperson” under this new charter shall not exceed seven years. Upon the expiration of such term of office, each subsequent chairperson shall be elected from the full membership of the board of directors by a vote of all of the representatives on the board.

Sec. 2-5 At the first annual September meeting of the district board after the City of Middletown has been admitted to the district, and at succeeding annual meetings in September, the directors shall choose by ballot from its membership, a chairperson after the “initial chairperson’s” term has expired as described in Section 2-4 above, a vice chairperson, a secretary, and a treasurer who shall be a representative of one of the Charter Municipalities, and may then or thereafter appoint any other officers that may seem to it convenient for the transaction of the business of the district. The district board may, from time to time, appoint such standing and special committees from its members or otherwise as in its judgment may be convenient and define their powers and duties. The district board shall adopt by-laws and resolutions for the purpose of carrying into effect any of the powers and duties herein given. To

the extent not in conflict with an express provision of this Charter the district by-laws adopted from time to time shall govern the district. The district board is authorized to appoint, from time to time, one or more deputies to the treasurer and secretary. The district board may delegate to such deputies such powers as the board may deem wise, including, in the case of the deputy treasurer, the power to sign bonds of the district to be issued for any proper purpose.

Sec.2-6 No member of the district board shall receive any compensation for his/her services as a member or as a member of a subcommittee of the board except that a reasonable sum may annually be appropriated as a stipend and for the actual expenses of the members of the district board.

Sec. 2-7 The district board shall appoint but not necessarily from its number, an executive director who shall attend the meetings of the board and shall perform such other duties as required. The executive director shall be experienced in the administration and operation of sewerage systems. The board may also appoint and employ such professional and technical advisors and experts and such other agents and employees as it may require, and shall determine their qualifications, duties and compensation. The board may, by resolution, by-law or otherwise, fix the salaries and define the duties of all employees or may delegate the hiring of employees and the fixing of salaries and assignments of duties to employees to the executive director.

Sec. 2-8 The district board shall make provisions for the proper auditing of the district accounts and shall cause the treasurer or any deputy treasurer and may cause any other officer to execute bonds to the district with surety to the acceptance of the district board for the faithful performance of duties. The cost of such bonds shall be borne by the district.

Sec. 2-9 A majority of the entire membership of the board shall constitute a quorum and the time, place and manner of calling meetings and the holding thereof, including the manner of dissolving tie votes shall be prescribed by the board in the by-laws or otherwise by resolution.

Sec. 2-10 No member, officer, or employee, of the district board shall acquire any interest, direct or indirect, in the sewerage system or in any property included or planned to be included in the sewerage system or in any contract or proposed contract for materials or services to be furnished to or used by the district, but neither the holding of any office or employment in the government of any municipality or under any law of the State nor the owning of property within a constituent municipality shall be deemed a disqualification for membership in or employment by the district. In the event that the district board determines to acquire property owned in total or in part by a member, officer or employee of the district board and that member, officer or employee has been the registered owner of the property for at least two years, the district board may negotiate directly with him/her for the acquisition of the property. In the event that the member, officer or employee has held title to the property for less than two years, the district board shall petition the Superior Court for the County or Judicial District where such property is located, or a judge of the court, if the court is not in session to determine the compensation that shall be paid for the acquisition of the property.

Sec. 2-11 A member of the district board may be removed only by the legislative body by which he/she was appointed and only for inefficiency or neglect of duty or misconduct in office and after he/she shall have been given a copy of the charges against him/her, and, not sooner than ten days thereafter, had opportunity in person or by counsel to be heard thereon by such legislative body.

Sec. 2-12 The district board shall have the power to supervise and investigate all departments, officers and employees of the district and to inquire into any charges preferred against any of its officers and employees, and may for cause, of which the district board shall be the sole judge, remove, suspend or terminate any of its officers or employees. The district board shall have power of access to all records thereto pertaining and power to compel the

attendance of witnesses and the production of books and papers and other evidence of any meeting of the board or any committee thereof, except as precluded by statute or law.

Sec. 2-13 The district shall establish headquarters and such branch quarters as may be required within any constituent municipality and for such purposes or any of them purchase or lease land and buildings.

Sec. 2-14 Whenever any work shall be necessary to execute or perfect any sewerage work or improvement, or whenever any supplies or professional services for the district shall be needed for any particular purpose, such work or supplies or professional services shall be contracted for under such regulations and/or procedures as the district board may establish by resolution, by-law or otherwise.

Sec. 2-15 The district board shall indemnify and reimburse any person made a party to any action, suit or proceeding by reason of the fact that he, or a person whose legal representative or successor he is, is or was a director, officer or employee of the district for expenses, including attorney's fees and such amount of any judgment, money decree, fine, penalty or settlement for which he may have become liable as the district board deems reasonable, actually incurred by him in connection with the defense or reasonable settlement of any such action, suit or proceeding, or any appeal therein, except in relation to matters as to which he, or such person, whose legal representative or successor he is, is finally adjudged in such action, suit or proceeding to be liable for negligence or misconduct in the performance of his duties. No payment shall be made to any person as provided in this section in respect to any action, suit or proceeding seeking to establish his liability to the district, arising out of alleged negligence or misconduct by him, or the person whose legal representative or successor he is, in the performance of duties as a director, officer or employee of the district, unless either (1) he is successful in his defense on the merits or (2) the court in which such indemnification and

reimbursement, finds such payment not unreasonable or inequitable after such hearing and notice thereof as it deems proper.

Sec. 3-1 The district shall be a public body, corporate and politic, having all the powers necessary or convenient to carry out its purposes and the provisions of this charter, including the following enumerated powers in addition to others herein granted.

- a. To sue and be sued; to have a seal and to alter the same at pleasure; to have perpetual succession and to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the district.
- b. To acquire, by purchase, gift, condemnation or otherwise, real property and easements therein, necessary or useful and convenient for the purposes of the district, and subject to mortgages, deeds of trust or other liens, or otherwise, and to hold and to use the same and to dispose of property so acquired no longer necessary for the purpose of the district.
- c. To acquire, hold, use and dispose of its service charges and other revenues and other moneys.
- d. To acquire, hold, use and dispose of other personal property for the purposes of the district.
- e. To borrow money and to issue and secure the payment of any bonds and the rights of the holders thereof and to purchase, hold and dispose of any bonds.
- f. To accept gifts or grants of real or personal property, money, material, labor or supplies for the purposes of the district and to make and perform such agreements and contracts as may be necessary or convenient in connection with the procuring, acceptance, or disposition of such gifts, or grants.

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- g. To enter on any lands, waters, or premises, for purposes of making surveys, borings, soundings, and examinations for the purposes of the district.
- h. To make and enforce by-laws or rules and regulations for the management and regulation of its business and affairs and for the use, maintenance and operation of the sewerage system and any other of its properties, and to amend the same.
- i. To do and perform any act and things authorized by this charter under, through or by means of its own officers, or agents, or employees, or by contracts with any persons.
- j. To enter into any and all contracts, execute any and all instruments and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the district or to carry out any power expressly given in this charter.
- k. To enter into all necessary contracts and agreements of the state and federal government or any agency thereof, necessary or incident to the sewerage system.
- l. To obtain assistance from the state and federal governments in the form of loans, advances, grants, subsidies and otherwise, directly or indirectly for the construction or operation, or both, of the sewerage system.
- m. To carry out as a federal project or state project, the construction, operation and maintenance of this sewerage system or any part thereof herein authorized, accept or use any federal funds or federal assistance or both provided therefore under any federal law.

Sec. 3-2 The district may acquire, construct and operate a sewerage system or systems for the purpose of transmitting, treating and disposing of (i) the sewage collected by the sewerage systems of each of the constituent municipalities, and with the concurrence of a constituent municipality, (ii) the sewage collected directly from any person within such constituent municipality.

Sec. 3-3 The district, subject to the limitations of this charter, may acquire in its own name but for the constituent municipalities, by purchase, gift, condemnation or otherwise, and

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notwithstanding the provisions of any charter, ordinance, or resolution of any municipality to the contrary, construct, maintain, operate and use such trunk, intercepting, and outlet sewers, conduits, pipe lines, pumping and ventilating stations, treatment plants or works at such places, within or without the district, and such other plants, structures, boats and conveyances, as in the judgment of the district board will provide an effective and satisfactory method for promoting the purposes of the district. The constituent municipalities may continue to own, maintain, operate, construct and supervise their existing or future sewerage facilities subject to the provisions of Sections 3-9 and 3-10 of this charter.

Sec. 3-4 The district shall, when in its judgment its sewerage system or any part thereof will permit, collect from any and all public systems within the district all sewage and treat and dispose of the same in such manner as to promote the purposes of the district.

Sec. 3.5 The district shall have the right to acquire by the exercise of the power of eminent domain any real property or interest therein which the district board deems necessary for the purposes of the district in the manner provided in Section 48-12 of the General Statutes.

Sec. 3-6 The district board may establish and revise rules and regulations for the supervision, management, control, operation and use of a sewerage system or systems, including rules and regulations prohibiting or regulating the discharge into any sewerage system of any sewage or any storm-water runoff which in the opinion of the district board will adversely affect any part or process of the sewerage system. The district board may enter into and fulfill contracts with any person or any municipality or municipalities to provide or obtain sewerage system service for any sewage.

Sec. 3-7 In connection with construction or operation of any part of a sewerage system, the district board shall have power to make reasonable regulations for the installation, construction maintenance, repair, renewal, relocation, and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles or any other equipment and appliances (hereinafter called facilities) of any

public service company as defined in 16-1 General Statutes, in, on, along, over or under any real property, including public lands, waters, parks, roads, streets, highways, playgrounds and reservations.

Sec. 3-8 Whenever in connection with construction or operation of any part of a sewerage system, the district board shall determine that it is necessary that any such facilities, which now are, or hereafter may be, located in, on, along, over or under any such real property, including public lands, waters, parks, roads, streets, highways, playgrounds and reservations, should be relocated in such real property, including public lands, waters, parks, roads, streets, highways, playgrounds and reservations, or should be removed therefrom, the public service company owning or operating such facilities shall relocate or remove the same in accordance with the order of the district board, provided, however, that the cost and expenses of such relocation or removal, including the cost of installing such facilities in a new location, or new locations, and the cost of any lands or any rights or interests in lands or any other rights acquired to accomplish such relocation or removal, less the cost of any lands or any rights or interest in land or any other rights to the public service company paid to the public service company in connection with the relocation or removal of such property, shall be paid by the district and may be included in the cost of such sewerage system. In case of any such relocation or removal, as aforesaid, the public service company owning or operating the same, its successors, or assigns, may maintain and operate such facilities, with the necessary appurtenances, in the new location or new locations, for as long a period and upon the same terms and conditions, as it had the right to maintain and operate such facilities in their former locations.

Sec. 3-9 Any municipality, by resolution of its legislative body, or any other person is hereby empowered to sell, lease, lend, grant or convey to the district, or to permit the district to use, maintain, or operate as part of the sewerage system, any real or personal property owned by it, including all or any part of any system of main, lateral, or other sewers or other sewerage

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facilities which may be necessary or useful and convenient for the purposes of the district, and which may be accepted by the district. Any such sale, lease, loan, grant, conveyance or permit may be made with or without consideration, and for a specified or an unlimited period of time and under any agreement on any terms and conditions, which may be approved by such municipality or other person and which may be agreed to by a two-thirds vote of the entire membership of the district board in conformity with its contract with the holders of any bonds. Subject to any such contract with holders of bonds, the district board may enter into and perform any and all agreements with respect to properties so accepted by it, including agreements for the assumption of principal or interest or both of indebtedness of such municipality or other person or of any mortgage or lien existing with respect to such property or for the operation and maintenance of such property as part of the sewerage system.

Sec. 3-10 The district board is hereby authorized to enter upon and use and connect any existing public drains, sewers, conduits, pipe lines, pumping and ventilating stations and treatment plants or works or any other public property of a similar nature within the district, and, if deemed necessary by the district board, to close off and seal outlets and outfalls therefrom. The district board may, but need not, take possession and use all or any part of the sewerage system of any constituent municipality, but the district board shall not take permanent possession or make permanent use of any such treatment plant or works unless it acquires the same pursuant to Section 3-9 of this charter.

Sec. 3-11 The district board may construct, maintain, and operate its sewerage system along, over, under and in any streets, alleys, highways, and other public places within and without the district, doing no unnecessary injury thereto and making no unnecessary interruption in or interference with the public use of such places and restoring the same to their former usefulness and condition within a reasonable time. The district board shall notify the authority having jurisdiction over the maintenance of any such streets, highways, or other places of the

time and place of any opening or excavating to be done by the district, and shall conform insofar as possible, with the reasonable requirements of the same.

Sec. 3-12 Each municipality within the district, and every person owning or operating any sewer or drain or any system of water distribution serving three or more parcels of real property in the district, shall at the request of the district board make available to the district board, any and all of its maps, plans, specifications, records, water consumption data, books, accounts, or other data or things deemed necessary by the district board for its purposes.

Sec. 3-13 Each municipality or other person owning or operating any sewer or drain which serves three or more parcels of real property in the district and which discharges sewage into waters in or bordering the district shall, upon notice from the district board cause such sewer or drain to be connected with the sewerage system at such point and in such manner as the district board may specify and shall thereafter cause the sewer or drain to discharge into the sewerage system.

Sec. 3-14 Neither the district board nor any constituent municipality shall have power to mortgage, pledge, encumber or otherwise dispose of any part of the sewerage system, except that the district board may dispose of such part or parts thereof as may be no longer necessary for the purposes of the district. The provisions of this section shall be deemed to constitute a part of the contract with the holder of any bonds. All property of the district shall be exempt from levy and sale by virtue of an execution and no execution or other judicial process shall issue against the same nor shall any judgment against the district be a charge or lien upon its property, provided, that nothing herein shall apply to or limit the rights of the holder of any bonds to pursue any remedy for the enforcement of any pledge or lien given by the district on its system revenues or any remedy provided by law.

Sec. 3-15 No municipality or person shall discharge, or suffer to be discharged directly or indirectly into any water in or bordering the district any sewage which may or will cause or

contribute to the pollution of such waters; provided that this prohibition shall be applicable only to such part or parts of such waters as are in an area of the district bounded and described in a notice, inserted at least once in a newspaper having a general circulation within the district, to the effect that the district has provided facilities reasonably sufficient in its opinion for the treatment and disposal of sewage which by discharge into such waters might cause or contribute to pollution of such waters, and that pollution of such waters is forbidden by law. Such a notice shall constitute prima facie evidence of the existence of facilities sufficient for the treatment and disposal of all such sewage.

Sec. 3-16 No municipality or person shall discharge or suffer to be discharged directly or indirectly into the sewerage system of the district any matter or thing which in the opinion of the district board is or may be injurious to the health of its employees engaged in maintaining and operating the sewerage system.

Sec. 3-17 No sewage disposal plant or other facilities serving three or more parcels of land for the treatment or disposal of sewage arising within the district shall be constructed unless the district board shall give its consent thereto and approve the plans and specifications therefor.

Sec. 3-18 The sewerage system and all other property of the district is hereby declared to be public property, of a political subdivision of the State and devoted to an essential public and governmental function and purpose and shall be exempt from all taxes and special assessments of the State or subdivision thereof. All bonds are hereby declared to be issued by a political subdivision of this State and for an essential public and governmental purpose and to be a public instrumentality and such bonds, and the interest thereon, and the income therefrom, and all service charges, funds, revenues, and other moneys, pledged or available to pay or secure the payments of such bonds, or interest thereon, shall at all times be exempt from taxation except for transfer, inheritance and estate taxes, and taxes on transfers by or in contemplation of death.

Sec. 3-19 The district board shall adopt for all or certain classes of employees of the district a pension system which shall generally compare to the municipal employees' retirement system under Chapter 113, Section 7-425 to Section 7-459, General Statutes. The provisions of the pension system adopted under the provisions hereof shall be effective only in the case of retirements which shall take place after the adoption of such system. The district board shall have power to adopt such regulations and by-laws not inconsistent with the provisions hereof, as it shall deem necessary for the effective administration of the pension system. The estimate of the expenditure required to pay the pension to become effective under the provisions hereof, shall form part of the annual expenses of the district and shall be embodied in the budget. Services of individuals covered under the retirement system of the district need not be excluded in determining the coverage under the Federal Social Security System. Employees of Constituent Municipalities transferred to the service of the district may, at their option, continue their participation in the Municipality's pension system. All costs other than the employees' contribution shall be borne by the district. The district shall have the authority to adopt alternative pension and annuity plans available from time to time for its employees in the public sector and to provide for employee participation in social security as the board in its sole discretion shall determine.

Sec. 4-1 The district board shall appoint a finance committee of five members: one representative from each of the Constituent Municipalities, and the treasurer of the district. Each finance committee member shall hold office for the term of one year from his/her appointment. All vacancies on the finance committee shall be filled for the unexpired portion of the term by the district board. The executive director shall be the clerk of the finance committee and shall keep a record of its doings. The finance committee may call for information including books, and papers in the possession of any other committee, officer, board member or employee and

each such officer, employee, committee or any member thereof shall appear before the finance committee when summoned and furnish all facts and data in written, printed or other form concerning the requested matter.

Sec. 4-2 The executive director shall upon a day to be set by the district board furnish the finance committee an estimate of the amount of moneys required for the business of the district during the ensuing year, giving all possible details and all statements of amounts expended during the year then closed. Such estimate and statements shall be classified by the executive director and submitted at the meeting of the finance committee.

Sec. 4-3 On or before a day to be appointed by the district board in each year, the finance committee shall prepare an itemized budget of the estimated expenditures of the district for the ensuing year.

Sec. 4-4 Upon the completion of the budget, it shall be published for three consecutive days, except Sundays and holidays, in a newspaper or newspapers, website, or any other acceptable public information system having a general circulation within the district. After the budget has been so published, it shall be referred to the district board for acceptances and approval by majority vote of the entire board and when such budget or estimate has been so accepted and approved, it shall become the budget for the district for the ensuing year. No change shall be made by the district board in such budget as submitted by the finance committee, except by a two-thirds vote of the entire district board.

Sec. 4-5 The district board may, upon approval of the finance committee, or, in the absence of such approval, by a two-thirds vote of the entire district board, make an additional or supplemental appropriation or transfer funds from any department's/division's unexpended fund balance in the approved budget to any other department's/division's budget line items as deemed necessary by the district board.

Sec. 4-6 In any emergency condition in the services or functions of the district shall be declared to exist by formal vote of the district board and if such conditions shall require additional expenditures which cannot be met by the established budget for the year, the finance committee 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.

Sec. 4-7 Upon the completion of the budget, the Executive Director shall deliver to the finance committee and district treasurer a detailed list of the accounts for which appropriations shall have been made and the amount of each such appropriation. If transfers of funds are to be made from one account to another as therein before provided, the finance committee shall file with the district board a copy of the authorization for such transfers, the account from which the transfer was made, the account to which the transfer was made, and the amount transferred.

Sec. 4-8 The fiscal year of the district shall begin and end on days to be fixed by the district board, and thereafter the fiscal year of the district and of all departments of the district shall begin and end as the district board shall prescribe.

Sec. 4-9 To meet the cost of planning, construction, maintenance and operation of the sewerage works authorized by this charter, the district may file application for and accept and use any federal or state funds or assistance, or both, provided therefor under any federal or State laws. All such applications shall be made in the name of the district board and shall be duly signed by the board chairman or such other person or persons as the board may designate.

Sec. 4-10 The district is authorized, subject to concurrence of the constituent municipality, to charge and collect service charges from occupants or owners of property for direct or indirect connection with and use of the district sewerage system and works and to charge and collect from constituent and other served Municipalities and other persons for the payment to the district

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annually or otherwise such sum or sums of money which may be agreed upon in lieu of all or any part of such service charges which would otherwise be charged and collected by the district with regard to persons or real property within the district.

Sec. 4-11 In order to carry out and effectuate its purpose, the district, subject to its contracts with the holders of any bonds, is hereby empowered to provide, construct, maintain, and operate facilities for the treatment and disposal of sewage and industrial wastes originating within or without the district and to enter into a contract or contracts may contain, providing for or relating to the treatment and disposal of any such sewage and industrial wastes. The district board and such persons are directed to do and perform any and all acts or things necessary, convenient or desirable to carry out and perform every such contract and to provide for the payment or discharge of any obligations thereunder in the same manner as other obligations of such district board or person.

Sec. 4-12 The district shall treat and dispose of all sewage originating in the district that enters the district's sewerage system from a Constituent Municipality's sewerage system. The Constituent Municipalities and other users shall pay to the district annually or otherwise as shall be determined by the district board, such sum or sums of money sufficient to (1) pay or provide for the expenses of operation, construction and maintenance of the district's sewerage system including without limitation insurance, extensions, betterments, and replacements, and the principal of and interest on any bonds of the district issued for the construction thereof, (2) provide for any deficits, (3) maintain such reserves or sinking funds as may be required by contract or deemed necessary or desirable by the district board, (4) provide any other sums required in any contract with holders of bonds of the district or with federal or state agencies, and (5) reimburse any federal or state agency or constituent municipality for funds advanced to the district.

Revisions:

Section 4-12 Adopted October 1, 1985

Sections 2-4, 2-9, 2-11, 3-19. 4-4 Adopted October 27, 2006

Sections 1-2, 1-4, 2-1, 2-2, 2-3, 2-4, 2-5, 2-6, 4-1, 4-5, 4-7, 4-10, 4-12, 4-13, 5-1 Adopted February 26, 2014

Each Constituent and other served Municipalities' annual assessment (annual sewer user fee) shall separately reflect present capital costs, future capital costs, debt costs, operating costs, and any other charges, costs, deemed necessary by the Board. Present capital costs shall be computed and allocated in accordance with current reserved usage as determined by the district board. Future capital costs shall be computed and allocated in accordance with future expected usage as determined by the district board. Debt costs, debt service on bonds, shall be fixed and allocated in accordance with the reserved usage in effect on the date the Debt Cost is incurred as determined by the district board. Operating costs shall be computed and allocated in accordance with actual metered flow. The payments to the district shall be in lieu of all or any part of the service charges which would otherwise be charged and collected by the district with regard to persons or real property within such Constituent and other served Municipality so long as such municipalities continue to make such payments as provided herein.

Any agreement for sewage disposal or treatment executed between the district and any person and/or municipality shall require such person or Municipality to make payments to the district for such service. Such payments shall be established in accordance with the method used in computing the annual assessment for constituent and other served Municipalities.

Sec. 4-13 In the event that any Constituent and/or other served Municipality fails for any reason to make payment for charges when due, the district shall assess a service charge against each parcel of all real property served by the sewerage system in the Constituent and/or other served Municipality in any manner the district board considers fair and equitable, for the unpaid balance thereof and all interest accrued thereon together with attorneys' fees and costs. In the event that a service charge of the district with regard to any parcel of real property shall not be paid as and when due, interest shall accrue and be due to the district upon the unpaid balance at the rate of one per centum (1%) per month until such service charge, and the interest thereon, shall be fully paid to the district. Any unpaid assessment and any interest due thereon shall

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constitute a lien upon the real estate against which the service charge was levied from the date of such levy. Each such lien may be continued, recorded and released in the manner provided by the General Statutes for continuing, recording and releasing property tax liens. Each such lien may be foreclosed in the same manner as property tax liens. The executive director or his designated agent of the district may collect such assessments in accordance with any mandatory provision of the General Statutes for the collection of property taxes and the district may recover any such assessment in a civil action against any person liable therefor. Municipally-owned and other tax-exempt property which uses the sewerage system shall be subject to such charges under the same conditions as are the owners of other real property.

Sec. 4-14 In the event that the service charge of the district with regard to any parcel of real property shall not be paid as and when due, the district board may, in its discretion, enter upon such parcel and cause the connection thereof leading directly or indirectly to the sewerage system to be cut and shut off until such service charge and any subsequent service with regard to such parcel and all interests accrued thereon shall be fully paid to the district.

Sec. 4-15 All rights and remedies granted by this charter for the collection and enforcement of service charges shall be cumulative and concurrent.

Sec. 5-1 This charter shall become operative and in force upon its approval by the City of New Britain and the Towns of Berlin and Cromwell, as provided in Number 240 of the Special Acts of 1961 as amended by Special Act 85-28 of 1985, and Special Act 11-15 of 2011. Pursuant to approval, the district shall conduct its affairs in accordance with the provisions of this charter.

Sec. 5-2 Any Municipality may, by vote of its legislative body, enter into an agreement with the district for sewage disposal and that agreement shall conform to the provisions of this charter.

Revisions:

Section 4-12 Adopted October 1, 1985

Sections 2-4, 2-9, 2-11, 3-19, 4-4 Adopted October 27, 2006

Sections 1-2, 1-4, 2-1, 2-2, 2-3, 2-4, 2-5, 2-6, 4-1, 4-5, 4-7, 4-10, 4-12, 4-13, 5-1 Adopted February 26, 2014

Sec. 5-3 Any Constituent Municipality may by vote of its legislative body elect to withdraw from the district. Such withdrawal shall be effective only upon such terms and conditions as the district board may require and after compliance with the terms and conditions contained in any contracts between the holders of any bonds and the district or the withdrawing Municipality or both. No such withdrawal shall relieve such Municipality of any liability incurred by it as a member of the district or as a user of the sewerage system.

Sec. 5-4 This charter shall be construed liberally to effectuate its intent and as complete and independent authority for the performance of each and every act and thing herein authorized, and the district shall not be subject to regulation as to its service charges or as to any other matter whatsoever by any Municipality or person.

Sec. 5-5 If any provision, section, article, or clause of this charter or the application of such provision, section, article or clause to any person or circumstance will be held invalid, the remainder of the charter and the application of such provisions, sections, articles or clauses to persons or circumstances other than those as to which it shall have been held invalid shall not be affected thereby.

Sec. 5-6 The district board, subject to the provisions of any contract between the holders of any bonds and the district, may resolve to amend this charter only by a two thirds vote of the entire membership of the board. Any approved amendment(s) shall be submitted to each Constituent Municipality for ratification by majority vote of the municipal legislative body. The legislative body of a Constituent Municipality, if authorized by its municipal charter, may require that the amendment(s) be submitted to its electors at the next general election or at a special election called for the purpose of voting on the amendment(s). The amendment(s) shall become effective once ratified by all of the constituent municipalities through vote of the municipal legislative body or by majority vote of the electors of the municipality voting at a referendum held for this purpose.