

**COMMITTEE ON MDC GOVERNMENT
SPECIAL MEETING**

The Metropolitan District
555 Main Street, Hartford CT
Wednesday, April 24, 2019

Present: Commissioners Peter Gardow, Allen Hoffman, Georgiana Holloway, Gary LeBeau, Maureen Magnan, Alvin Taylor and District Chairman William A. DiBella (7)

Absent: Commissioner John Avedisian, Clifford Avery Buell, Denise Hall, David Ionno, and Alphonse Marotta (5)

Also

Present: Commissioner Bhupen Patel
Scott W. Jellison, Chief Executive Officer
Christopher Martin, Interim Chief Financial Officer
Christopher Stone, Assistant District Counsel
Steve Bonafonte, Assistant District Counsel
John S. Mirtle, District Clerk
Kelly Shane, Chief Administrative Officer
Susan Negrelli, Director of Engineering
Robert Schwarm, Director of Information Technology
Tom Tyler, Director of Facilities
Julie Price, Professional Level Trainee

CALL TO ORDER

Chairman Hoffman called the meeting to order at 4:14 PM

PUBLIC COMMENTS RELATIVE TO AGENDA ITEMS

No one from the public appeared to be heard.

APPROVAL OF MINUTES

On motion made by District Chairman DiBella and duly seconded, the meeting minutes of March 4, 2019 were approved.

APPOINTMENT OF LEGISLATIVE CONSULTANTS

To: Committee on MDC Government

April 24, 2019

The Metropolitan District (District) faces legislative and regulatory challenges on both the state and federal level. Currently, we have employed state lobbyist to assist us on these issues. At the federal level, the legal department has a lobbying firm for several years, namely, the firm of JMS Consulting prior to Spring, 2018, and the firm of Envision Strategies through March, 2019. Both firms were paid \$12,500.00 per month for their services.

The legal department has reached out to another lobbying firm – Squire Patton Boggs – for a proposal to provide these services going forward. A few weeks back, members of the Government Committee were provided detailed information about this firm. Legal staff has met with members of the firm, and it is clear that they provide the expertise necessary to fully represent the District on national issues and federal financial assistance. With the prospects for a national infrastructure bill at least a possibility at this point, securing a federal lobbyist of this stature is of utmost importance.

Squire Patton Boggs is willing to provide federal lobbying services to the District at the same rate - \$12,500.00 per month – as the District has paid historically. The proposed contract would run for seven months, from April 1, 2019 through October 31, 2019. The parties would revisit the contract at the conclusion of the initial term.

It is therefore recommended that it be:

Voted: That the Committee on MDC Government recommends to the District Board passage of the following resolution:

Resolved: That the firm of Squire Patton Boggs to perform federal lobbying services for a period commencing on April 1, 2019 through October 31, 2019, at a fee of \$12,500.00 per month, subject to the execution of a written agreement approved by District Counsel as to form and content, reflecting the scope of services, reporting requirements and such other terms and conditions as District Counsel may specify.

Respectfully submitted,

Scott W. Jellison
Chief Executive Officer

On a motion made by Commissioner DiBella and duly seconded, the report was received and resolution adopted by unanimous vote of those present.

PROPOSED ADDITION TO THE GENERAL ORDINANCES § G-8h OF THE METROPOLITAN DISTRICT

To: Committee on MDC Government for consideration on April 24, 2019

District staff, through the Office of District Counsel, submits the addition of Section G-8h, "RATIFICATION OF UNAUTHORIZED COMMITMENTS", to The Metropolitan District General Ordinances for consideration by the Committee on MDC Government. Pursuant to the authority set forth in Section 1(g) of Special Act 08-9 (Regular Session 2008).

Therefore, it is **RECOMMENDED** that it be

VOTED: That the Committee on MDC Government recommends to the District Board passage of the following resolution:

RESOLVED: That the addition to The Metropolitan District's General Ordinances be adopted as follows:

**G-8h RATIFICATION OF UNAUTHORIZED COMMITMENTS
PART 8, GENERAL ORDINANCES**

| <u>Section</u> | <u>Section Title</u> |
|----------------|------------------------------------------|
| G8h | Ratification of Unauthorized Commitments |

SEC. G8h RATIFICATION OF UNAUTHORIZED COMMITMENTS

Pursuant to the authority granted to the District under Section 2-13 of the Compiled Charter of The Metropolitan District, and upon determination by the Chief Executive Officer or his or her designee that certain circumstances warrant, the District shall be allowed to ratify an Unauthorized Commitment ("UC") (as hereinafter defined).

A UC is an "agreement that is not binding solely because the District employee or representative who made it lacked the authority to enter into that agreement on behalf of the District." "Ratification" is defined as the "process by which a UC is formalized, approved and paid." The "ratifying official" as used herein shall mean the Director of Procurement, or another District employee at the same or higher level thereof as

designated by the District CEO to be the ratifying official with the authority as delegated by such CEO to ratify a UC.

Ratification of a UC shall only occur when utilizing the following procedure and meeting all of the conditions thereunder:

1. Supplies or services have been provided to and accepted by the District, or the District otherwise obtained or will obtain a benefit resulting from performance of the UC;
2. The ratifying official has the authority to enter into a contractual commitment;
3. The resulting contract would otherwise have been proper if made by authorized District personnel consistent with District ordinances, by-laws, procedures and signing authorizations;
4. The ratifying official reviewing the UC determines the price to be fair and reasonable;
5. The ratifying official recommends ratification and legal counsel concurs with that recommendation;
6. Funds are available and were available at the time the UC was made; and
7. The ratification is in accordance with any other limitations prescribed under District ordinances, by-laws, procedures and signing authorizations.

Failure to meet any of the above requirements will result in a non-ratifiable UC. The appropriate disciplinary action, if any, will be taken against the District personnel who entered into such UC irrespective of whether a UC is ratified or not. A decision not to ratify an UC may not result in unjust enrichment to the District.

The ~~Director of Procurement~~ Chief Administrative Officer shall establish specific implementation protocols in order to implement the above Ratification of Unauthorized Commitments procedure, subject to any applicable federal or state law or regulation.

Respectfully submitted,

Scott W. Jellison

Chief Executive Officer

Commissioner Lebeau moved to amend the resolution, as shown above in redline. On motion made by Commissioner Lebeau and duly seconded, the amendment was adopted by unanimous vote of those present.

On motion made by Commissioner Lebeau and duly seconded, the report was received and resolution adopted, as amended, by unanimous vote of those present.

OPPORTUNITY FOR GENERAL PUBLIC COMMENT

No one from the public appeared to be heard.

ADJOURNMENT

The meeting was adjourned at 4: 36 PM

ATTEST:

John S. Mirtle, Esq.
District Clerk

Date of Approval