HOUSE DOCKET, NO. 2548 FILED ON: 1/16/2015

HOUSE . . . . . No. 732

The Commonwealth of Massachusetts

PRESENTED BY:

Keiko M. Orrall and Michael J. Rodrigues

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act Establishing the Assawompset Pond Complex Flood Management District Commission.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Keiko M. Orrall	*12th Bristol*	*1/16/2015*
Michael J. Rodrigues	*First Bristol and Plymouth*	*1/16/2015*
Susan Williams Gifford	*2nd Plymouth*	*1/20/2015*
Paul A. Schmid, III	*8th Bristol*	*1/20/2015*
Robert M. Koczera	*11th Bristol*	*1/21/2015*
William M. Straus	*10th Bristol*	*1/21/2015*
Thomas J. Calter	*12th Plymouth*	*1/30/2015*
Carole A. Fiola	*6th Bristol*	*1/27/2015*
Donald H. Wong	*9th Essex*	*9/3/2019*
Shaunna L. O'Connell	*3rd Bristol*	*1/31/2015*

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By Representative Orrall of Lakeville and Senator Rodrigues, a joint petition (accompanied by bill, House, No. 732) of Keiko M. Orrall, Michael J. Rodrigues and others for legislation to establish the Assawompset Pond Complex flood management district commission. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act Establishing the Assawompset Pond Complex Flood Management District Commission.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. There is hereby established the Assawompset Pond Complex Flood Management District, hereinafter called the district, consisting of the cities of New Bedford and Taunton and the towns of Freetown, Lakeville, Middleborough, and Rochester, which comprise the Assawompset Pond Complex.

Section 2. The district shall be under the direction of a commission, hereinafter called the district commission. The district commission shall consist of the following: a member of the board of selectmen or other person designated by the board of selectmen of each of the towns designated in section 1, the mayor of New Bedford or his designee, the mayor of Taunton or his designee, a representative from the executive office of energy and environmental affairs to be appointed by the secretary, and a representative from the Massachusetts emergency management agency. The appointment of said members shall be for a term of two years, except that an appointment to fill a vacancy shall be for the balance of the unexpired term. A district

commission member may be removed from said district commission for cause and after a hearing by a vote of two-thirds of the district commission. The district commission shall serve without compensation and it shall meet as often as required. The district commission may provide for alternate members to participate fully in its meetings whenever a regular member is unable to do so. The district commission shall meet no later than 30 days after all appointments have been made and said district commission at its first meeting, and annually thereafter, shall elect annually a chairman, vice-chairman and secretary from its membership; provided, however, that the representative from the executive office of energy and environmental affairs and the Massachusetts emergency management agency shall not serve as chairman, vice-chairman or secretary of said district commission. The district commission shall keep records of its actions, deliberations and its recommendations. Members of the district commission shall be named and the commission shall commence its work within 60 days of the effective date of this act.

The purpose of said district commission shall be to: 1) manage and supervise multiple objectives relative to the flood management district; 2) assess and review existing conditions and make recommendations for flood management and mitigation; 3) implement flood control measures; 4) promote ecological sustainability, 5) protect the environment, including the protection of public and private water supplies, fish, wildlife and habitat; 6) implement river flow management improvements; 7) maintenance and management of water levels for water supply and related water storage and flooding issues of Assawompset Pond and Long Pond, and; 8) to protect and preserve the Assawompset Pond Complex in the interest of the district.

Section 3. (a) Within 120 days of the effective date of this act, the district commission shall issue a request for proposals, in accordance with the provisions of section 6 of chapter 30B of the general laws, for the procurement of funding authorized under section 2B of chapter 287

of the acts of 2014 to conduct a flood management study of the Assawompset Pond Complex; provided, however, that the district commission may select a chief procurement officer to assist in the solicitation of proposals as required under this section. Information from the district commission setting forth the required request for proposal contents shall include a full and complete description of the request for proposal for the procurement of funding authorized under said section 2B of chapter 287 of the acts of 2014 and a detailed scope of services to be provided under the request for proposal. The district commission shall review the proposals submitted in response to the request for proposals and the selection of the proposals shall be made on the basis of criteria, including the anticipated public benefits of the proposal, the experience, qualifications, capacity and capability of the proposer, and the consistency of the proposal in meeting the established request for proposal criteria.

(b) The proposal awarded the contract shall be consistent with the uses authorized under said section 2B of chapter 287 of the acts of 2014 for a flood management and mitigation study of the Assawompset Pond Complex.

Section 4. The department of environmental protection may issue project approval certificates with respect to a contract procured under section 2B of chapter 287 of the acts of 2014 to conduct a flood management study of the Assawompset Pond Complex.

Section 5. Public notice of the request for proposals shall be published in the central register pursuant to section 20A of chapter 9 of the general laws at least 30 days before the time specified for receipt of proposals in the request for proposals.

Section 6. The district and the cities of New Bedford and Taunton and the towns of Freetown, Lakeville, Middleborough, and Rochester may enter into a inter municipal agreement

consistent with the provisions of section 4A of chapter 40, as may be needed from time to time, to further implement the provisions of this act.

Section 7. This act shall take effect upon its passage.