

2011 -- S 1057

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

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A N A C T

RELATING TO THE CITY OF WARWICK -- SEWER AUTHORITY

Introduced By: Senators Walaska, Lynch, and McCaffrey

Date Introduced: June 16, 2011

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1           SECTION 1. The Warwick sewer authority established pursuant to the provisions of  
2 chapter 254 of the 1962 public laws entitled “An Act to Create a Sewer Authority for the City of  
3 Warwick and to Authorize Said City to Plan, Construct, Finance, Operate and Maintain Sewage  
4 Works” as amended, is hereby dissolved, effective July 1, 2011. All powers, functions, duties,  
5 obligations, property, and liabilities of said Warwick sewer authority shall be transferred to the  
6 sewer department created by the Warwick city council as authorized by this act.

7           SECTION 2. Effective July 1, 2011, the Warwick sewer authority board is hereby  
8 dissolved. All powers, functions, duties, obligations, property, and liabilities of said Warwick  
9 sewer authority board shall be transferred to the public utilities committee created by the  
10 Warwick city council as authorized by this act.

11           SECTION 3. The Warwick city council is hereby authorized and directed to establish a  
12 new city department to be known as the “Sewer Department.” The Warwick city council is also  
13 authorized and directed to establish a new committee to be known as the “public utilities  
14 committee.” Said public utilities committee shall be comprised of three (3) members of the  
15 Warwick city council with each member to be approved by a majority vote of the city council.

16           SECTION 4. (a) The public utilities committee (which may include oversight of the  
17 Warwick water department as well as the sewer department), shall meet at least two (2) separate  
18 evenings during each month in addition to the Warwick city council committee meetings. Public  
19 utilities committee meetings shall be subject to the RI open meeting act and during the meeting,

1 the public shall be allowed to make comments and ask questions of the public utilities committee.

2 (b) The hiring of the director of the sewer department shall be confirmed by the Warwick  
3 city council, having first been brought before the Warwick city council public utilities committee.

4 Each month, the director of the sewer department shall:

5 (1) Prepare a monthly revenue and expenditures report, which account for total contract  
6 amounts and monies expended to date and those remaining, percent project completeness and  
7 project status;

8 (2) Submit copies of the revenue and expenditures report to the Warwick city council and  
9 mayor, and public, upon request; and

10 (3) Attend monthly public hearings held for the purpose to keep the Warwick city council  
11 and public informed of the sewer department's activities and to provide answers to public  
12 questions posed at the hearing.

13 (c) As a city department, the sewer department shall utilize the city's tax collector's  
14 office, finance department, and purchasing department.

15 (d) Effective July 1, 2011, the Warwick sewer board of review shall be eliminated.

16 (e) The sewer department shall retain a separate attorney. The hiring of this attorney shall  
17 be confirmed by the Warwick city council having first been brought before the Warwick city  
18 council public utilities committee.

19 (f) The director of the sewer department shall attend these hearings and answer all  
20 questions posed by members of the Warwick city council and public before the close of the public  
21 hearing. The following (listed below) are subject to approval from the Warwick city council and  
22 mayor after advertising and holding separate public hearings:

23 (1) Confirmation, updates and proposed amendments to the facilities plan;

24 (2) Sewer assessments;

25 (3) Sewer usage rate increases;

26 (4) New sewer construction projects and sewer extension projects, prior to city preparing  
27 bids for the award of design contract and again, prior to construction;

28 (5) Applying for grant and loan programs, including FEMA funds;

29 (6) Mandatory sewer connections; and

30 (7) Connect capable fees.

31 (g) The sewer department shall obtain all local, state and federal permit approvals prior to  
32 the commencement of any construction work included in the contracted sewer project.

33 (h) Collected sewer assessments shall be actual costs of sewer design and construction for  
34 each sewer construction project; if necessary to achieve this, reassessments shall be completed

1 and monies refunded or additional monies shall be collected from those assessed. Sewer usage  
2 rate monies may not be used towards payment of sewer design or construction.

3 (i) The Warwick city council's approval shall be required for all expenditures, purchase  
4 orders, and award of contracts and addendums of the sewer department exceeding five thousand  
5 dollars (\$5,000). The Warwick city council's approval shall be required for the sewer  
6 department's annual budget and capital improvements.

7 (j) All execution of settlements and agreements, including, but not limited to, those with  
8 the Rhode Island department of environmental management and/or the US environmental  
9 protection agency or other state and/or federal agencies, shall require the approval of the  
10 Warwick city council and the mayor.

11 (k) The director of the sewer department in working with their attorney, shall review the  
12 applicable chapters of the city charter, city ordinances, and regulations of the sewer authority (to  
13 be adopted by the city) for consistency with the state enabling act, as thusly amended, and shall  
14 report to the Warwick city council and mayor within twenty (20) days of general assembly  
15 adoption of this amendment.

16 SECTION 5. This act shall take effect upon passage.

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

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1           This act would direct and authorize the Warwick city council to establish a new  
2 municipal sewer department to operate and manage sewer and sewer-related matter in the city of  
3 Warwick.

4           This act would take effect upon passage.

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