



Substitute Senate Bill No. 1331

Special Act No. 05-14

**AN ACT ESTABLISHING A SPECIAL TAXING DISTRICT WITHIN
THE TOWN OF REDDING.**

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

Section 1. (*Effective July 1, 2005*) For purposes of this section:

(1) "District" means certain real property, situated in the town of Redding, County of Fairfield and State of Connecticut shown and designated as Parcel D on "Property survey for The Gilbert & Bennett Mfg. Co. in Georgetown Redding, Connecticut Sheet 3 of 3" and dated September 20, 1987, which map is on file in the Redding town clerk's office as Map 3436, excepting, however, so much of such property as has previously been conveyed to other, including, but not limited to, (A) the premises described in a certain deed to the town of Wilton, dated September 22, 1999, and recorded in the Wilton Land Records at volume 1193, page 183, (B) the premises described in a certain deed to the town of Redding, dated November 4, 1999, and recorded in the Redding Land Records at volume 235, page 33, and (C) the premises described in a certain deed to the town of Redding dated November 4, 1999, and recorded in the Redding Land Records at volume 267, page 240;

(2) "Voter" means (A) any person who is an elector of the district, (B)

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any citizen of the United States of the age of eighteen years or more who, jointly or severally, is liable to the district for taxes assessed against such citizen on an assessment of not less than one thousand dollars on the last-completed grand list of such district, or who would be so liable if not entitled to an exemption under subdivision (17), (19), (22), (23), (25) or (26) of section 12-81 of the general statutes, or (C) holders of record of interest in real property within such district; and

(3) "Qualified green building and sustainable design project" shall have the same meaning as in 26 USC 142.

Sec. 2. (*Effective July 1, 2005*) (a) Upon the petition of fifteen or more persons eligible to vote in the town of Redding, specifying the district for any or all of the purposes set forth in this section, the selectmen of Redding shall call a meeting of the voters of the district to act upon such petition, which meeting shall be held at such place within said town and such hour as the selectmen designate, not later than thirty days after such petition has been received by such selectmen. Such meeting shall be called by publication of a written notice of the same, signed by the selectmen, at least fourteen days before the time fixed for such meeting in two successive issues of a newspaper published or circulated in said town. Not later than twenty-four hours before such meeting, (1) two hundred or more voters, or ten per cent of the total number of voters, whichever is less, may petition the selectmen in writing for a referendum, or (2) the selectmen in their discretion may order a referendum, on the sole question of whether the proposed district should be established. Any such referendum shall be held not less than seven nor more than fourteen days after the receipt of such petition or the date of such order, on a day to be set by the selectmen for a vote by paper ballots or by a "yes" or "no" vote on the voting machines, during the hours between twelve o'clock noon and eight o'clock p.m.; except that any town may, by vote of its selectmen, provide for an earlier hour for opening the polls but not earlier than six

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o'clock a.m., notwithstanding the provisions of any special act. If two-thirds of the voters casting votes in such referendum vote in favor of establishing the proposed district, the selectmen shall reconvene such meeting not later than seven days after the day on which the referendum is held. Upon approval of the petition for the proposed district by two-thirds of the voters present at such meeting, or if a referendum is held, upon the reconvening of such meeting after the referendum, the voters may name the district and, upon the vote of a majority of such voters, choose necessary officers therefor to hold office until the first annual meeting thereof. The district shall file the first report in the manner required pursuant to subsection (c) of section 7-325 of the general statutes, and shall thereupon be a body corporate and politic and have the powers provided in sections 7-324 to 7-329, inclusive, of the general statutes, not inconsistent with the general statutes, in relation to the objects for which it was established, that are necessary for the accomplishment of such objects, including the power to lay and collect taxes. The clerk of such district shall cause its name and a description of its territorial limits and of any additions that may be made thereto to be recorded in, and a caveat be placed upon, the land records of the town of Redding.

(b) At the meeting called for the purpose of establishing the district, as provided in subsection (a) of this section, the voters may establish the district for any or all of the following purposes: To extinguish fires, to light streets, to plant and care for shade and ornamental trees, to construct and maintain roads, sidewalks, crosswalks, drains and sewers and sewage treatment facilities, to appoint and employ watchmen or police officers, to acquire, construct, maintain and regulate the use of recreational facilities, to plan, lay out, acquire, construct, reconstruct, repair, maintain, supervise and manage a flood or erosion control system, to plan, lay out, acquire, construct, maintain, operate and regulate the use of a community water system, to plan, lay out, acquire, construct, maintain, operate and regulate the use of a

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qualified green building and sustainable design project and to collect garbage, ashes and all other refuse matter in any portion of such district and provide for the disposal of such matter, to establish a zoning commission and a zoning board of appeals or a planning commission, or both, by adoption of chapter 124 or 126 of the general statutes, excluding section 8-29 of the general statutes, or both such chapters, as the case may be, which commissions or board shall be dissolved upon adoption of subdivision or zoning regulations by the town planning or zoning commission, and to adopt building regulations, which regulations shall be superseded upon adoption by the town of building regulations. The district may contract with a town, city, borough or other district for carrying out any of the purposes for which such district was established.

(c) At the meeting called for the purpose of establishing the district, as provided in subsection (a) of this section, the voters shall, by ordinance, fix the date of the annual meeting of the voters for the election of district officers and transaction of such other business as may properly come before such annual meeting. At the organization meeting of the district, the voters shall elect a president, vice-president, five directors, a clerk and a treasurer to serve until the first annual meeting for the election of officers and thereafter such officers shall be elected annually; provided, upon its organization and at all times thereafter, one director may be appointed by the first selectman of the town of Redding. Not fewer than three members of the board of directors shall be residents of the state of Connecticut. Except as otherwise provided in subsection (d) of this section, not fewer than fifteen voters of the district shall constitute a quorum for the transaction of business at the organization meeting of the district; and if fifteen voters are not present at such meeting, the selectmen may adjourn such meeting from time to time, until at least fifteen voters are present. Special meetings of the district may be called on the application of ten per cent of the total number of voters of such district

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or twenty of the voters of such district, whichever is less, or by the president or any three directors upon giving notice as provided in this subsection. Any special meeting called on the application of the voters shall be held not later than twenty-one days after receiving such application. Notice of the holding of the annual meeting and all special meetings shall be given by publication of a notice of such meetings in a newspaper having a general circulation in such district at least ten days before the day of such meetings, signed by the president or any three directors, which notice shall designate the time and place of such meetings and the business to be transacted thereat. Two hundred or more voters or ten per cent of the total number voters of the district, whichever is less, may petition the clerk of such district, in writing, at least twenty-four hours prior to any such meeting, requesting that any item or items on the call of such meeting be submitted to the voters not less than seven nor more than fourteen days thereafter, on a day to be set by the district meeting or, if the district meeting does not set a date, by the board of directors, for a vote by paper ballots or by a "yes" or "no" vote on the voting machines, during the hours between twelve o'clock noon and eight o'clock p.m., except that any district may, by vote of its board of directors, provide for an earlier hour for opening the polls but not earlier than six o'clock a.m. The paper ballots or voting machine ballot labels, as the case may be, shall be provided by the clerk. When such a petition has been filed with the clerk, the president, after completion of other business and after reasonable discussion shall adjourn such meeting and order such vote on such item or items in accordance with the petition; and any item so voted may be rescinded in the same manner. The clerk shall phrase such item or items in a form suitable for printing on such paper ballots or ballot labels. Except as provided in subsection (d) of this section, not fewer than fifteen voters of the district shall constitute a quorum for the transaction of business at any meeting of the district; and if fifteen voters are not present at such meeting, the president of the district or, in such president's absence, the vice-president may adjourn such

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meeting from time to time, until at least fifteen voters are present; and all meetings of the district where a quorum is present may be adjourned from time to time by a vote of a majority of the voters voting on the question. At any annual or special meeting, the voters may, by a majority vote of those present, discontinue any purposes for which the district is established or undertake any additional purpose or purposes enumerated in section 7-326 of the general statutes.

(d) (1) A quorum for the transaction of business at the meeting called for the purpose of establishing the district, as provided in subsection (a) of this section, shall be either fifteen voters or a majority of the holders of record of interests in real property within such district, as long as the assessments of such holders of record constitute more than one-half the total of assessments for all interests in real property within such district. If fifteen voters or a majority of such holders of record are not present at such meeting, or the assessments of such holders of record constitute less than one-half of the total of assessments for all interests in real property within such district, the selectmen may adjourn such meeting, from time to time, until at least fifteen voters or a majority of the holder of record of interests in real property within such district are present, and the assessments of the holders of record present constitute more than one-half of the total of assessments for all interests in real property within such district.

(2) A quorum for the transaction of business at any other meeting of the district shall be either fifteen voters of the district or a majority of the holders of record of interests in real property within such district, as long as the assessments of such holders of record constitute more than one-half the total of assessments for all interests in real property within such district. If fifteen voters or a majority of such holders of record are not present at such meeting, or the assessments of such holders of record constitute less than one-half of the total of assessments for all interests in real property within such district, the

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president of the district or, in such president's absence, the vice-president, may adjourn such meeting, from time to time, until at least fifteen voters or a majority of the holder of record of interests in real property within such district are present, and the assessments of the holders of record present constitute more than one-half of the total of assessments for all interests in real property within such district.

(e) In any case in which an action for a vote by the voters of the district is to be initiated by the petition of such voters, in addition to such other requirements as the general statutes or any special act may impose, such petition shall be on a form prescribed or approved by the clerk of such district, and each page of such petition shall contain a statement, signed under penalties of false statement, by the person who circulated the same, setting forth such circulator's name and address, and stating that each person whose name appears on said page signed the same in person in the presence of such circulator, that the circulator either knows each such signer or that the signer satisfactorily proved such signer's identification to the circulator and that all the signatures on said page were obtained not earlier than six months prior to the filing of said petition. Any page of a petition which does not contain such a statement by the circulator shall be invalid. Any circulator who makes a false statement in the statement hereinbefore provided shall be subject to the penalty provided for false statement. No petition shall be valid for any action for a vote by the voters at any regular or special district meeting unless such petition shall be circulated by a person eligible to vote in such district.

Sec. 3. (*Effective July 1, 2005*) Whenever the officers of such district vote to terminate its corporate existence and whenever a petition signed by ten per cent of the total number of persons qualified to vote in the meeting of such district or twenty of the voters of such district, whichever is less, applying for a special meeting to vote on the termination of the district is received by the clerk, the clerk shall call a

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special meeting of the voters residing within such district, the notice of which shall be signed by the officers thereof, by advertising the same in the same manner as is provided in section 7-325 of the general statutes. Not later than twenty-four hours before any such meeting, two hundred or more voters or ten per cent of the total number of voters, whichever is less, may petition the clerk of the district, in writing, that a referendum on the question of whether the district should be terminated be held in the manner provided in section 7-327 of the general statutes. If, at such meeting, a two-thirds majority of the voters present vote to terminate the corporate existence of the district, or, if a referendum is held, two-thirds of the voters casting votes in such referendum vote to terminate the corporate existence of the district, the officers shall proceed to terminate the affairs of such district. The district shall pay all outstanding indebtedness and turn over the balance of the assets of such district to the town in which the district is located, if the legislative body of the town authorizes such action. No district shall be terminated under this section until all of its outstanding indebtedness is paid unless the legislative body of the town in which the district is located agrees in writing to assume such indebtedness. On completion of the duties of the officers of such district, the clerk shall cause a certificate of the vote of such meeting to be recorded in the land records of the town in which the district is located and the clerk shall notify the Secretary of the Office of Policy and Management.

Sec. 4. (*Effective July 1, 2005*) (a) For purposes of voting at meetings held by such district, any tenant in common of any interest in real property shall have a vote equal to the fraction of such tenant in common's ownership of such interest. Any joint tenant of any interest in real property shall vote as if each such tenant owned an equal fractional share of such real property. A corporation shall have its vote cast by the chief executive officer of such corporation or such officer's designee. Any entity that is not a corporation shall have its vote cast by

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a person authorized by such entity to cast its vote. No owner shall have more than one vote.

(b) No holder of record of an interest in real property shall be precluded from participating in any district meeting or referendum because of the form of entity that holds such interest, whether such holder of record is (1) a corporation, partnership, unincorporated association, trustee, fiduciary, guardian, conservator or other form of entity, or any combination thereof, or (2) an individual who holds interests jointly or in common with another individual or individuals, or with any one or more of the entities listed in subdivision (1) of this subsection.

Sec. 5. (*Effective July 1, 2005*) (a) As used in this section, "bonds" means any bonds, including refunding bonds, notes, temporary notes or other obligations.

(b) For the purpose of carrying out or administering the purposes and functions of the district, as provided in subsection (b) of section 2 of this act, the district, acting by and through its board of directors, is authorized to issue bonds as provided in the general statutes. The bonds may be secured as to both principal and interest by (1) the full faith and credit of the district, (2) fees, revenues or benefit assessments, or (3) a combination of subdivisions (1) and (2) of this subsection.

(c) The district is authorized to secure such bonds by the full faith and credit of the district or by a pledge of or lien on all or part of its revenues, fees or benefit assessments. The bonds of each issue shall be dated, shall bear interest at the rates and shall mature at the time or times not exceeding thirty years from their date or dates, as determined by the board, and may be redeemable before the maturity, at the option of the board, at the price or prices and under the terms and conditions fixed by the board before the issuance of the bonds. The board shall determine the form of the bonds and the manner of

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execution of the bonds, and shall fix the denomination of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within the state of Connecticut, and other locations as designated by the board. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be an officer before the delivery of the bonds, the signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery. The bonds shall be issued in registered form. The district may sell the bonds in a manner and for a price, whether at public or private sale, as it may determine to be in the best interests of the district.

(d) Any provisions which may be included in proceedings authorizing the issuance of bonds under this section may be included in an indenture of trust duly approved in accordance with this section which secures the bonds and any notes issued in anticipation thereof, and in such case, the provisions of such indenture shall be deemed to be a part of such proceedings as though they were expressly included therein.

Sec. 6. (*Effective July 1, 2005*) While any bonds or notes issued by the district remain outstanding, the powers, duties or existence of the district shall not be diminished or impaired in any way that will affect adversely the interests and rights of the holders of the bonds or notes. Bonds or notes issued under this act shall not be considered to constitute a debt of the state of Connecticut or the town of Redding, or a pledge of the faith and credit of the state of Connecticut or the town of Redding. The bonds or notes shall be payable solely by the district or as special obligations payable from particular district revenues. Any bonds or notes issued by the district shall contain on their face a statement to the effect that neither the state of Connecticut nor the town of Redding shall be obliged to pay the principal or the interest

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thereon, and that neither the faith and credit nor taxing power of the state of Connecticut or the town of Redding is pledged to the payment of the bonds or notes.

Sec. 7. (*Effective July 1, 2005*) (a) The clerk of the district shall submit project activity reports quarterly to the Secretary of the Office of Policy and Management and to the chairpersons of the joint standing committee of the General Assembly having cognizance of matters relating to finance, revenue and bonding. Such reports shall provide information and updates on the projects undertaken by the district, including the status of the design, financing, construction, sales and such other items as the secretary or chairpersons may request.

(b) The district shall take affirmative steps to provide for the full disclosure of information relating to the public financing and maintenance of improvements to real property undertaken by the district. Such information shall be provided to any existing residents and to all prospective residents of the district. The district shall furnish each developer of a residential development within the district with sufficient copies of such information to provide each prospective initial purchaser of property in such district with a copy, and any developer of a residential development within the district, when required by law to provide a public offering statement, shall include a copy of such information relating to the public financing and maintenance of improvements in the public offering statement.

Approved July 13, 2005