



The Metropolitan District

water supply · environmental services · geographic information

**DISTRICT BOARD
555 MAIN STREET, HARTFORD, CT
REGULAR MEETING
WEDNESDAY, NOVEMBER 2, 2022 5:30 PM**

The general public is welcome to call into the meeting. Everyone on the call will need to mute their phone to limit background noise disrupting the meeting.

Dial in #: (415)-655-0001; Access Code: 43808661#

[Meeting Video Link](#)

1. MEETING CALLED TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. SWEARING IN OF NEW COMMISSIONERS
5. APPROVAL OF MEETING MINUTES OF OCTOBER 3, 2022
6. PUBLIC COMMENTS RELATIVE TO AGENDA ITEMS
7. REPORT FROM DISTRICT CHAIRMAN
8. REPORT FROM CHIEF EXECUTIVE OFFICER
9. REPORT FROM DISTRICT COUNSEL
10. PERSONNEL, PENSION & INSURANCE COMMITTEE - CONSIDERATION AND POTENTIAL ACTION RE: DISABILITY RETIREMENT- BREAKELL (November 2, 2022)
(POSSIBLE EXECUTIVE SESSION)
11. COMMITTEE ON MDC GOVERNMENT - CONSIDERATION AND POTENTIAL ACTION RE:
 - A. REVISION OF BYLAW § B6d "DISCLOSURE OF INTEREST" (November 2, 2022)
 - B. CODE OF ETHICS ACKNOWLEDGMENT & POTENTIAL CONFLICT OF INTEREST DISCLOSURE FORM (November 2, 2022)
12. ETHICS ADVISORY BOARD- REPORT RE: POSSIBLE ETHICS VIOLATION BY COMMISSIONER TAYLOR (September 19, 2022)
13. CONSIDERATION AND POTENTIAL ACTION RE: POTENTIAL VIOLATION OF BYLAW B2k BY COMMISSIONER TAYLOR
14. INTERNAL AUDIT COMMITTEE- REPORT RE: INVESTIGATION OF SANDLER & MARA PC INVOICES
15. OPPORTUNITY FOR GENERAL PUBLIC COMMENTS
16. COMMISSIONER COMMENTS & QUESTIONS
17. OTHER BUSINESS
18. ADJOURNMENT

Petition for Disability Retirement

To: District Board

November 2, 2022

From: Personnel, Pension and Insurance Committee

Pursuant to Section G 1 b. of the General Ordinances, we are recommending that the Personnel, Pension and Insurance Committee approve a Disability Retirement effective December 1, 2022, for Mr. Randy Breakell. We have received the employee's written petition for consideration under the Disability Retirement provision. The employee's doctors have provided adequate medical information to support the condition that the employee is permanently disabled and cannot engage in any gainful occupation or employment and an independent medical review has confirmed this position. The employee has also been approved for Social Security Disability.

A thorough review of this petition was conducted prior to advancing this recommendation for action. The "General Ordinances" provides that disability retirement requests be confirmed against the following definition:

"...has become permanently disabled from engaging in any gainful occupation or employment..."

To conform to this definition, Staff is hereby directed to take the appropriate actions with all individuals approved for disability retirements to periodically confirm the continuing adherence to the definition which may include requests for tax reports and/or medical status reports.

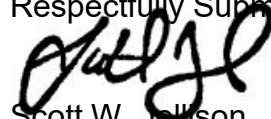
Therefore, staff is recommending that the employee's petition for disability retirement be approved.

At a meeting of the Personnel Pension and Insurance Committee held on November 2, 2022, it was:

VOTED: That the Personnel Pension and Insurance Committee recommend to the District Board passage of the following resolution:

RESOLVED: That effective December 1, 2022, Mr. Randy Breakell shall be approved for a Disability Retirement pursuant to the terms and conditions of the General Ordinances of the Metropolitan District Commission.

Respectfully Submitted,



Scott W. Jellison
Chief Executive Officer

REVISION TO DISTRICT BYLAWS

To: District Board

November 2, 2022

From: Committee on MDC Government

At the September 28, 2022 meeting of the Committee on MDC Government, the Office of District Counsel presented to the Committee a draft amendment to the District Bylaws which would require Commissioners and Citizen Members to provide an annual signed acknowledgment of the Code of Ethics and disclosure of potential conflicts of interest on a form to be provided by the Office of District Counsel. Additional revisions to this amendment were made based on comments received at this meeting and the proposed final draft language is provided below for consideration and action.

At a meeting of the Committee on MDC Government held on November 2, 2022, it was:

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

RESOLVED: That the following revision to The Metropolitan District's Bylaws be adopted as follows:

B6d DISCLOSURE OF INTEREST

No officer, Commissioner, Citizen Member or employee engage in or participate in any business or transaction, including outside employment with a private business, or pursue an interest, directly or indirectly, which is incompatible with the proper discharge of his or her official responsibilities in the public interest or which would tend to impair his or her independent judgment or action in the performance of official responsibilities.

(ab) If any officer, Commissioner, Citizen Member or employee has a personal interest, or a member of his/her immediate family has a financial or personal interest, in any matter coming before, or which has been before, the District Board, or any of its Bureaus, Commissions or Committees, or if there is any matter, the consummation of which is incompatible with the proper discharge of official duties, such officer, Commissioner, Citizen Member or employee shall so advise such body. If such officer, Commissioner, Citizen Member or employee is a member of such body, he or she shall refrain from voting upon or otherwise participating in the consideration of such matter or any determination in connection therewith by such body, and shall not be present at any executive session of such body at which such matter is considered. Notwithstanding the prohibition in subsection, such officer, Commissioner, Citizen Member or employee a public employee or public official may vote or otherwise participate in a matter if it involves a determination of general policy and the interest is shared with a substantial

segment of the population of the municipality; provided, in the case of a Commissioner, said Commissioner shall not preside over any meeting or hearing involving such matter.

(b) On or before January 31 of each year, each Commissioner and Citizen member shall file an acknowledgment of the Code of Ethics and Disclosure of Potential Conflict of Interests, on a form to be provided by the Office of District Counsel.

The statement shall include the following information regarding the individual required to file the statement and the individual's immediate family:

(1) A disclosure of any business transaction with the District;

(2) The disclosure of any business or family relationship with any Commissioner, Citizen Member, officer or employee of the District;

(3) The disclosure of any family relationship with any third-parties having a business relationship with the District (i.e., a family member acting as an officer, employee or member of third-party);

(4) An affirmative attestation that the Citizen Member or Commissioner is in full compliance with all eligibility requirements for said office;

(5) A broad statement of disclosure of any other known potential conflicts of interest.

The statement filed pursuant to this section shall be a matter of public information. Any individual who is unable to provide information required under the provisions this section by reason of impossibility may petition the Ethics Advisory Board for a waiver of the requirements. Any individual who fails to file the statement of financial interests or other information as required by this section and is found by the Ethics Advisory Board to be in violation of this section, shall be reported to the District Board and to their respective appointing authority for possible action.

Respectfully submitted,

A handwritten signature in black ink that reads "John Mirtle". The signature is written in a cursive, flowing style.

John S. Mirtle, Esq.
District Clerk

**CODE OF ETHICS POLICY ACKNOWLEDGMENT
AND DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST**

To: District Board

November 2, 2022

From: Committee on MDC Government

At the September 28, 2022 meeting of the Committee on MDC Government, the Office of District Counsel presented to the Committee a draft amendment to the District Bylaws which would require Commissioners and Citizen Members to provide an annual signed acknowledgment of the Code of Ethics and disclosure of potential conflicts of interest on a form to be provided by the Office of District Counsel. Additional revisions to this amendment were made based on comments received at this meeting and the proposed final draft language is provided below for consideration and action.

Therefore, it is **RESPECTFULLY SUBMITTED** that it be

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

RESOLVED: That the following "CODE OF ETHICS POLICY ACKNOWLEDGMENT AND DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST" form is hereby adopted and approved for use:

Respectfully submitted,

A handwritten signature in black ink that reads "John Mirtle". The signature is written in a cursive, flowing style.

John S. Mirtle, Esq.
District Clerk

THE METROPOLITAN DISTRICT

CODE OF ETHICS POLICY ACKNOWLEDGMENT AND DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

I have received, read and understand, and agree to abide by the By-Laws of the District Board and the Code of Ethics contained therein. As outlined in the Code of Ethics, no officer, Commissioner, Citizen Member or employee shall appear for, or represent, any personal interest, or any public interest except that of The Metropolitan District, in any matter pending before or procurement being considered by the District staff, District Board, or any of its Bureaus, Commissioners, or Committees. In furtherance of this policy, I hereby make the following affirmative statements and representations:

1. Do you, or to your knowledge does a Family Member¹ directly or indirectly, (i) maintain any business transaction with the District, or (ii) receive any compensation, grants, gifts or other benefits from the District, or any person seeking to do or doing business with the District? Examples of a business transaction may include a purchase or sale, lease, contractual arrangement, performance of services or participation in a joint venture.

☐ Yes

☐ No

If so, please describe the nature of the business transaction, compensation arrangement, or any other benefit, and the identities of each of the parties involved. If the applicable arrangement concerns a Related Person, please describe how the person or entity is related to you. If more than one relationship must be disclosed, please number the relationships.

¹A **Family Member** is a spouse, sibling (whether by whole or half-blood), child (natural or adopted), grandchild, or spouses of siblings, children or grandchildren.

2. To the best of your knowledge, do you have a business² or family relationship with any other current Commissioner, Citizen Member, officer or employee of the District?

☐ Yes

☐ No

Please describe the exact nature of any family relationships or business relationships or transactions, and the parties involved. If more than one relationship or transaction must be disclosed, please number the relationships and transactions.

3. Do you, or to your knowledge, does a Family Member, serve as an officer, employee, or member of the governing body of an entity which has in the past year applied, or which you anticipate may apply, for funding from or engage in a business transaction with the District?

☐ Yes

☐ No

² A **business relationship** is defined as:

1. One person is employed by the other in a sole proprietorship or by an organization with which the other is associated as a trustee, director, officer, key employee, or greater than 35% owner.
2. One person is transacting business with the other (other than in the ordinary course of either party's business on the same terms as are generally offered to the public), directly or indirectly, in one or more contracts of sale, lease, license, loan, performance of services, or other transaction involving transfers of cash or property valued in excess of \$10,000 in the aggregate during the organization's tax year. Indirect transactions include transactions with an organization with which one person is associated as a trustee, director, officer, key employee, or greater than 35% owner.
3. The two persons are each a director, trustee, officer, or greater than 10% owner in the same business or investment entity. "Ownership" is measured by stock ownership (either voting power or value) of a corporation, profits or capital interest in a partnership or limited liability company, membership interest in a nonprofit organization, or beneficial interest in a trust. Ownership includes indirect ownership (e.g., ownership in an entity that has ownership in the entity in question); there can be ownership through multiple tiers of entities.

Please list the applicable entity or entities, and the position held by you or your Family Member:

4. Continued Appointment Eligibility and Additional Potential Conflicts of Interest:

Please answer the following two (2) questions:

1. Are all eligibility conditions of your appointment as an officer, Commissioner/Citizen Member presently satisfied (e.g., residency/elector of district/municipality, as your particular appointment requires)?

Yes_____

No_____

2. To the best of your knowledge, are you or your immediate family involved in any other activity or relationship not characterized or described above, business or otherwise, which has the potential for being a conflict of interest with your role and responsibilities to the District?

Yes_____

No_____

If yes to either or both, please describe:

ATTEST:

I hereby swear under penalty of false statement that the foregoing statements are true and complete to the best of my knowledge and belief.

I understand that I have an ongoing obligation to amend this form should any circumstances change which would cause any of the statements herein to be inaccurate or incomplete.

If an apparent or potential conflict hereafter arises within the spirit of the Conflict of Interest Policy, I shall immediately disclose the facts and circumstances in writing or via e-mail to the District Counsel.

Name (please print)

Position

Date

Signature

State of Connecticut
County of Hartford

Subscribed and sworn before me this _____ day of _____, 20____.

Notary Public/Commissioner of Superior Court

Please return this completed questionnaire (hard copy or via e-mail) to:

Office of the District Counsel
The Metropolitan District
555 Main Street
Hartford, CT 06103
legal@themdc.com

NOTE: Failure to submit this form to District Counsel on or before January 31 of each calendar year will result in notice being provided to the District Board and the appointing authority of the Commissioner/Citizen Member.

**ETHICS ADVISORY BOARD
REPORT RE: POSSIBLE ETHICS CODE VIOLATION**

To: District Board

November 2, 2022

From: Ethics Advisory Board

At a meeting of the Ethics Advisor Board held on September 19, 2022, it was:

VOTED:

Be it resolved, the Ethics Advisory Board hereby finds and reports the following:

- 1) Commissioner Taylor admits that he met with Dan Mara of Sandler & Mara PC on two separate occasions to discuss disputed 2021 and 2022 legal invoices presented by Sandler & Mara PC;
- 2) Without questioning the motives of Commissioner Taylor, the Ethics Advisory Board consider Commissioner Taylor's action to be technical violations of MDC Bylaw § B6d;
- 3) The Ethics Advisory Board hereby recommends that there be a finding of ethical violations as referenced above, but that the District Board take no discipline or censure against Commissioner Taylor, but rather that he be advised that any similar violations may lead to more adverse consequences; and
- 4) The Ethics Advisory Board further recommends no Commissioners meet with any individual or representative of any entity, constituent or otherwise, having an adverse claim or claims against the District. To the extent that there is any question as to whether any adverse claim exists, the matter should be referred to the Office of District Counsel.