

RESOLUTION PERTAINING TO A MODIFIED CALENDAR FOR THE FY 2020-2021 GENERAL AND CAPITAL FUND BUDGETS AUTHORIZED BY EXECUTIVE ORDERS 2020-7C AND 7I

WHEREAS, on March 10, 2020, the Governor of the State of Connecticut (“Governor”) declared a public health emergency and civil preparedness emergency for the State of Connecticut, pursuant to Connecticut General Statutes Sections 19a-131 and 28-9, in response to the global pandemic of COVID-19 disease associated with a novel coronavirus that is currently affecting multiple countries and states; and

WHEREAS, on March 13, 2020, the President of the United States (“President”) declared a national emergency to combat the coronavirus that is currently infecting the population of the United States; and

WHEREAS, the effects the transmission of COVID-19 has resulted in the spread of infections in Connecticut and throughout the country, as well as resulting in shortages of personal protective equipment and other supplies that could jeopardize public safety and civil preparedness; and

WHEREAS, in response to the issuance of declarations of a public health emergency and civil preparedness emergency by the Governor he has issued a series of Executive Orders setting for the law governing the conduct of the business of state and municipal government during the period of the emergency;

WHEREAS, on March 14, 2020, the Governor issued Executive Order No. 7B (“EO 7B”), paragraph 1 of which suspends all statutes, charter provisions, ordinances and regulations mandating open meetings in order “...to permit any public agency to meet and take such actions authorized by the law without permitting or requiring in-person, public access to such meetings, and to hold such meetings or proceedings remotely by conference call, videoconference or other technology” (“Electronic Meetings¹”); and,

WHEREAS, on March 15, 2020 the Governor issued Executive Order No. 7C, paragraph 5 (“EO 7C”) of which extended “all budget deadlines for the preparation of the municipal budget” for the FY 2020-2021 “that falls on any date prior to and including May 15, 2020 are extended by thirty (30) days”;

WHEREAS, EO 7C permits the Legislative Council to “alter or modify the schedules and deadlines pertaining to the preparation and submission of a proposed budget and the deliberation or actions on said budget” by the legislative body including any required public hearing(s), publication, referendum or final budget adoption: and,

WHEREAS, EO 7C postpones all submission dates as set forth in Chapter X of the Charter of the Town of Hamden until such time as the legislative body approves said modified scheduled and deadline consistent with the thirty (30) day extension; and,

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WHEREAS, on March 21, 2020, the Governor issued Executive Order No. 7I, paragraph 13 (“EO 7I”) of which dispenses with any in-person voting requirements (including referenda and town meetings requiring in-person votes) for purposes of adopting 2020-2021 fiscal year municipal budgets and setting the mill rate; in effect conferring final responsibility on the “budget-making authority” of the town to adopt a budget and set a mill rate, which roles are allocated by the Charter to the Legislative Council and the Mayor; and,

WHEREAS, EOs 7C and 7I do not alter or modify the control of line-items that fall squarely within the authority of the Board of Education budget and, thus, the Board of Education should comply with all submission requirements pertaining to budget deadlines adopted by the municipality; and,

NOW, THEREFORE, BE IT HEREBY RESOLVED pursuant to paragraph 5 of Executive Order 7C, the Legislative Council of the Town of Hamden hereby sets forth the following modified schedule and deadline for the submission, deliberation and final action on the Town Budget for FY 2020-2021, which meetings shall be conducted in accordance with the requirements noticed in accordance with EO 7B ¶1:

1.	April 6, 2020 ²	Electronic Special Meeting of the Legislative Council ³ , at which time the Mayor shall transmit the Proposed Town Budget to the Legislative Council (Charter §§10-2.A and D) ⁴ and present his proposal to the Council and the public ⁵ .
2.	TBD	Electronic Special Meeting of the Legislative Council Re – Budget Deliberations ⁶ .
3.	May 14, 2020 ⁷	Notice of one or more electronic public hearing(s) ⁸ on the Proposed Town Budget, as set forth in Charter ⁹ .
4.	Not later than May 20, 2020 ¹⁰	Electronic Public Hearing(s) of the Legislative Council , at which time any elector or taxpayer may have an opportunity to be heard ¹¹ .
5.	TBA	Following the public hearings, at the ongoing Electronic Meeting of the Council ¹² .
6.	Not later than June 5, 2020 ¹³	Electronic Special Meeting of the Legislative Council , noticed in accordance with EO 7B ¶1 for the purpose of adopting the Proposed Town Budget (“Adopted Town Budget”) at which time the Council may fix the tax rate, in accord with Charter §10-3.B and B(1).

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		Final Action I. In the event the Council fails to adopt a Town budget, the Proposed Town Budget as originally submitted by the Mayor shall be deemed to be the “Town Budget Ordinance” and the Mayor shall have the right to fix the tax rate, as set forth in Charter §10-3.B(2).
7.	Not later than June 10, 2020 or within five days after Council action, whichever is earlier ¹⁴	Council shall transmit Adopted Town Budget
8.	Not later than June 20, 2020 or within fifteen days after Council transmittal, whichever is earlier ¹⁵	<ul style="list-style-type: none"> • Final Action II: Final Action on the Adopted Town Budget occurs in the event the Mayor shall (a) approves; or (b) fail to take action (Charter §10-4.A (1) (a) and (b)). • Veto. (Charter §10-4.A (1) (c)).
9.	Not later than June 25, 2020 or within fifteen days after transmittal of the Mayor’s Veto, whichever is earlier ¹⁶	<p>Electronic Special Meeting of the Legislative Council - Final Action III: Legislative Override of Mayoral Veto.</p> <ul style="list-style-type: none"> • Override: Adopted Town Budget shall be effective, Charter §10-4.A (2) (a). • Sustain: Proposed Town Budget shall be effective, Charter §10-4.A (2) (b).
10.	Within 24 Hours of Any Final Action, at the latest June 26, 2020	Public Notice of Final Action shall be provided, as set forth in Charter §10-4A.(4)
11.	21 st day after Public Notice	Effective Date, as set forth in Charter §10-4A.(3)

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NOW, THEREFORE, BE IT FURTHER RESOLVED pursuant to paragraph 13 of Executive Order 7I, the provisions of Charter Section 10-5 are hereby suspended for the deliberations pertaining to the adoption of the Town budget for FY 2020-2021.

NOW, THEREFORE, BE IT FURTHER RESOLVED pursuant to paragraph 1 of Executive Order 7B, the Legislative Council of the Town of Hamden shall comply with all requirements pertaining to notice including, but not limited to notice and posting on the website of the Town all submission items at least twenty-four hours prior to the public meeting for which the item has been submitted.

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END NOTES

¹ Under Executive Order 7B Electronic Meetings are subject to the following: (a) The public shall have the ability to view or listen to each meeting or proceeding in real time, by telephone, video, or other technology; (b) Any such meeting or proceeding shall be recorded or transcribed, and such recording or transcript shall be posted on the Town's website within seven (7) days of the meeting or proceeding, and made available within a reasonable time in the Town Clerk's office; (c) The required notice and agenda for each meeting or proceeding is posted on the agency's website and shall include information about how the meeting will be conducted and how the public can access it; (d) Any materials relevant to matters on the agenda, including but not limited to materials related to specific applications, if applicable, shall be submitted to the agency a minimum of twenty four (24) hours prior and posted to the agency's website for public inspection prior to, during, and after the meeting, and any exhibits to be submitted by members of the public shall, to the extent feasible, also be submitted to the agency a minimum of twenty-four (24) hours prior to the meeting and posted to the agency's website for public inspection prior to, during, and after the meeting; and, (e) All speakers taking part in any such meeting or proceeding shall clearly state their name and title, if applicable, before speaking on each occasion that they speak

² In lieu of the charter mandated date of March 18.

³ Said meeting shall be noticed in accordance with EO 7B ¶1 and, by virtue of approval of this Resolution, in suspension of the Standing Rules of the Hamden Legislative Council ("Standing Rules") pertaining to public comment.

⁴ Note: Transmittal shall include the contents of the general fund required by Charter §10-2.B and the proposed program of Capital Expenditures for the ensuing year and for five fiscal years thereafter, as required by Charter §10-2.C

⁵ Note: Electronic transmittal shall be made to the (1) Town Clerk for public availability and (2) Clerk and Members of the Council as per the Charter and in accordance with the requirements of the Executive Order. Furthermore, under normal circumstances the Mayor must make the Proposed Town Budget available for public inspection (Town Clerk, Library, etc.), as set forth in Charter §10-2.D and should do his best to accomplish this in the event the buildings are open to the public; however, the Mayor is obligated to publish the documents through electronic means as mandated by EO 7B.

⁶ The budget Special Meeting shall be noticed in accordance with EO 7B ¶1 and suspension of the Standing Rules pertaining to public comment, for the purpose of on-going budget deliberations with department heads and other Town officials. In accord with custom of the Council, this continuous meeting shall be recessed to a time certain or in accordance with a schedule of meetings which shall be publicly released in accordance with appropriate notice requirements of the Executive Order.

⁷ In lieu of the charter mandated date of "on or before" April 25 (Charter §10-3.A (1)).

⁸ Said public hearing shall be noticed in accordance with EO 7B ¶1 pertaining to electronic meetings.

⁹ See, Charter, §10-3.A (1). The Council must make available on the Town website for general distribution Proposed Town Budget, including BOE budget in detail, including proposals for revenue and expenditures, comparative figures for the current fiscal year and amount to be raised by taxation, in accordance with Charter §10-3.A(2). That provision is consistent with the Executive Order.

¹⁰ In lieu of the charter mandated date of "not later than" May 1 (Charter §10-3.A)).

¹¹ In accordance with Charter §10-3.A.

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¹²The Council "...may add or increase programs and amounts and may delete or decrease programs or amounts except no expenditures required by law or debt service may be decreased," in accordance with Charter §10-3.A(3).

¹³ In lieu of the charter mandated date of "not later than" May 17 (Charter §10-3.B)).

¹⁴ In lieu of the charter mandated date of "not later than" May 22 (Charter §10-4.A)).

¹⁵ In lieu of the charter mandated date of "not later than" June 1 (Charter §10-4.A (1)).

¹⁶ In lieu of the charter mandated date of "not later than" June 10 (Charter §10-4.A (2) (a)).