

2019 -- H 6143 SUBSTITUTE A

=====
LC002642/SUB A
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

—————
A N A C T

RELATING TO THE CITY OF WARWICK -- SEWER AUTHORITY

Introduced By: Representatives Shekarchi, Vella-Wilkinson, Bennett, Solomon, and Jackson

Date Introduced: May 23, 2019

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Unless otherwise amended by this act, the terms, conditions, provisions and
2 definitions of Chapter 254 of the Public Laws of 1962, as amended by Chapters 60 and 61 of the
3 Public Laws of 2016 are hereby incorporated by reference and shall remain in full force and
4 effect.

5 SECTION 2. Sections 2, and 9 of Chapter 254 of the Public Laws of 1962 entitled "An
6 Act to Create a Sewer Authority for the City of Warwick and to Authorize said City to Plan,
7 Construct, Finance, Operate and Maintain Sewage Works", as amended, by Chapters 60 and 61 of
8 the Public Laws of 2016 are hereby further amended to read as follows:

9 Section 2. Sewer Authority. -- There shall be a bi-partisan sewer authority for the city
10 consisting of ~~five (5)~~ seven (7) qualified electors of the city, not more than ~~three (3)~~ five (5) of
11 whom shall be members of the same political party, to be appointed by the mayor subject to
12 confirmation by the city council. It shall be the purpose of the sewer authority to provide
13 wastewater collection and treatment services to the City of Warwick in a cost effective and
14 environmentally sound manner. The mayor shall appoint the ~~five (5)~~ seven (7) members of the
15 authority, two (2) of each from lists of not less than three (3) names submitted by the respective
16 chairman of the city political committees and ~~one (1) member~~ three (3) members without party
17 designation; one (1) member to hold office until one (1) year from the first day of February
18 preceding said appointment, one (1) member to hold office until two (2) years from the first day
19 of February preceding said appointment, one (1) member to hold office until three (3) years from

1 the first day of February preceding said appointment, one (1) member to hold office until four (4)
2 years from the first day of February preceding said appointment, and one (1) member to hold
3 office until five (5) years from the first day of February preceding said appointment. In the month
4 of January preceding the expiration of the term of each of the authority's members, the mayor
5 shall appoint one (1) member to succeed the member whose term will next expire to hold office
6 for the term of five (5) years from the first day of February next after his appointment and until
7 his successor is appointed and qualified in the same manner as provided in the original
8 appointment for such term. The two (2) members added to the authority by the 2019 amendment
9 of the enabling act shall serve for five (5) years. In case any person appointed as a member of said
10 authority shall decline to serve or neglect to qualify within ten (10) days after his appointment, or
11 a vacancy shall occur in said authority for any other cause, the mayor, within thirty (30) days
12 shall appoint some person to fill such vacancy for the unexpired term in the same manner as
13 provided in the original appointment for such term. A person holding any other office of
14 emolument or profit under the government of the city shall not be eligible to membership on the
15 authority and if any member of said authority shall accept any such office or shall remove from
16 the city, his place on the authority shall immediately become vacant. The members of the
17 authority shall be severally sworn to the faithful performance of their duties under this act. They
18 shall elect from among their members a chairman and a secretary at the first meeting after the
19 organization and upon the appointment of any new member for a full term and shall fill any
20 vacancy that may occur in either office from any cause. A majority of the members of the
21 authority shall constitute a quorum for the transaction of business. The mayor may remove any
22 member of the authority from office for cause shown after a hearing before the city council of
23 which such member shall be given seven (7) days' notice in writing.

24 The mayor, with the advice and consent of the city council, shall fix the compensation of
25 the members of the authority and shall annually appropriate a sum sufficient to pay the same
26 together with a sum sufficient for office expenses.

27 The authority may adopt by-laws governing the transaction of business by an affirmative
28 vote of at least ~~four (4)~~ five (5) members, but no such by-laws shall authorize any action by the
29 authority except by the affirmative vote of at least ~~three (3)~~ four (4) members thereof and with the
30 advice and consent of the mayor.

31 The authority shall review the sewer survey (Facilities Plan) in order to develop
32 procedures for the implementation of the general sewer program and to conduct preliminary
33 studies in order to execute the administrative details contained in this act.

34 Such activities may include:

- 1 (a) The planning and programming of the various phases of the sewer project, and
2 (b) A review of the procedures of various financing programs in terms of charges and
3 assessments to be instituted upon the commencement of the construction of sewers, and
4 (c) An establishment and exercise of a public information program.

5 The members of the authority and their duly authorized agents may enter upon any
6 premises within the city to examine, inspect or survey the same, whenever necessary for the
7 performance of their duties under this act.

8 Section 9. Apportionment of costs; sewer assessments and charges; enforcement of
9 charges and assessments. -- The authority with the advice and consent of the mayor, shall
10 prescribe just and equitable sewer assessment rates on account of the construction costs and the
11 cost of principal and interest for any bonds or notes issued for sewage works, to be levied against
12 owners of parcels abutting on that portion of any highway in which a common sewer is laid under
13 this act and also rates of user charges on account of operation and maintenance costs and renewal
14 and replacement funding and the cost of principal and interest for any bonds or notes issued for
15 sewage works, to be levied against owners of parcels which are connected to a common sewer or
16 in accordance with section 17(b).

17 Such assessments herein referred shall be paid by every parcel owner whose parcel abuts
18 on that portion of any highway in which a common sewer is laid, under this act, in a manner
19 prescribed by the authority, with the approval of the mayor and the finance director. Such annual
20 user charges herein referred shall be paid by every parcel owner whose parcel is connected to a
21 common sewer, or in accordance with section 17(b), in a manner prescribed by the authority, with
22 the approval of the mayor and the finance director.

23 Notwithstanding the foregoing, the authority may defer sewer assessments against parcels
24 that are undeveloped or not developed to the extent permissible by city zoning ordinances;
25 provided, that such parcels remain subject to assessment upon the development or redevelopment
26 of such parcels in accordance with the authority's rules and regulations. The authority may defer
27 sewer assessments against any parcels, if the owner of a parcel has installed a new OWTS within
28 twenty (20) years of sewer service initially becoming operational, provided that such parcel shall
29 remain subject to assessment and shall begin paying such assessment twenty (20) years from the
30 date of the installation of the OWTS or upon connection to the sewer system, whichever occurs
31 first .

32 The sewer assessments shall be determined by a method(s) adopted by the sewer
33 authority that assesses charges for use of the sewers and the sewer systems in an amount that
34 bears a reasonable relation to the cost of construction to the city and authority of the service

1 rendered to the users, which method(s) may include, but is not limited to, the frontage along the
2 highway of each parcel of land abutting on a common sewer, the area of such land within a fixed
3 depth from the highway, or other alternative methods. The sewer authority with the advice and
4 consent of the mayor may, from time to time, redetermine the rates fixed for sewer assessments,
5 if construction costs warrant, and may redetermine rates for user charges if costs so warrant.

6 The sewer assessments herein referred to shall be paid by every parcel owner whose
7 parcel is abutting on that portion of any highway in which a common sewer is laid under this act
8 or is connected to the city's sewage works.

9 Sewer assessments levied hereunder ~~may~~ shall be paid in as many as thirty (30) annual
10 installments in accordance with the terms of the loan secured for sewer construction, ~~upon~~
11 ~~application by the parcel owner and approval of the sewer authority~~. In the case of installment
12 payments, at a simple interest ~~at a~~ rate not to exceed a maximum rate of one and twenty-five
13 hundredths percent (1.25%) above the average interest rate the authority is charged on the loan
14 used to fund the construction of the sewers shall be charged annually on the unpaid balance of the
15 total sewer assessment. Such annual installment payments may be paid on a quarterly basis.

16 Sewer assessments shall be levied at a uniform rate based upon the final cost of
17 constructing all sewers, sewer service connections and other sewage works belonging to the city.
18 Sewer assessment revenues shall be used for the payment of the principal and interest costs for
19 any bonds or notes issued for sewage works.

20 User charges shall be levied upon every parcel owner or institution whose parcel is
21 connected to the city's sewage system. The charge shall be computed as annual rates based upon
22 water consumption or other factors deemed equitable by the sewer authority. The user charge
23 shall be set at a level sufficient to support operation and maintenance costs of the sewer system
24 and the wastewater treatment plant, the renewal and replacement fund and the principal and
25 interest for any bonds or notes issued for sewage works. The revenues to be raised by user
26 charges will be reduced by revenues generated by sewer assessments.

27 The authority shall annually certify to the finance director and to the mayor all the
28 charges and sewer assessments made by it under the authority of this act. Each charge or
29 assessment made by the authority pursuant to this act shall be a lien upon the parcels, lands,
30 buildings and improvements upon which it is made in the same way and manner as taxes assessed
31 on real estate, but such liens shall not expire until the charge or assessment with all interest, costs
32 and penalties thereon is paid in full, and, if the charge or assessment is not paid as required, it
33 shall be collected in the same manner that taxes assessed on real estate are by law collected. The
34 finance director, after receiving a list of charges or assessments under this act, shall forthwith, at

1 the expense of the authority, send to each person assessed or charged notice of the amount of his
2 assessment or charge. The notice shall substantially identify the person assessed, state the amount
3 of the assessment or charge and refer to the remedy available under section 19 of this act. The
4 notice shall be mailed postpaid and directed to the last known address of the person assessed. If
5 there are persons whose addresses are unknown, a similar notice covering the assessments against
6 such persons shall be published in a newspaper of general circulation in the city and such
7 published notice may be a single collective notice for all such persons. No irregularity in the
8 notice required by this section shall excuse the nonpayment of the assessment or charge or affect
9 its validity or any proceedings for the collection thereof as long as there is substantial compliance
10 with the provision hereof. No deficiency in the notice to the person assessed shall excuse the
11 nonpayment by others of the assessment or charges assessed against them or affect the validity
12 thereof or any proceedings for the collection thereof. The finance director shall without further
13 warrant collect such charges and assessments in the same manner as the regular taxes of the city
14 may be payable. Interest at the rate per annum fixed for nonpayment of city taxes shall be charged
15 and collected upon all overdue charges and assessments from the date they become payable until
16 paid, provided however, that the total overdue charge for non-payment of installment of sewer
17 assessments shall be applied to past due installments and not the total assessment; and provided
18 further, that there shall be no penalty on installment assessments deferred by reason of income
19 subject to rules and regulations that the Warwick City Council may prescribe by ordinance.

20 The authority with the advice and consent of the mayor may at any time modify in whole
21 or in part any charge or assessment to the extent the authority determines such charge or
22 assessment to have been improperly imposed.

23 SECTION 3. This act shall take effect upon passage and the sewer authority shall adopt
24 rules and regulations within one year thereafter in accordance with this act.

=====
LC002642/SUB A
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO THE CITY OF WARWICK -- SEWER AUTHORITY

1 This act would modify the enabling act for the Warwick Sewer Authority by: expanding
2 the number of authority members to seven (7); increasing the number of votes for changes to by-
3 laws; providing for as many as thirty (30) year installment payments on sewer connections; and,
4 relieving parcel owners with functioning septic systems from paying sewer assessments for 20
5 years provided their systems remain functioning.

6 This act would take effect upon passage and the sewer authority would adopt rules and
7 regulations within one year thereafter in accordance with this act.

=====
LC002642/SUB A
=====