

SPECIAL MEETING
COMMITTEE ON MDC GOVERNMENT
The Metropolitan District
555 Main Street, Hartford CT
Wednesday, November 12, 2014

Present: Commissioners Allen Hoffman, William P. Horan, Alphonse Marotta, J. Lawrence Price, Hector Rivera, Alvin E. Taylor and District Chairman William A. DiBella (7)

Absent: Commissioners Michael Gerhart, Maureen Magnan and James S. Needham (3)

Also

Present: John M. Zinzarella, Deputy CEO, Business Services
R. Bartley Halloran, District Counsel
Christopher R. Stone, Assistant District Counsel
John S. Mirtle, District Clerk
Gerald J. Lukowski, Director of Operations
Kelly Shane, Director of Procurement
Stanley Pokora, Manager of Treasury
Kerry E. Martin, Assistant to the Chief Executive Officer
Cynthia A. Nadolny, Executive Assistant

CALL TO ORDER

Chairman Price called the meeting to order at 5:00 PM

ROLL CALL AND QUORUM

The District Clerk informed Chairman Price that a quorum was present, and the meeting was declared a legal meeting of the Committee on MDC Government of The Metropolitan District of Hartford County, Connecticut.

APPROVAL OF MINUTES

On motion made by Commissioner Marotta and duly seconded, the meeting minutes of October 8, 2014 were approved.

**PROPOSED REVISIONS TO THE GENERAL ORDINANCES
OF THE METROPOLITAN DISTRICT**

To: Committee on MDC Government for consideration on November 12, 2014

District staff, through the Office of District Counsel, submits the addition of Section G8g, Sole Source or Single Source Procurement Authority, 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).

The proposed addition is underlined.

SEC. G8g Sole Source or Single Source Procurement Authority

Pursuant to the authority granted to the District under Section 1(g) of Special Act 08-9 (Regular Session 2008), and upon a determination by the Chief Executive Officer or his or her designee that certain circumstances warrant, full and open competitive bidding shall not be required and the District shall be allowed to utilize sole or single source procurement in a manner consistent with the provisions contained in the Federal Acquisition Regulations ("FAR") Subpart 6.302, as may be amended from time to time, and as modified and adopted by the District as provided for herein.

The procedure for solicitation and award through a sole source or single source procurement shall be available only when at least one of the following circumstances exists:

- 1) There is an unusual or compelling urgency which precludes full and open competition and delay in award of a contract will result in serious injury, financial or otherwise, to the District; or
- 2) When the supplies, services or equipment required by the District are available from only one responsible source and no other type of supplies, services or equipment will satisfy District requirements; or
- 3) When, in the context of distributing a Request for Qualifications, Proposals or Services, it is determined that the disclosure of the District's needs in those documents would compromise the security of the District.

District staff shall establish specific implementation protocols incorporating those provisions of the FAR in order to implement a sole source or single source procurement process as set forth above, and subject to the provision of any applicable federal or state law or regulation. The CEO may delegate to appropriate District staff such authority as may be necessary to conduct the procurement procedures established by this ordinance as he or she may determine.

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:

SEC. G8g Sole Source or Single Source Procurement Authority

Pursuant to the authority granted to the District under Section 1(g) of Special Act 08-9 (Regular Session 2008), and upon a determination by the Chief Executive Officer or his or her designee that certain circumstances warrant, full and open competitive bidding shall not be required and the District shall be allowed to utilize sole or single source procurement in a manner consistent with the provisions contained in the Federal Acquisition Regulations ("FAR") Subpart 6.302, as may be amended from time to time, and as modified and adopted by the District as provided for herein.

The procedure for solicitation and award through a sole source or single source procurement shall be available only when at least one of the following circumstances exists:

- 1) There is an unusual or compelling urgency which precludes full and open competition and delay in award of a contract will result in serious injury, financial or otherwise, to the District; or
- 2) When the supplies, services or equipment required by the District are available from only one responsible source and no other type of supplies, services or equipment will satisfy District requirements; or
- 3) When, in the context of distributing a Request for Qualifications, Proposals or Services, it is determined that the disclosure of the District's needs in those documents would compromise the security of the District.

District staff shall establish specific implementation protocols incorporating those provisions of the FAR in order to implement a sole source or single source procurement process as set forth above, and subject to the provision of any applicable federal or state law or regulation. The CEO may delegate to appropriate District staff such authority as may be necessary to conduct the procurement procedures established by this ordinance as he or she may determine.

Respectfully submitted,

Charles P. Sheehan
Chief Executive Officer

On motion made by Commissioner Marotta and duly seconded, the report was received and resolution recommended to the District Board by unanimous vote of those present.

**PROPOSED REVISIONS TO THE SEWER ORDINANCES
OF THE METROPOLITAN DISTRICT**

To: Committee on MDC Government for consideration on November 12, 2014

District staff, through the Office of District Counsel, submits the revision of Section S12x, Special Sewer Service Charge for Capital Improvements to the Sewerage System, to The Metropolitan District Sewer 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).

Deletions are struck through, additions are underlined.

**SEC. S12x SPECIAL SEWER SERVICE CHARGE FOR CAPITAL IMPROVEMENTS
TO THE SEWERAGE SYSTEM**

For customers of The Metropolitan District who utilize the District sewer system and are furnished water directly by The Metropolitan District there shall be a special sewer service charge in an amount established annually through the budget approval process as set forth in Chapter 3 of the Charter of The Metropolitan District. Said charge shall be uniformly applied to, and be proportional to the quantity of water used by, the affected customers.

Notwithstanding the foregoing, The Metropolitan District may, through its annual budget, allow for a reduction in the special sewer service charge otherwise payable by owners of commercial or industrial properties in the event said properties, and the commercial or industrial operations located thereon, are serviced, in whole or in part, by an on-site wastewater collection, treatment, and disposal system that does not discharge into the sanitary sewage system of The Metropolitan District. The amount of said reduction shall be determined by the Board of Commissioners of The Metropolitan District during its annual budget approval process for any ensuing year.

The proceeds from the special sewer service charge, as aforesaid, shall be used exclusively for ~~payment of principal and interest on certain bonds issued or which may be issued and other loans, including State of Connecticut Clean Water Fund loans, to~~ finance capital costs associated with any and all measures necessary to comply with a certain consent decree executed by and between The Metropolitan District and the United States Environmental Protection Agency in a case filed on August 15, 2006 in the United States District court for the District of Connecticut captioned United States of America and State of Connecticut vs. The Metropolitan District of Hartford, Connecticut and a certain consent order executed by and between The Metropolitan District and the State of Connecticut relating to the reduction of nitrogen discharged from District Wastewater Treatment Facilities as required by State of Connecticut Department of Environmental Protection Nitrogen General Permit issued December 21, 2005, as such decree and order may be amended from time to time, and specifically for payment of capital expenditures in connection with compliance with the decree or order, or payment

of debt service on indebtedness of The District incurred for purposes of funding expenditures in connection with compliance with such decree and order. For this purpose “indebtedness” shall mean bonds, notes and other loans and obligations, including, without limitation, State of Connecticut Clean Water Fund loans and “~~D~~-debt service” shall mean any obligation that would constitute “debt service” if incurred with respect to bonds issued under the special obligation indenture of trust, dated June 1, 2013, between The District and U.S. Bank National Association, as trustee, as amended and supplemented from time to time, as the term “debt service” is used in such indenture, whether or not such obligation is incurred with respect to indebtedness under such indenture.

The special sewer service charge shall appear separately on the water bills of the District and shall be due and payable at the same time as the water bills are due and payable. Collection and payment of such charge shall be subject to and in accordance with sections S12m, S12n, and S12o of this part.

This ordinance shall be effective for bills rendered on or after January 1, 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 revision to the Metropolitan District’s Sewer Ordinances be adopted as follows:

SEC. S12x SPECIAL SEWER SERVICE CHARGE FOR CAPITAL IMPROVEMENTS TO THE SEWERAGE SYSTEM

For customers of The Metropolitan District who utilize the District sewer system and are furnished water directly by The Metropolitan District there shall be a special sewer service charge in an amount established annually through the budget approval process as set forth in Chapter 3 of the Charter of The Metropolitan District. Said charge shall be uniformly applied to, and be proportional to the quantity of water used by, the affected customers.

Notwithstanding the foregoing, The Metropolitan District may, through its annual budget, allow for a reduction in the special sewer service charge otherwise payable by owners of commercial or industrial properties in the event said properties, and the commercial or industrial operations located thereon, are serviced, in whole or in part, by an on-site wastewater collection, treatment, and disposal system that does not discharge into the sanitary sewage system of The Metropolitan District. The amount of said reduction shall be determined by the Board of Commissioners of The Metropolitan District during its annual budget approval process for any ensuing year.

The proceeds from the special sewer service charge, as aforesaid, shall be used exclusively for capital costs associated with any and all measures necessary to comply

with a certain consent decree executed by and between The Metropolitan District and the United States Environmental Protection Agency in a case filed on August 15, 2006 in the United States District court for the District of Connecticut captioned United States of America and State of Connecticut vs. The Metropolitan District of Hartford, Connecticut and a certain consent order executed by and between The Metropolitan District and the State of Connecticut relating to the reduction of nitrogen discharged from District Wastewater Treatment Facilities as required by State of Connecticut Department of Environmental Protection Nitrogen General Permit issued December 21, 2005, as such decree and order may be amended from time to time, and specifically for payment of capital expenditures in connection with compliance with the decree or order, or payment of debt service on indebtedness of The District incurred for purposes of funding expenditures in connection with compliance with such decree and order. For this purpose "indebtedness" shall mean bonds, notes and other loans and obligations, including, without limitation, State of Connecticut Clean Water Fund loans and "debt service" shall mean any obligation that would constitute "debt service" if incurred with respect to bonds issued under the special obligation indenture of trust, dated June 1, 2013, between The District and U.S. Bank National Association, as trustee, as amended and supplemented from time to time, as the term "debt service" is used in such indenture, whether or not such obligation is incurred with respect to indebtedness under such indenture.

The special sewer service charge shall appear separately on the water bills of the District and shall be due and payable at the same time as the water bills are due and payable. Collection and payment of such charge shall be subject to and in accordance with sections S12m, S12n, and S12o of this part.

Respectfully submitted,

Charles P. Sheehan
Chief Executive Officer

On motion made by Commissioner Marotta and duly seconded, the report was received and resolution recommended to the District Board by unanimous vote of those present.

ADJOURNMENT

The meeting was adjourned at 5:07 PM

ATTEST:

John S. Mirtle, Esq.
District Clerk

Date of Approval