

SENATE No. 1101

The Commonwealth of Massachusetts

PRESENTED BY:

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:
<i>Michael J. Rodrigues</i>	<i>First Bristol and Plymouth</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>
<i>William M. Straus</i>	<i>10th Bristol</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>

SENATE No. 1101

By Mr. Rodrigues, a petition (accompanied by bill, Senate, No. 1101) of Michael J. Rodrigues, Keiko M. Orrall, Paul A. Schmid, III, Carole A. Fiola and others for legislation to establish the Assawompset pond complex flood management district commission. Municipalities and Regional Government.

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:

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

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

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

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

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

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

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

50 Section 4. The department of environmental protection may issue project approval
51 certificates with respect to a contract procured under section 2B of chapter 287 of the acts of
52 2014 to conduct a flood management study of the Assawompset Pond Complex.

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

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

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

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