

2014 -- H 8278

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LC005739
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO AN ACT TO CREATE THE BRISTOL COUNTY WATER AUTHORITY
AND TO PROVIDE FOR ITS POWERS AND DUTIES

Introduced By: Representative Jan Malik

Date Introduced: June 04, 2014

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 7 of chapter 102 of the 1981 Public Laws entitled "An Act To
2 Create The Bristol County Water Authority And Provide For Its Powers And Duties" passed at
3 the January 1970 Session of the General Assembly and as amended in 1992 and 2013, is hereby
4 further amended as follows:

5 Section 7. DIRECTORS, OFFICERS and EMPLOYEES.

6 (a) The powers of the authority shall be vested in a board of directors which shall consist
7 of nine members, three members each to be appointed by the local governing bodies respectively
8 of Barrington, Bristol and Warren, based on their qualifications without regard for political
9 affiliation. The members of the board of directors first appointed from Barrington, Bristol, and
10 Warren shall serve for terms of one, two and three years respectively, and thereafter until their
11 successors are chosen and shall have qualified. Not earlier than sixty (60) days prior to the
12 expiration of any terms of the members of the board of directors, the local governing bodies of
13 Barrington, Bristol, and Warren shall each appoint one member to serve for a term of three years
14 from the expiration of the term and thereafter, until such appointee's successor is chosen and shall
15 have qualified. In the event of a vacancy occurring in the board of directors by reason of death,
16 resignation, or removal of a member, the local governing body of the municipality who appointed
17 such a member shall appoint a new member to serve for the unexpired term and thereafter, until
18 his successor is chosen and shall have qualified. The members of the board of directors may be

1 removed from their positions by a majority vote of their local governing body. Each town shall
2 develop and adopt, by resolution or ordinance, standards for removal of the expectations for its
3 member of the board of directors.

4 (b) The directors shall each receive compensation of one thousand dollars (\$1,000) pro
5 rata, per year, provided, that the chair of the board of directors shall receive one thousand five
6 hundred dollars (\$1,500) pro rata, per year of service. A director may engage in private
7 employment or a profession or business.

8 (c) There shall be a chair and vice chair of the board of directors who shall be selected to
9 serve at the pleasure of the board of directors by a vote of not less than six (6) members thereof.
10 The vice chair shall reside in a municipality other than the municipality in which the chair
11 resides. The board of directors shall appoint a secretary and a treasurer by a vote of the majority.
12 Except as otherwise provided herein, five (5) directors shall constitute a quorum and any action to
13 be taken by the authority under the provisions of this act may be authorized by a resolution
14 approved by not less than five (5) of the directors at any regular or special meeting at which a
15 quorum is present. A vacancy in the membership on the board of directors shall not impair the
16 right of a quorum to exercise all rights and to perform all duties of the authority.

17 (d) Notwithstanding the provisions of the foregoing subparagraph (c), the following
18 actions may be authorize only by an affirmative vote of not less than six (6) directors, as long as
19 there is at least one vote for each town:

20 (1) Selection, appointment, setting the salary and termination, of the chief executive
21 officer of the authority, who shall have the title of executive director.

22 (2) The sale of all, or substantially all, of the real and personal property of the authority.

23 (3) The exercise of the power of eminent domain conferred upon the authority.

24 (4) Applications for, or the setting of, rates for the authority's products and services.

25 (5) The issuance of bonds, notes, or the borrowing of amounts in excess of, or the entry
26 into, any one or more series of contracts calling for the expenditure of \$500,000 or more.

27 (6) The adoption of an annual budget.

28 (e) The board of directors shall appoint an executive director, and shall determine the
29 amount of reasonable compensation for said position.

30 (f) No fulltime employee of the authority shall, during the period of his employment by
31 the authority, engage in any other private employment, profession, or business, except with the
32 approval of the board of directors. No person shall be appointed executive director, if within one
33 year prior to the effective date of such appointment, such person shall have been a member of the
34 authority's board of directors, or of a local governing body, or the chief administrative officer, of

1 Barrington, Bristol or Warren.

2 (g) If any director, officer, or employee of the authority shall be interested, directly or
3 indirectly, or shall be a director, officer, or employee of, or have ownership interest (other than as
4 the owner of less than one percent of the shares of a publicly held corporation) in any firm,
5 person, or corporation interested, directly or indirectly, in any contract with the authority, such
6 interest shall be disclosed to the authority and set forth in the minutes of the authority, and the
7 director, officer, or employee having such interest shall not participate on behalf of the authority
8 in the authorization of any such contract. Interested directors may be counted in determining the
9 presence of a quorum at the meeting of the board of directors of the authority that authorizes the
10 contract or transaction.

11 (h) Any action taken by the authority under the provisions of this act may be authorized
12 by a vote, at any regular or special meeting, and each such vote shall take effect immediately. The
13 board of directors may designate from among its members an executive committee, and one or
14 more other committees, each of which, to the extent authorized by the board of directors shall
15 have and exercise all authority of the board of directors, except no such committee shall have the
16 authority of the board of directors in the reference to the matters set forth in subsection (d) of this
17 section, or amending the by-laws of the authority.

18 (i) Any action required by this act to be taken at a meeting of the board of directors or
19 any action to be taken at a meeting of the board of directors, or a committee thereof, may be taken
20 without a meeting if a consent in writing setting forth the action to be taken shall be signed before
21 or after such action by all of the directors or all of the members of the committee, as the case may
22 be.

23 (j) Employees of the authority shall not, by reason of such employment, be deemed to be
24 employees of the state nor any municipality for any purpose, any purpose of the general laws to
25 the contrary notwithstanding.

26 (k) Prior to the board of directors approving amendments of any rates and/or fees, one or
27 more hearings must be held to which the public is invited for comment, and notice of these
28 hearings shall be advertised in the local newspapers of each of the three (3) towns or a newspaper
29 of general circulation in all three (3) towns, and notice shall be posted at each of the three (3)
30 town halls, as well as on the internet if possible, at least ten (10), but not more than fourteen (14)
31 days, prior to each hearing.

32 (l) Prior to the engagement of external professional services, including, but not limited to,
33 legal, accounting, and engineering services, the authority shall be required to solicit competitive
34 proposals based on a scope of services defined by the authority. The successful award shall be

1 based on the applicant's qualifications and fee structure. Retention of services shall not exceed
2 three (3) years without obtaining new competitive proposals.

3 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO AN ACT TO CREATE THE BRISTOL COUNTY WATER AUTHORITY
AND TO PROVIDE FOR ITS POWERS AND DUTIES

- 1 This act would provide the Bristol County Water Authority with the authority to appoint
- 2 a secretary and treasurer.
- 3 This act would take effect upon passage.

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