

By Mr. Turkington of Falmouth, petition of Eric Turkington relative to the Oak Bluffs Water District. Natural Resources and Agriculture.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Ninety-Four.

AN ACT RELATIVE TO THE OAK BLUFFS WATER DISTRICT.

*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. Chapter 439 of the acts of 1991 is hereby  
2 amended by striking out section 4 and inserting in place thereof  
3 the following section: —

4 Section 4. The District is hereby authorized to provide by  
5 affirmative vote of not less than two-thirds of the District voters  
6 then present and voting, at one time or from time to time, for the  
7 issuance of bonds or notes of the District for the purpose of  
8 paying all or any part of the costs of operating and maintaining  
9 the facilities and projects of the District and the costs of capital  
10 outlay required in connection with any facilities or projects  
11 contained in an approved plan and expenses related thereto. Such  
12 bonds or notes shall be in such amount or amounts as the District  
13 voters by not less than two-thirds vote as aforesaid shall deter-  
14 mine, may be secured by such pledges, assignments, liens, securi-  
15 ty interests, reserves, guarantees, letters of credit, insurance and  
16 similar documents, mature at such time or times and shall be  
17 issued at such rate or rates, including rates variable from time to  
18 time according to an index, and pursuant to such terms and condi-  
19 tions as the board of water commissioners of the District shall  
20 determine. The first annual debt service payment associated with  
21 an issue may be deferred to the extent permitted by section nine-  
22 teen of chapter forty-four of the General Laws. The board of water  
23 commissioners of the District shall determine the form of the  
24 bonds or notes, including interest coupons, if any, to be attached  
25 thereto, and the form and manner of execution of the bonds or  
26 notes, and shall fix the denomination or denominations of the

27 bonds or notes and the place or places of payment of principal and  
28 interest, which may be at any bank or trust company within the  
29 commonwealth. The bonds may be sold at par, premium or dis-  
30 count and may be sold as instruments, the principal amount of  
31 which remains constant or increases during the life of the instru-  
32 ment. Registered bonds may be certified.

33 In case any officer whose signature or a facsimile thereof  
34 appears on any bonds or notes or coupons appended thereto shall  
35 cease to be such officer before the delivery of such bonds or  
36 notes, such signature or such facsimile shall nevertheless be valid  
37 and sufficient for all purposes as though he had remained in office  
38 until such delivery.

39 All bonds or notes issued under the provisions of this act shall  
40 be subject to the applicable provisions of chapter forty-four of the  
41 General Laws and shall have and are hereby declared to have all  
42 the qualities and incidents of negotiable instruments under the  
43 Uniform Commercial Code. The bonds or notes may be issued in  
44 coupon or in registered form, or both, as the District may deter-  
45 mine, and provision may be made for the registration of any  
46 coupon bonds as to principal alone, and also as to both principal  
47 and interest, and for the reconversion into coupon bonds of any  
48 bonds registered as to both principal and interest. The District  
49 may sell such bonds or notes in such manner, either at public or  
50 at private sale, and for such price, as the board of water commis-  
51 sioners may determine to be in the best interest of the District. If  
52 at any time any principal or interest is due or about to become due  
53 on any bond or note issued by the District and funds to pay the  
54 same are not available, the District may temporarily borrow  
55 money and issue temporary general obligation notes of the  
56 District, payable not more than one year from their dates, to pay  
57 such principal and interest. Temporary notes issued under this  
58 section for a shorter period than the maximum permitted may be  
59 renewed by the issuance of other temporary notes maturing within  
60 the required period; provided, that the period from the date of  
61 issue of the original temporary note to the date of maturity of the  
62 renewal note shall not exceed the maximum period for which the  
63 original temporary note may have been issued. Such temporary  
64 notes or renewal notes may be sold at discount or with interest  
65 payable at or before maturity.

66 The term "costs of operating and maintaining" as used herein  
67 shall include without limitation any or all costs or expenses  
68 incurred in connection with the operation or maintenance of any  
69 of the District's facilities or projects, including without limitation  
70 the cost of maintaining, repairing or servicing any facilities or  
71 projects of the District, the cost of acquiring, maintaining or  
72 repairing offices owned or leased by the District or acquiring,  
73 maintaining, servicing or repairing equipment or furnishings  
74 owned or leased by the District, any salaries or expenses of any  
75 officer or employee of the District while acting in the performance  
76 of their duties on behalf of the District, insurance, utilities, any  
77 fees and charges of any independent consultants for engineering,  
78 financial or legal services and any similar cost or expense neces-  
79 sary or incidental to the District in carrying out its purposes here-  
80 under. The term "capital outlay" as used herein shall include with-  
81 out limitation the cost of construction, acquisition, extension or  
82 improvement of facilities included in the project or projects con-  
83 tained in an approved plan, the cost of acquisition of all the land  
84 or interest therein of any nature or description, for such construc-  
85 tion, extension, acquisition or improvement, and any legal,  
86 appraisal or survey fees for services with relation thereto, the cost  
87 of demolition or the removal of any buildings or structures on  
88 land so acquired, the cost of furnishings, fixtures and equipment,  
89 financing charges, costs of issuance of bonds and notes, including  
90 any premium on any insurance obtained in connection therewith  
91 or the cost of any guarantees, letters of credit or similar  
92 documents purchased in connection therewith, insurance during  
93 construction, cost of architectural, engineering, legal or other ex-  
94 penses, plans, specifications, estimates and costs and such other  
95 expenses of acquisition or improvement of such facilities and the  
96 placing of such facilities in operation.

1 SECTION 2. Section 10 of said chapter 439 is hereby amended  
2 by inserting after the first paragraph the following four para-  
3 graphs: —

4 Nominations of potential members of the board of water com-  
5 missioners shall be made by nomination papers stating as to the  
6 nominee his residence, with street and number, if any, and signed  
7 by not less than fifty District voters. Such nomination papers shall

8 be submitted to the registrar of the Town of Oak Bluffs on or  
9 before five o'clock post meridian of the fourteenth day preceding  
10 the day on which the certified nomination papers are required to  
11 be filed with the town clerk of the Town of Oak Bluffs, which  
12 required filing date shall be twenty days prior to the date on which  
13 the election shall be held. Each nomination paper shall be marked  
14 with the date and time it was submitted and such papers shall be  
15 certified in order of submission. In each case the registrar shall  
16 check each name to be certified by them on the nomination paper  
17 and shall forthwith certify thereon the number of signatures so  
18 checked which are names of voters in the Town of Oak Bluffs, and  
19 only names so checked shall be deemed to be names of qualified  
20 voters for the purposes of nomination. The registrars need not cer-  
21 tify a greater number of names than are required to make a nomi-  
22 nation, increased by one-fifth thereof. The registrar shall also cer-  
23 tify that each such nominee is a registered voter in the Town of  
24 Oak Bluffs, and no such nominee shall be qualified to be a mem-  
25 ber of the board of the District unless such certification is  
26 obtained.

27 The final date for obtaining blank nomination papers from the  
28 town clerk for nomination to the board shall be forty-eight week-  
29 day hours prior to the hour on which nomination papers are  
30 required to be submitted to the registrar of voters for certification.  
31 No candidate shall receive more blank nomination papers than  
32 will contain the number of signatures required to place his name  
33 in nomination, multiplied by five.

34 Upon certification of the nomination papers as aforesaid, the  
35 applicant for such nomination shall submit the certified nomina-  
36 tion papers to the town clerk. The town clerk shall cause the  
37 names of all such nominees to be listed as nominees for the posi-  
38 tion of water commissioner in the warrant for the next annual  
39 town meeting.

40 The town clerk shall have the same duties and responsibilities  
41 with respect to the nomination and election of the said water com-  
42 missioners as she shall have with respect to the nomination and  
43 election of town officials including but not limited to the nomina-  
44 tion process, preparation of ballots, conduct of the election and  
45 certification of the vote to the Secretary of the Commonwealth  
46 and the Clerk of the District.