

BOF ADJUSTMENTS TO FY21 BOS RECOMMENDED BUDGET

GENERAL FUND:

REVENUE

<u>DEPARTMENT</u>	<u>OBJECT</u>	<u>LINE ITEM</u>	<u>BOF Adj (Incr)/Decr</u>	<u>COMMENT</u>
Town Clerk	42128	Dog Licenses	200	Dept adjustment for COVID
Town Clerk	42130	Marriage Licenses	800	
Town Clerk	42312	Conveyance Tax	60,000	
Town Clerk	42314	Filing Fees	500	
Town Clerk	42316	Notary Public	500	
Town Clerk	42356	Misc Town Clerk	300	
Penfield Pavilion	42476	Concession	11,250	
Penfield Pavilion	42508	Jacky Durrell Rental	16,250	
Penfield Pavilion	42510	Penfield 1 Rental	34,425	
Parks and Rec	42402	Swim and Sail Lessons	4,136	
Parks and Rec	42403	Programs	80,000	
Parks and Rec	42379	Misc Park	5,168	
Parks and Rec	42475	Tennis Concession	15,000	
Parks and Rec	42509	Field Concession	37,000	
Waterfront	42351	Beach Stickers	185,000	
Waterfront	42352	Beach Parking	137,500	
Waterfront	42474	Beach Concession	6,375	
Marina	42478	Gas Dock Concession	1,750	
Dickman Golf Course	42462	Driving Range	200	
Dickman Golf Course	42464	Carts	500	
Dickman Golf Course	42466	Fees	51,336	
Richardson Golf Course	42467	Season Ticket	12,642	
Richardson Golf Course	42468	ID Cards	37,810	
Richardson Golf Course	42469	Annual Lockers	397	
Richardson Golf Course	42471	Golf Fees	210,044	
Richardson Golf Course	42472	Driving Range	26,584	
Richardson Golf Course	42473	Cart Rental	65,105	
Richardson Golf Course	42477	Cart Concession	18,171	
Finance	44001	Dividend Interest Income	1,000,000	
Finance	42512	Rental Income FTC	46,000	
Human and Social Svc	42386	Transportation	4,642	
Library	41134	Connecticard	7,361	

BOF ADJUSTMENTS TO FY21 BOS RECOMMENDED BUDGET

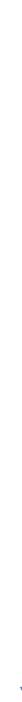
GENERAL FUND:

Library	42350	Photo Copy	3,059
Library	42378	Misc Library	6,056
Library	42205	Fines	34,790
Library	42511	Room Rental	7,496
Police	41131	911 State Grant	136,079
Police	42202	Surcharge on MV Violations	20,000
Police	42151	Photostats	1,200
Police	42201	Parking Violation	48,000
Police	42207	Alarm Ordinance	2,000
Solid Waste and Recycling	42338	Scale Weighing	(26,272)
Solid Waste and Recycling	42339	Electronics	(2,000)
Solid Waste and Recycling	42340	Bulky Waste	(4,200)
Solid Waste and Recycling	42341	Metal	5,650
Solid Waste and Recycling	42342	Tires	200
Solid Waste and Recycling	42346	Fixed Income	700
Solid Waste and Recycling	42347	Textiles	(600)
Solid Waste and Recycling	42348	Facility Use	(3,198)
TPZ	42119	Zoning Compliance Permit	2,976
TPZ	42120	Zoning Waiver Permit	3,869
TPZ	42121	Subdivision Application	375
TPZ	42122	Map Petition	(798)
TPZ	42359	Misc TPZ	896

TOTAL REVENUE

2,313,224

decrease



EXPENDITURES

<u>DEPARTMENT</u>	<u>OBJECT</u>	<u>LINE ITEM</u>	<u>BOF Adj Incr/(Decr)</u>	<u>COMMENT</u>
1010 FS	56110	Office Supplies	(1,000)	cut to FY20 level
1010 FS	58120	Travel and Meeting	(2,000)	cut to FY20 level
1030 Town Clerk	56100	Printing and Binding	(10,000)	per TC agreement
1070 ROV	58120	Travel and Meeting	(300)	cut to FY20 level
1310 Retiree Benefits	52310	Retirement Cont. - Town	1,143,919	ADEC from NEW Mortality Table

BOF ADJUSTMENTS TO FY21 BOS RECOMMENDED BUDGET

GENERAL FUND:

1310	Retiree Benefits	52311	Retirement Cont. - P/F	916,624	ADEC from NEW Mortality Table
1310	Retirees Benefits	52105	OPEB P/F Retiree Health	(1,634,000)	reduce funding by \$3.8M proportionally
1310	Retirees Benefits	52110	OPEB Town Retiree Health	(2,166,000)	reduce funding by \$3.8M proportionally
1320	Active Employees Benefits	52100	Health Insurance	(409,262)	AON March renewal
1330	Human Resources	56110	Office Supplies	(108)	cut to FY20 level
1330	Human Resources	58920	Risk Management Claims	(200,000)	revise cash flow estimate
1350	Comm Econ Dev	51010	Regular Payroll	(130,000)	cut NEW Business Outreach Director
1350	Comm Econ Dev	52200	Social Security	(9,945)	cut NEW Business Outreach Director
1350	Comm Econ Dev	58100	Educ and Memberships	(1,000)	cut to FY20 level
1350	Comm Econ Dev	58120	Travel and Meeting	(500)	cut to FY20 level
1320	Active Employees Benefits	52100	Health Insurance	(27,873)	cut NEW Business Outreach Director
1370	Harbor Management	56100	Office Supplies	(400)	cut to FY20 level
2010	Contingency	58010	Contingency	(738,450)	cut \$50k Marina, cut \$588,450 Wage Resv, cut \$100k Normal
3010	Finance	51030	Part-time Payroll	(35,000)	cut NEW Part-time Grant Coordinator
3010	Finance	52200	Social Security	(508)	cut NEW Part-time Grant Coordinator
3030	Purchasing	51030	Part-time Payroll	(10,000)	cut NEW Part-time help
3030	Purchasing	52200	Social Security	(145)	cut NEW Part-time help
3050	Assessor	56110	Office Supplies	(500)	cut to FY20 level
3050	Assessor	58100	Educ and Memberships	(120)	cut to FY20 level
3050	Assessor	58120	Travel and Meeting	(825)	cut to FY20 level
3110	Information Technology	57000	Capital	(97,250)	reduce by half
3150	Unemployment Comp	52510	Unemployment Comp	250,000	revise for COVID
4010	Fire	51010	Regular Payroll	(85,001)	cut NEW Fire Inspector
4010	Fire	52200	Social Security	(1,233)	cut NEW Fire Inspector
1320	Active Employees Benefits	52100	Health Insurance	(27,873)	cut NEW Fire Inspector
4010	Fire	57000	Capital	(50,000)	cut staff vehicle
4030	Police	57000	Capital	(217,394)	cut hybrid vehicle, 4 gas vehicles, 5 fit-outs
4030	Police	58120	Travel and Meeting	(1,333)	cut to FY20 level
5030	Public Works Ops	57000	Capital	(334,000)	cut Capital TBD
5030	Public Works Ops	57001	Fleet Maintenance	(300,000)	cut from Operations
5030	Public Works Ops	57002	Asphalt Paving	(1,000,000)	remove from Operations and bond \$1M
5050	Building	51030	Part-time Payroll	(35,490)	cut NEW Blight Inspector
5050	Building	52200	Social Security	(515)	cut NEW Blight Inspector
5070	Engineering	51050	Overtime	(10,000)	cut NEW Overtime
5070	Engineering	52200	Social Security	(765)	cut NEW Overtime

BOF ADJUSTMENTS TO FY21 BOS RECOMMENDED BUDGET

GENERAL FUND:

6010	Health	58120	Travel and Meeting	(600)	cut to FY20 level
6050	Human and Social Svc	51010	Regular Payroll	(66,267)	cut NEW Bigelow Center Director
6050	Human and Social Svc	51030	Part-time Payroll	32,489	reinstate NEW Bigelow Center Director offset
6050	Human and Social Svc	52200	Social Security	(4,598)	cut NEW Bigelow Center Director
7010	Library - Main	51030	Part-time Payroll	(100,000)	may be less used due to COVID
7010	Library - Main	56180	Library Materials	(100,000)	may be less used due to COVID
7010	Library - Main	58100	Educ and Memberships	(200)	cut to FY20 level
7010	Library - Main	58120	Travel and Meeting	(100)	cut to FY20 level
7011	Library - FW	51030	Part-time Payroll	(75,000)	may be less used due to COVID
7011	Library - FW	56180	Library Materials	(25,000)	may be less used due to COVID
7050	Parks and Rec	58100	Educ and Memberships	(1,000)	cut to FY20 level
7111	Dickman Golf Course	57000	Capital	(45,000)	cut capital except storage shed
7111	Dickman Golf Course	58100	Educ and Memberships	(25)	cut to FY20 level
7113	Richardson Golf Course	57000	Capital	(54,000)	cut capital per Golf Course Superintendent
8010	Board of Education	58900	BOE	(2,293,578)	adj ADEC (\$325,578) and cut \$1,968,000
10030	Debt Service	58600	Redemption of Bonds	(1,000,000)	increase use of reserves from Debt Servcie Fund
10030	Debt Service	58610	Interest Due on Bonds	(126,167)	savings from refunding

TOTAL EXPENSE

(9,087,293)

decrease

TOTAL GENERAL FUND ADJUSTMENT

(\$6,774,069)

decrease

BOF ADJUSTMENTS TO FY21 BOS RECOMMENDED BUDGET

GENERAL FUND:

WPCA:

BOF ACTION TO BOS BUDGET

REVENUE

	<u>DEPARTMENT</u>	<u>OBJECT</u>	<u>LINE ITEM</u>	BOF Adj (Incr)/Decr	<u>COMMENT</u>
5040	WPCA	43001	Current Sewer Use Fees	(\$93,638)	offset to reduced expenditures
	TOTAL REVENUE		TOTAL WPCA REVENUE	(\$93,638) increase	

EXPENDITURES

	<u>DEPARTMENT</u>	<u>OBJECT</u>	<u>LINE ITEM</u>	BOF Adj Incr/(Decr)	<u>COMMENT</u>
5040	WPCA	52100	Health Insurance	(12,932)	AON March renewal
5040	WPCA	52310	Retirement Cont. - Town	\$92,750	ADEC from NEW Mortality Table
5040	WPCA	54150	Motor Vehicle Fuel and Lub	13,820	correction
	TOTAL EXPENSE		TOTAL WPCA EXPEND.	\$93,638 increase	

TOTAL WPCA ADJUSTMENT

\$0

CONTROL
APPROPRIATION BY DEPARTMENT

		<u>FY20</u>	<u>FY21</u>	<u>FY21</u>	<u>FY21</u>	<u>BOF21 - FY20</u>
		<u>BUDGET</u>	<u>FS</u>	<u>BOS</u>	<u>BOF</u>	<u>CHG</u>
GENERAL FUND						
<u>General Government - Administrative</u>						
1010	First Selectman's Office	\$453,098	\$570,714	\$570,714	\$567,714	25.30%
1030	Town Clerk	574,664	588,717	588,717	578,717	0.71%
1040	FAIRTV	56,000	75,000	75,000	75,000	33.93%
1050	Administrative Services	102,368	94,270	94,270	94,270	-7.91%
1070	Registrar of Voters	291,336	279,085	279,085	278,785	-4.31%
1090	Zoning Board of Appeals	4,138	4,138	4,138	4,138	0.00%
1110	Town Planning and Zoning	665,943	680,384	680,074	680,074	2.12%
1130	Probate Court	28,100	28,100	28,100	28,100	0.00%
1210	Historic District Commission	11,418	11,618	11,618	11,618	1.75%
1230	Conservation Commission	959,916	979,762	977,089	977,089	1.79%
1250	Shellfish Commission	9,060	8,958	8,958	8,958	-1.13%
1270	Legal Services	438,825	588,825	585,000	585,000	33.31%
1290	Miscellaneous Contingencies	30,000	30,000	30,000	30,000	0.00%
1320	Active Employee Benefits	10,122,638	11,338,057	11,338,057	10,873,049	7.41%
1330	Human Resources	5,591,500	5,558,595	5,558,595	5,358,487	-4.17%
1350	Community/Economic Developm	301,432	458,844	438,554	297,109	-1.43%
1370	Harbor Management Commissio	<u>22,162</u>	<u>23,562</u>	<u>23,562</u>	<u>23,162</u>	<u>4.51%</u>
	Total Administrative	\$19,662,598	\$21,318,629	\$21,291,531	\$20,471,270	4.11%
<u>General Government - Miscellaneous</u>						
2010	Contingency	\$328,865	\$988,450	\$1,038,450	\$300,000	-8.78%
2020	Contribution to Surplus	1,330,000	0	0	0	-100.00%
2073	Regional Youth Adult Social Acti	21,000	21,000	21,000	21,000	0.00%
2130	Pequot Library	350,000	350,000	350,000	350,000	0.00%
2150	LifeBridge Community Services	175,000	175,000	175,000	175,000	0.00%
2170	The Discovery Museum	24,000	24,000	24,000	24,000	0.00%
2210	Audubon Society	15,000	15,000	15,000	15,000	0.00%
2230	Greater Bridgeport Transit Auth	30,000	30,000	30,000	30,000	0.00%
2250	Fairfield Museum and History Ce	50,000	50,000	50,000	50,000	0.00%
2270	Fairfield Veterans Advisory & Inf	0	0	0	0	-
2290	S.W. Connecticut EMS Council	0	0	0	0	-
2310	S.W. Regional Mental Health Bo	0	0	0	0	-
2330	Janus Center for Youth in Crisis	0	0	0	0	-
2350	Grasmere by the Sea	45,060	35,000	35,000	35,000	-22.33%
2370	Sullivan-McKinney Elder Housing	10,000	10,000	10,000	10,000	0.00%
2430	The Kennedy Center	7,000	7,000	7,000	7,000	0.00%
2450	Mill River Wetland Committee	5,000	5,000	5,000	5,000	0.00%
2470	The Pilot House	8,000	8,000	8,000	8,000	0.00%
2480	The Center for Family Justice	6,100	6,100	6,100	6,100	0.00%

CONTROL
APPROPRIATION BY DEPARTMENT

		FY20	FY21	FY21	FY21	BOF21 - FY20
		<u>BUDGET</u>	<u>FS</u>	<u>BOS</u>	<u>BOF</u>	<u>CHG</u>
2531	Private School Transportation	1,558,370	1,559,804	1,533,388	1,533,388	-1.60%
11030	Health and Welfare Services	<u>135,098</u>	<u>140,630</u>	<u>140,630</u>	<u>140,630</u>	<u>4.09%</u>
	Total Miscellaneous	\$4,098,493	\$3,424,984	\$3,448,568	\$2,710,118	-33.88%
<u>Finance</u>						
3010	Finance	\$977,062	\$1,011,532	\$1,011,532	\$976,024	-0.11%
3030	Purchasing	287,949	318,988	318,988	308,843	7.26%
3050	Assessor	880,854	938,301	938,073	936,628	6.33%
3090	Tax Collector	586,345	603,360	603,360	603,360	2.90%
3110	Information Technology	1,780,549	1,805,571	1,805,571	1,708,321	-4.06%
3130	Board of Finance	105,847	107,780	107,780	107,780	1.83%
3150	Unemployment Compensation	<u>135,120</u>	<u>105,120</u>	<u>105,120</u>	<u>355,120</u>	<u>162.82%</u>
	Total Finance	\$4,753,726	\$4,890,652	\$4,890,424	\$4,996,076	5.10%
<u>Public Safety</u>						
4010	Fire	\$13,651,416	\$14,086,282	\$14,072,642	\$13,936,408	2.09%
4030	Police	15,197,100	15,613,701	15,542,864	15,324,137	0.84%
4050	Animal Control	411,029	339,179	339,179	339,179	-17.48%
4070	Street Lighting	510,484	503,784	503,784	503,784	-1.31%
4090	Hydrant and Water Services	1,890,000	1,900,000	1,900,000	1,900,000	0.53%
4110	Emergency Management	60,624	140,180	140,180	140,180	131.23%
4150	Emergency Communications Ctr	<u>1,576,604</u>	<u>2,037,261</u>	<u>2,037,261</u>	<u>2,037,261</u>	<u>29.22%</u>
	Total Public Safety	\$33,297,257	\$34,620,387	\$34,535,910	\$34,180,949	2.65%
<u>Public Works</u>						
5011	Public Works Administration	\$555,234	\$528,855	\$528,855	\$528,855	-4.75%
5030	Public Works Operations	15,749,248	15,476,219	15,428,811	13,794,811	-12.41%
5050	Building	703,021	736,058	734,508	698,503	-0.64%
5070	Engineering	<u>760,169</u>	<u>780,072</u>	<u>779,328</u>	<u>768,563</u>	<u>1.10%</u>
	Total Public Works	\$17,767,672	\$17,521,204	\$17,471,502	\$15,790,732	-11.13%
<u>Health and Welfare</u>						
6010	Health	\$3,152,957	\$3,207,892	\$3,206,895	\$3,206,295	1.69%
6050	Human and Social Services	634,966	719,871	716,136	677,760	6.74%
6070	Solid Waste & Recycling	<u>4,133,073</u>	<u>4,430,845</u>	<u>4,430,535</u>	<u>4,430,535</u>	<u>7.20%</u>
	Total Health and Welfare	\$7,920,996	\$8,358,608	\$8,353,566	\$8,314,590	4.97%
<u>Culture and Recreation</u>						
7010	Library Main	\$2,816,001	\$2,761,922	\$2,761,674	\$2,561,374	-9.04%
7011	Library Fairfield Woods	1,093,133	1,212,395	1,212,395	1,112,395	1.76%
7030	Penfield Pavilion Complex	183,791	184,432	184,432	184,432	0.35%
7050	Parks and Recreation	669,308	769,484	764,463	763,463	14.07%
7070	Waterfront	478,390	423,745	423,745	423,745	-11.42%

CONTROL
APPROPRIATION BY DEPARTMENT

		<u>FY20</u>	<u>FY21</u>	<u>FY21</u>	<u>FY21</u>	<u>BOF21 - FY20</u>
		<u>BUDGET</u>	<u>FS</u>	<u>BOS</u>	<u>BOF</u>	<u>CHG</u>
7090	Marina	0	315,563	265,563	265,563	-
7111	Carl J. Dickman Golf Course	259,975	316,507	315,833	270,808	4.17%
7113	H. Smith Richardson Golf	<u>1,412,378</u>	<u>1,492,257</u>	<u>1,488,475</u>	<u>1,434,475</u>	<u>1.56%</u>
	Total Culture and Rec	\$6,912,976	\$7,476,305	\$7,416,580	\$7,016,255	1.49%
	TOWN OPS	\$94,413,718	\$97,610,769	\$97,408,081	\$93,479,990	-0.99%
1310	Retiree Benefits	\$17,026,675	\$17,633,100	\$17,720,913	\$15,981,456	-6.14%
10030	Debt Service	\$23,303,389	\$24,894,303	\$24,894,303	\$23,768,136	1.99%
	General Fund Expense	\$0	\$0	\$0	\$0	-
	TOTAL OTHER	\$40,330,064	\$42,527,403	\$42,615,216	\$39,749,592	-1.44%
	TOWN OPS & OTHER	\$134,743,782	\$140,138,172	\$140,023,297	\$133,229,582	-1.12%
8010	Board of Education	\$181,672,957	\$187,358,852	\$187,358,852	\$185,065,274	1.87%
8020	Teacher Retirement Contrib.	\$0	\$0	\$0	\$0	-
	GRAND TOTAL	\$316,416,739	\$327,497,024	\$327,382,149	\$318,294,856	0.59%

CONTROL
APPROPRIATION BY DEPARTMENT

		<u>FY20</u> <u>BUDGET</u>	<u>FY21</u> <u>FS</u>	<u>FY21</u> <u>BOS</u>	<u>FY21</u> <u>BOF</u>	<u>BOF21 - FY20</u> <u>CHG</u>
<u>Regional Fire Training Center</u>						
126	Regional Fire Training Center	\$173,668	\$172,984	\$172,984	\$172,984	-0.39%
<u>Water Pollution Control Authority</u>						
130	Water Pollution Control Authori	\$5,714,732	\$5,948,173	\$5,919,345	\$6,012,983	5.22%

To: James Brown, Board of Finance Chairman

From: James T. Baldwin, Town Attorney

Date: May 11, 2020

Question Presented:

What is the authority of the Board of Finance (BOF) to adjust revenue against the recommendations of a department head or administration?

Conclusion:

It goes without question that the BOF has the right to make adjustments to revenue. However, all projections must be rooted in more than mere speculation. By state statute and the town charter, BOF revenue projections must be based on credible information presented to it, be it from the tax assessor, the Fiscal Officer, a department head, the town's chief executive or various departments of the state of Connecticut or Federal government.

Legal Analysis:

"[T]he charter is the fountainhead of municipal powers. It originates and defines the powers of government and the methods of governance..." State ex. Rel. Raslavsky v. Bonvouloir, 167 Conn. 357, 362 (1974).

Our Town Charter does not specify, in detail, the method by which projected revenue to the proposed budget are to be adjusted by the BOS, BOF or the RTM. Consequently rules of statutory construction must be applied.

In the construction of charters, ordinarily the rules of statutory construction are applied. "In arriving at the intention of the framers of the charter the whole and every part of the instrument or enactment must be taken and compared together. In other words, effect should be given, if possible, to every section, paragraph, sentence, clause and word in the instrument and related laws. 'The real intention when once accurately and indubitably ascertained, will prevail over the literal sense of the terms. When the words used are explicit, they are to govern, of course. If not, then recourse is had to the context, the occasion and necessity of the provision, the mischief felt, and the remedy in view.' The language employed must be given its plain and obvious meaning, and, if the language is not ambiguous a court cannot arbitrarily add to or subtract from the words employed." Sillman v. Sillman, 168 Conn. 144, 148-149 (1961) Arminio v. Butler, 183 Conn. 211, 218, (1981).

§ 12.2 of the charter sets forth the town's budget procedures as summarized below:

All Town officers, boards, commissions, authorities, and departments of the Town entrusted with the expenditure of Town funds, including the Board of Education, shall submit to the First Selectman the items and details of their respective budgets for the next fiscal year and submitted to the First Selectwoman. The First Selectwoman shall then review the budgets of all Town officers, boards, commissions, authorities, and departments and submit these budgets with

recommendations to the Board of Selectmen. Thereafter the BOS shall make recommendations to the Board of Finance regarding each budget reviewed by them. Subsection C provides for the Board of Selectmen, with the approval of the Board of Finance, to modify and vary the budget submission process in the interest of efficiency or in the event of special circumstances.

Pursuant to § 12.3.C and D of the charter the Board of Finance thereafter holds a public meeting “at which it shall consider all matters relating to the budget” and make its recommendations regarding the budget to the RTM at the annual budget meeting. Pursuant to § 12.3 of the charter, the RTM then “determine[s] the annual *appropriations* for the next fiscal year”. Although the RTM is not allowed to add any money to the appropriations recommended by the BOF, pursuant to Connecticut General Statutes § 7-344, the charter allows appeals by any Town officer, board, commission, authority, committee, or department to appeal to restore the entire amount originally requested or any part of such amount specified in an appeal to the RTM. Significantly, this procedure does not allow appeals concerning cuts or additions to projected department revenues. Similarly, Article XIII of the charter allows for referenda regarding appropriations, but not revenue projections unless it is directly related to the adoption, amendment, or repeal of an ordinance.

§ 8.3 of the charter succinctly presents the powers and duties of the Board of Finance to be all those conferred by this Charter, by ordinance, and upon boards of finance generally by Chapter 106 of the General Statutes (§ 7-340 through 7-349).

Connecticut General Statutes § 7-344 sets forth the general procedures that must be followed in the review and adoption of a municipality’s annual budget. One of the fundamental requirements in passing an annual budget is that the mill rate levied by the Town must be sufficient to cover the projected expenses and balance the proposed budget. The board of finance shall “lay such tax on such list as shall be sufficient, in addition to the other estimated yearly income of such town and in addition to such revenue surplus, if any, as may be appropriated, not only to pay the expenses of the town for such current year, but also to absorb the revenue deficit of such town, if any, at the beginning of such current year.” See Conn. Gen. Stat. Ann. § 7-344. “Towns are by law required to levy such taxes as are sufficient to pay the estimated expenses of the town for the current year.” Moore v. Town of Stamford, 14 Conn. Supp. 258, 261 (Super. Ct. 1946), *aff’d*, 134 Conn. 65, 54 A.2d 588 (1947). “An overriding consideration is that the total amount of such annual appropriations for any year shall not exceed the estimated income for that year.” Tramontano v. Dilieto, 192 Conn. 426, 432-33, 472 A.2d 768, 771-72 (1984).

§ 7-344 further provides that the board of finance shall consider “an itemized estimate of anticipated revenues during the ensuing fiscal year from each source other than from local property taxes and an estimate of the amount which should be raised by local property taxation for such ensuing fiscal year”; and shall prepare and publish a report containing said itemized estimates and, pursuant to C.G.S. Sec. 7-388 shall submit the estimates to the legislative body. “While the factors to be considered and the procedure to be followed by a board of finance in laying a tax are set forth fully in § 7-344 of the General Statutes, *the actual fixing of a tax rate is subject to the sound discretion of the levying body... Absent a claim of gross abuse of discretion or sound business judgment, the rate properly set by the [tax levying authority] remains the legal rate of taxation.*” State ex rel. Feigl v. Raacke, 32 Conn. Supp. 237, 242, 349 A.2d 150 (1975).

This broad standard applies to the setting of the tax rate only and should not be read to mean that it in any way subverts or overrides the budget procedures adopted by the town and set forth in its charter.

§ 12.2 of the Charter provides: “All Town officers, boards, commissions, authorities, and departments of the Town entrusted with the expenditure of Town funds, including the Board of Education, shall submit to the First Selectman the *items and details* of their respective budgets for the next fiscal year.” (Emphasis added). Additionally, the Board of Selectmen, Board of Finance and all Town officials have a duty to act reasonably and in good faith on behalf of the Town under both the Town’s Charter and Connecticut case law. “The First Selectman shall have the powers and duties vested in the office by this Charter and by the General Statutes. In particular, the First Selectman shall ... (4) Be responsible for the faithful execution of all laws and ordinances governing the Town”. See Town Charter § 6.2(4) and § 6.1(C)(2) for other Town officials.

Although there are no cases exactly on point to the question presented, our Supreme Court has broadly stated: “The function of a board of finance is 'first, to eliminate wasteful or extravagant expenditures by considering the financial aspects of the municipal government as a whole rather than from the limited viewpoint of any particular department, whether it is the department in charge of education or of fire prevention or of police protection; and, secondly, to insure, as far as possible, the payment of the municipality's current debts out of its current income.' Board of Ed. of Town of Ellington v. Town of Ellington, 151 Conn. 1, 193 A.2d 466 (1963) citing Risi v. Norwalk, 144 Conn. 525, 528 (1957). Boards of Finance have a duty to exercise their “judgment intelligently, fairly, and disinterestedly” when reviewing and reducing estimated budgets and expenses. See Board of Educ. of Town of Stamford v. Board of Finance of Town of Stamford, 16 A.2d 601, 127 Conn. 345 (1940) and Waterbury Teachers Ass’n v. Furlong, 162 Conn. 390, 401, 294 A.2d 546, 553 (1972).

Both the town charter and state statutes make it abundantly clear that the town’s budget process as it concerns revenue estimates from town departments or sources other than those derived from property taxes e.g. grants, originate from the town departments who, working in concert with the administration (First Selectwoman), have purview over those revenue sources. This fact has furthermore been ratified time and time again by the history of the board of finance’s acceptance of those revenue projections, inclusive of changes made by the administration in the course of the four month-long budget process. Insofar as this writer has reviewed the past three budgets and confirmed with three of the major department heads that their revenue projections, including those they have either verbally or in writing amended since first submitting projections to the administration, have always agreed to the reasonableness of the final amount projected and placed in the final budget book presented to the RTM. These three department heads, the Town Clerk and The directors of the Building Department and Parks and Recreation, submit that they cannot remember any time in their tenure that the BOF unilaterally cut or added to their revenue projections without their consent and agreement as to its reasonableness.

The BOF is designed by charter and state statute to work in concert with the administration/departments to ascertain the reasonableness of revenue projections. It is also appropriate for the board to ascertain the reasonableness of the fees associated with those town services which provide revenue and to encourage pursuit of other non-tax sources of revenue such as grants. However, this does not mean that the BOF can unilaterally dictate an increase or

decrease to such fees or for that matter force a department or administration to apply for certain grants. Such actions are clearly within the purview of the overseeing board or commission and the administration which, ultimately, must answer to the citizens who elected the chief executive.

In conclusion, it is unquestionable that the BOF has the right to make adjustments to revenue based on information presented to it, be it from the tax assessor, the Fiscal Officer, a department head or the town's chief executive or various departments of the state of Connecticut. However, I believe the BOF must have a reasonable basis, one beyond mere speculation, on which to make its projections of all sources of town revenue. It is, in my opinion, an exceedance of their legal authority to reduce or increase such projections if such decrease or increase is based on unspecific criteria such as intuition, a general downturn in the economy or fear that promised state grants may be rescinded without substantive, material and reasonable information that such reductions or increases in revenue will likely occur.

James T. Baldwin



Town Attorney