

THESE MINUTES ARE SUBJECT TO APPROVAL BY THE CHARTER REVISION COMMISSION

Members of the Charter Revision Commission held a meeting on Monday, June 15, 2015 at 7:30 P.M. in Meeting Room 1 of the Municipal Center, 3 Primrose Street, Newtown, CT. Chairman Jeff Capeci called the meeting to order at 7:00pm.

Present: Jeffrey Capeci, Tom Long and Dan Wiedemann

Members reviewed charge items categorized under BOF MISSION and FINANCE DIRECTOR:

Charter Section	Suggestion	Comments
6-20(a)	delete "not only" and "but also to absorb the revenue deficit, if any at the beginning of such year" and eliminate the town meeting references	See section 6-30(a) change adopted.
6-20(b)	Consider updating amount or making it BOS choice	See section 6-30(b) Struck entire sentence.
6-30	Special and Emergency appropriations section requires review, define difference between the two	Section 6-35.
6-30 (b)	in the first sentence, replace "with the approval of the BOS" with "Financial Director"	Agreed. See section 6-35 (b).
2-120A	"And the town clerk shall file with the financial director a full statement of such receipts monthly" is not necessary	Section 4-10(b). OK. All funds directly deposited into appropriate account for Town Clerk.
6-30(c)	Instead of referring to section 7-80, insert a section D here to say what 7-80 says.. Also, replace "The Legislative Council shall determine the method of financing with "The Fiancial Director with the approval of the LC".	See section 6-35(d), (h).
6-60	Bob Tait suggests this section should be removed If maintained, should include recco from BOF. Many sections of charter on these types of financial matters require recco from BOF. (See section 6-70D as one example)	Removed section per request.
6-70B	"Town Departments" should be replaced by "Finance Director"	Section 7-25(d). Changed as requested.
6-80A	Delete this entire section	Removed section per request.
6-90E	Funds should be segregated by Finance Director and remove language "from the general fund of the Town" per Bob Tait.	Section 7-20(c) changed as requested.
6-90F&G	Referring to previous recco (6-13B1) regarding adopting a budget, by line item or account number, these sections refer to a concept of accounting and approvals to make sure line items are properly funded and adjusted. Should clarify the "Town Department" includes BOE and that budgets commence with official adoption at a point and will be changed and adjusted properly going forward.	Section 7-20(d)(e). Get clarification from John K.
6-90F&G	Move that the Board of Education recommend to the Legislative Council Charter Charge Subcommittee that the Charter Revision Commission be charged with the review of the definition and the use of the phrase "department" and ensure that it is consistent with Connecticut General Statute.	Section 7-20(d)(e). Add definition of department to front of charter inclusive of Board of Ed.
6-90H&I	Delete both of these sections, not necessary	Removed sections per request.
6-20A	delete "not only" and "but also to absorb the revenue deficit, if any at the beginning of such year" and eliminate the town meeting referencesdescribed in	Section 6-30(a), changed as requested.

	sections 6-10 thru 6-14."	
6-100	<p>Process of looking at and accepting grants should be clarified and should indicate whether BOF and Council needs to approve prior to application or acceptance. Impact statements should also be a component of this section for the purpose of clarity and transparency. Should also include BOE (ARRA grant). From Liz Stocker I would also like to comment on Section 6-100 concerning Impact Statements. As a staff member who is involved with filing grant applications, I would like to recommend that the section be clarified as to whether or not all grant applications require the preparation of an impact statement or only those that are for Capital Projects. Additionally, the section should require that Impact Statements be provided by the department prior to the acceptance of a grant by the First Selectman on behalf of the Town instead of before an application is made. Sometimes the grant application dates come up very quickly and it would be a shame to miss opportunities.</p>	See Markup, section 7-30.

Having No further business, the meeting was adjourned at 10:15pm.

Respectfully Submitted,

Jeff Capeci

Attachment: Draft Language

Attachment A: Draft Language:

4-10 Tax Collector

- (a) The First Selectman, with the approval of the Board of Selectmen, shall nominate and appoint a Tax Collector to a term of 4 years commencing the first day of February of 1990 and every February first every 4 years thereafter. The First Selectman and the Board of Selectmen shall choose and consider all candidates for the position of Tax Collector solely on the basis of such candidate's professional qualifications, character, training and experience. The Tax Collector need not be a resident of the Town. The person appointed to fill the vacancy shall serve the balance of the unexpired term only. The Tax Collector shall have the powers, duties and compensation set forth in the provisions of Section 5-10 (b) of this Charter. The First Selectman, with the approval of the Board of Selectmen, may remove the Tax Collector from office for cause in accordance with the provisions of Section 4-40 of this Charter.
- (b) The Tax Collector shall exercise the powers and duties of a Tax Collector as provided by the General Statutes, except as hereinafter provided, and shall perform such other duties as required by this Charter. The receipts to be paid to the Tax Collector shall be collected in accordance with the provisions of the General Statutes or this Charter or ordinances of this Town and shall be deposited with the Financial Director of the Town and the Tax Collector shall file with the Financial Director a full statement of such receipts monthly. The Tax Collector shall also keep a record of receipts in his/her office which shall show the name of each person from whom money is received, the amounts thereof, and for what received. The expenses of the office will be provided for in the usual budgetary manner.
- (c) The Tax Collector shall receive a salary in lieu of all fees and other compensation.

6-30 Laying of Taxes

- (a) Following the adoption of the Town Budget for the next fiscal year, the Legislative Council shall meet and, with due provision for estimated and uncollectible taxes, abatements and corrections, shall lay such tax on the last completed Grand List at a mil rate that shall be sufficient, with the income from other sources, to meet the estimated expenses of the Town for the next fiscal year. The tax laid shall be based on facts known and estimates made at the time the Legislative Council acts and may be different from the mil rate estimated prior to the Annual Budget Referendum or any subsequent referendum even though the budget adopted is the same as the budget recommended to the Annual Budget Referendum or any subsequent referendum.
- (b) The Tax Collector shall collect the tax in accordance with the General Statutes. Taxes shall be delinquent and interest charged in accordance with the General Statutes and any amendments thereto. ~~Property tax bills of \$50 or more in the Town shall be due and payable in 2 semi-annual installments, July 1 and January 1.~~

6-35 Special and Emergency Appropriations

- (a) A "Special Appropriation" is any appropriation of additional funds made during a fiscal year that is supplemental to an adopted Town Budget or capital project. An "Emergency Appropriation" is an appropriation required for an unforeseen or extraordinary event or threat to public health, safety, or welfare. The Board of Finance shall have an opportunity to make a recommendation regarding a proposed Special Appropriation, but such a recommendation is not required for an Emergency Appropriation.
- (b) A request for a Special or Emergency Appropriation may be initiated by the First Selectman with the approval of the Board of Selectmen or by the Legislative Council. The request shall include an estimate of the funds required, the reasons therefore, and a proposed method of financing. Methods of financing include, without limitation, issuing notes or bonds of the Town or laying a special tax on the Grand List last

completed. The Finance Director shall prepare a financial impact statement for requests for Special Appropriations.

- (c) If the First Selectman initiates an Emergency Appropriation request, the appropriation may be approved by a majority vote of the Legislative Council; otherwise the Emergency Appropriation must be approved by the affirmative vote of two-thirds of the entire membership of the Legislative Council.
- (d) The Legislative Council shall request from the Board of Finance a recommendation as to whether or not a Special Appropriation, should be made. The Board of Finance shall provide such recommendation within 90 days of the request. The Legislative Council may grant up to an addition 90 days upon request. After said 90 days, the Council may act on the request without a recommendation from the Board of Finance.
- (e) The Legislative Council shall have the power to make Special and Emergency Appropriations, in an amount not in excess of \$500,000 for any one purpose during a fiscal year. Said amount shall be cumulative during the fiscal year as to all appropriations related to said purpose. The total of Special and Emergency Appropriations made by the Legislative Council for all purposes during a fiscal year shall not exceed an amount equal to one half of one mil on the most recently completed Grand List.
- (f) The Legislative Council shall have the power to make Special Appropriations of any amount that is necessary to implement agreements reached through the process of collective bargaining.
- (g) The Legislative Council shall recommend to a Town referendum all Special and Emergency appropriations that equal or exceed the Legislative Council's authority.
- (h) The Board of Finance shall recommend to The Legislative Council a method of financing the Special or Emergency Appropriation that shall be included by the Board of Selectmen in the warning of the referendum. In the case of an Emergency Appropriation and the Board of Finance is unable to make such recommendation, the Finance Director shall make said recommendation.
- (i) If a Special or Emergency appropriation is voted for a purpose requiring the expenditure or encumbrance of funds during a fiscal year for which an annual budget has been adopted but the tax has not yet been laid in accordance with Section 6-30 (a) of this Charter, it may be financed by being included in the mil rate for said fiscal year.

7-20 Disbursements/Purchases

- (a) The Board of Finance shall keep under review the expenditures of Town departments and shall by regulation prescribe periodic reports of expenditures for which purpose said Board of Finance shall have access to the books and records of any such department.
- (b) The regulations adopted by the Board of Finance and approved by the Legislative Council shall also designate the forms and procedures for purchase orders to be drawn on the Financial Director by the Board of Education and the Board of Selectmen.
- (c) All sums not in excess of \$50,000 which may become due and payable to the Town or any of its departments by virtue of any loss or damage suffered by persons or property entrusted to the care, supervision or management of any such department shall be deposited in a special account and segregated by the Financial Director. Thereafter, the Financial Director shall use such sums so segregated to pay any bills incurred in the course of repairing or replacing such loss or damage by the Town department in question, but such payments shall not exceed the lesser of the amount of money so deposited or the cost of repair or replacement. Any such money which is not so expended within one year from the date of its deposit shall cease to be segregated and shall be deposited in the general fund of the Town, unless the Town department which has incurred the loss or damage, notifies the Financial Director in writing before the expiration of said year that such repairs or replacements have been commenced or will be commenced within 90 days and will be completed on a date which will be specified in the aforesaid written notice, not to exceed 18 months.

- (d) Neither the Board of Selectmen nor the Board of Education shall draw any order upon the Financial Director unless there is sufficient money appropriated to pay for the object for which such order is drawn and each order shall designate the object for and the account upon which it is drawn. Said Financial Director shall not pay any order unless there are sufficient appropriations within the requesting department to cover the request. This section shall not limit in any way the power of the Board of Education to make transfers within its own budget. The Board of Education shall report transfers within its budget in writing monthly to the Financial Director.
- (e) No officer or department of the Town including the Board of Education, shall expend or vote to incur any liability or expense by contract or otherwise, or enter into any contract, which would obligate the Town to expend in excess of an approved departmental line item appropriation. For the purpose of this Charter, a line item means any expenditure for the current fiscal year to which the Board of Finance has assigned an appropriation account number. Any officer or member of a Town department who, without authority from this Charter or the General Statutes, expends or causes to be expended any money of the Town, except in payment of final judgments rendered against the Town, shall be liable in a civil action in the name of the Town, as provided in the General Statutes.

7-25 Transfers

- (a) During the first 335 days of any fiscal year, the First Selectman and Financial Director may transfer unexpended and unencumbered balances of any appropriations within a department to another appropriation for the same department, which shall not exceed the sum of \$50,000.00. All transfers within a department that exceed the sum of \$50,000.00 shall require the approval of the Board of Finance.
- (b) Upon the request of the Board of Selectman, the Board of Finance may transfer any unencumbered appropriation, balance or portion thereof from one department to another, which shall not exceed the sum of \$200,000.00. When transfers between departments are proposed which exceed \$200,000.00, the proposed transfers require a recommendation by the Board of Finance and the approval of the Legislative Council. The Legislative Council shall not consider such proposed transfers unless accompanied by a recommendation from the Board of Finance or unless the Board of Finance shall have failed to make such a recommendation within fifteen (15) days after notification by the First Selectman of the action taken by the Board of Selectmen.
- (c) All appropriations or transfers from a contingency fund require a recommendation by the Board of Finance and the approval of the Legislative Council.
- (d) During the remainder of any fiscal year, upon request of The Finance Director, the Board of Finance shall have the power to transfer, without limitation, the unexpended and unencumbered balances of any appropriation for one department to an appropriation for another department with the approval of the Legislative Council.
- (e) Nothing contained in Section 7-25 of this Charter shall affect any appropriation contained in, or transfers within, the budget of the Board of Education.

2-30 Impact Statements

- (a) The Legislative Council in its regulations shall designate the form of the financial impact statement.
- (b) No special appropriation shall be made, no grant or gift of real or tangible personal property shall be accepted by any Town department, including the Board of Education, until the Board of Finance and Legislative Council have received and had sufficient time to give due consideration to a financial impact statement.

(c) Financial impact statements shall be prepared by the Finance Director and shall include all costs to be incurred by the town as a result of the use of the special appropriation, grant or gift of real or tangible personal property.