

# **Agenda for Public Hearing on Proposed Addition to District General Ordinances**

Metropolitan District Commission  
555 Main Street, MDC Headquarters, Board Room  
Monday, April 22, 2019 at 4:00 P.M.

1. CALL TO ORDER (Chair)
2. INTRODUCTION OF HEARING COMMISSIONER AND STAFF (District Clerk)
3. GENERAL STATEMENT (Chair)
4. READING OF HEARING NOTICE AND STATEMENT OF PURPOSE (District Clerk)
5. PUBLIC HEARING PROCEDURE AND GUIDELINES (Chair)
6. OPEN UP TO COMMENTS AND OPINIONS FROM THE PUBLIC
  - A. GENERAL ORDINANCE § G-8h
7. REMIND ATTENDEES THAT THEY MAY REGISTER OPINIONS WITH CLERK IF THEY HAVE NOT SPOKEN AT THE HEARING
8. ADJOURNMENT

April 12, 2019

**NOTICE OF PUBLIC HEARING ON  
PROPOSED ADDITION TO ORDINANCES**

Pursuant to Special Act 01-3, as adopted by the General Assembly of the State of Connecticut, The Metropolitan District will hold a public hearing on proposed additions to The Metropolitan District General Ordinances **§ G-8h “Ratification of Unauthorized Commitments.”** The hearing will be held in the Board Room at District Headquarters, 555 Main Street, Hartford, Connecticut on **Monday, April 22, 2019 at 4:00 PM.**

The proposed ordinance revisions are available for inspection at the Office of the District Clerk of The Metropolitan District, 555 Main Street, Hartford and [www.themdc.org/district-board](http://www.themdc.org/district-board).

**STATEMENT OF PURPOSE OF ADDITION OF SECTION G-8h “Ratification of Unauthorized Commitments”:** To memorialize the District process for ratifying an Unauthorized Commitment.

John S. Mirtle, Esq.  
District Clerk

## **G-8h RATIFICATION OF UNAUTHORIZED COMMITMENTS**

### **PART 8h, GENERAL ORDINANCES**

<b><u>Section</u></b>	<b><u>Section Title</u></b>
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 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.