

**ORDINANCE SUPPLEMENT
2019**

APPOINTMENT OF THE TAX COLLECTOR

Statutory Reference or Authority: Connecticut General Statute 9-189

Purpose: To allow for the position of Tax Collector to be appointed

Definitions: None

Exceptions: None

Ordinance Text:

Be it ordained by the Town of Hampton that, pursuant to Section 9-189 of the General Statutes of Connecticut, the office of Tax Collector shall no longer be elected but rather be filled by appointment by a majority vote of the Board of Selectmen for a term of four (4) years.

The term of the first appointee to such office shall commence on the expiration of the term presently in force of said office, or the occurrence of a vacancy in said office, whichever first occurs.

The appointed Tax Collector shall have those powers and duties conferred by the General Statutes, as amended, and by this ordinance and need not be a resident of the Town of Hampton.

Any candidate for Tax Collector shall be certified or in the process of being certified by the State of Connecticut.

This ordinance shall take effect fifteen (15) days after notice of its adoption is published in accordance with Connecticut General Statutes Section 7-157.

Fees: Not Applicable

Penalties: Not Applicable

Cross References: None

Date Approved: July 9, 2019 at referendum

Effective Date: Published in Willimantic Chronicle July 15, 2019, Effective July 29, 2019

ORDINANCE ON BIDDING FOR PURCHASES AND SERVICES

Purpose: To establish a policy of and a procedure for obtaining bids for major purchases and/or services.

Definitions: None

Exceptions: None

Ordinance Text:

1. Bidding Requirements

A) Any expenditure of funds on behalf of the Town of Hampton in excess of \$7,500 requires the obtaining and recording for public record a minimum of two (2) bids including the name, address, and amount of each bid prior to commencement of the contracted services or purchase of material. Bidding may be exempt in certain situations where used equipment is to be purchased. Bidding will be at the discretion of the Board of Selectmen or Board of Education as applicable. The Board of Selectmen or Board of Education, as applicable, may require legal notice in an area newspaper and/or posting on the Town website in certain situations if it is felt to be in the best interest of the Town.

B) Any expenditure of funds on behalf of the Town of Hampton in excess of \$20,000 shall require sealed bids.

C) The lowest responsible bidder may not necessarily be the final choice due to time constraints, availability, or other matters. Where the selected bid is not the lowest bid, reasons for the selection must be recorded and sent with the bids to the Town Clerk for retention as public record.

2. Notification/Participation:

A) Any town employee, officer, or member of any board, commission, committee or agency who has financial or personal interest in the financial outcome of, or is owner, shareholder, member, partner, officer, employee, or other participant of or in a private business of professional enterprise that will be affected by the outcome of any financial matter under consideration before them must identify this fact for public record in the minutes of a meeting. Connecticut General Statutes 7-148t is also in force governing such limitations.

B) Notification to bid for expenditures of funds in excess of \$20,000 must, at a minimum, be published in a local newspaper/periodical, one with substantial circulation in the Town of Hampton and surrounding region and posted on the Town website.

C) Notification to bid should be provided to local contractors if possible where the expertise is known to exist locally for the contracted service or purchase of material.

D) An invitation to bid or other solicitation may be cancelled or any and all bids may be rejected in whole or in part as may be specified in the solicitation, when it is for good cause and in the best interests of the Town. The reasons shall be made part of the contract file. Each solicitation issued by the town shall state that the solicitation may be canceled and that any bid may be rejected in whole or in part for good cause when in the best interests of the Town.

E) No town employee, officer, or member of any board, commission or agency shall be barred from participating in any sealed bid process, and shall be accorded all the rights given to non-member/employee bidders, including the right to contract with the Town of Hampton if their bid is selected.

3. Scope/Limitations:

A) These standard policies are directly binding upon all town employees, public officers, officials and members of boards, commissions, committees and agencies and the Board of Finance will review compliance with these standard policies during appropriation of funds and the yearly audit review.

B) Should any section or provision of this ordinance be declared invalid or unconstitutional by the courts, the remainder of the ordinance shall continue to be applied and shall not be considered invalid as a whole.

4. Exceptions to Bidding Requirement:

A) In the event of an emergency or threat of immediate harm to the health, security, or safety of the citizens of the Town of Hampton, or the immediate threat to Town property, the First Selectman or Chairperson of the Board of Education or their designated alternates shall have the power to contract with any person, and to otherwise arrange with any person for the provision of such goods and services as they deem necessary for the protection of threatened citizens and property, notwithstanding that such contract or arrangement may otherwise constitute a financial conflict of interest.

B) In the event that the purchasing agent does not receive any response or any acceptable response, to any notice published or sent, the purchasing agent may then proceed to negotiate for the purchase sale of the item or service in question in any appropriate market.

C) A contract may be awarded without competition when the Board of Selectman or Board of Education determines, in writing after conducting a good faith review of available sources, that there is only one source for the required supply, service, or construction item. The respective Board shall conduct negotiations, as appropriate, as to price delivery, and terms. A record of sole source procurements shall be maintained as public record and shall include the written determination by the Board, each contractor's

name, the amount and type of each contract, and a listing of the item(s) procured under each contract.

D) Expenditures exempted by law.

E) Expenditures made through State or Federal surplus property agencies.

F) Expenditures made through or administered by the State or Federal Governments.

G) Expenditures made to a monopoly utility.

H) Expenditures made to town counsel and building inspector.

I) Expenditures made to employee health insurance and pension benefits.

This ordinance shall become effective fifteen (15) days after publication in accordance with the Connecticut General Statutes Section 7-157.

Fees: Not Applicable

Penalties: Not Applicable

Cross Reference: CGS 7-148t

Date Approved: July 9, 2019 at referendum

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Disposition of Hampton Elementary School Budget Surplus

Statutory references:

Connecticut General Statutes, Title 10 - Chapter 171 - Town Management, Para 10-248a.
Unexpended education funds

Connecticut General Statutes, Title 9 - Chapter 152 - Referenda, Para 9-370. Submission of local questions at elections.

Purpose: As authorized by state statute Sec. 10-248a, to establish the process and timeline for the disposition of unexpended funds from the Hampton Elementary School's (HES) approved budget appropriation.

Definitions:

HES Budgeted Appropriation: The funds designated for the operation of HES as approved by the vote of the town's legislative body and amended by the town's Board of Finance (BoF).

HES Fiscal Year: July 1st to June 30th.

HES Capital / Non Recurring (CNR) Account: A non-lapsing reserve fund for capital and nonrecurring expenditures at HES.

Surplus Funds: Unexpended funds from the prior fiscal year from the budgeted appropriation for education at HES.

Exceptions: None

Ordinance Text:

1. Establishing Amount of Unexpended Funds

At or before the July BoF regular meeting the chairperson or designee for the HES Board of Education (BoE) shall provide to the BoF the estimated (unaudited) amount of the unexpended funds.

2. Request(s) For Transfer Of Funds To The HES CNR Account.

At their Discretion, the HES BoE chairperson or designee may request in writing that the BoF approve the transfer of unexpended education funds to the HES CNR account. The written request shall include a specific dollar amount equal to or less than the total of the estimated unexpended funds. The request shall also provide a description of the projects / purchases the BoE anticipates that the funds may be used on. The BoE may make multiple requests, which in total do not exceed the estimated amount of unexpended funds.

3. Approval(s).

The BoF may approve by majority vote to transfer an amount equal to or less than the requested amount of unexpended funds to the HES CNR account. The BoF may approve multiple requests, which in total do not exceed \$20,000. For amounts requested by the BoE that exceed the \$20,000 threshold but are less than the limit imposed by state statute 10-248a the BoF shall, by a majority vote, recommend the request be put to a referendum for approval of the legislative body at the annual November election.

4. Request And Approval Period.

Request(s), which in total, do not exceed the \$20,000 threshold must be made to the BoF at or before the November regular meeting of the BoF. At the BoF chairperson's discretion, the deadline may be extended by one month to the December regular meeting if the Town audit deadline is extended past December 31st.

Request(s) that exceed the \$20,000 threshold but are less than the limit imposed by state statute 10-248a shall be submitted to the BoF for consideration at or before the August BoF regular meeting. At the BoF chairperson's discretion, a special meeting for the purpose of considering this request may be called. This meeting must occur before the deadline imposed by the secretary of state in Sec. 9-370 for adding local questions to the November ballot.

The ballot question shall read: "Shall the Town of Hampton transfer \$xx,xxx of unexpended funds from the 20xx – 20xx school year budget to the Hampton Elementary School Capital And Non-Recurring account to pay for future capital projects / purchases." Yes / No

5. Actual Transfer Of Funds.

The Town Treasurer shall, at the close of the HES fiscal year, move any and all unexpended HES education funds to the Town's general fund. If, by the end of the request and approval period as defined in section 4 of this ordinance the BoF and or the Town's legislative body has approved the transfer of funds to the HES CNR account, the Town Treasurer shall transfer those funds to the HES CNR account. The amount of this transfer shall not exceed the 'actual' amount of the unexpended funds (as determined by the final Town Audit) or the BoF / Town legislative body approved total, whichever is lower.

6. Release Of And Accounting For HES CNR Funds.

At their Discretion, the HES BoE chairperson or designee may request in writing that the BoF release funds from the HES CNR account to pay for a specific project / purchase. The written request shall include a specific dollar amount, which shall not exceed the HES CNR fund balance. The request must include a detailed description and justification for the project / purchase, as well as, detailed cost estimates / quotes and schedule information which will allow the BoF to make an informed decision. The BoF may approve by majority vote to release the requested funds, up to the HES CNR fund balance, for the specific project / purchase. Use of these funds shall be restricted to the financing of all or part of the planning, construction, reconstruction or acquisition of any specific capital improvement or the acquisition of any specific item of equipment. Upon completion of the project / purchase the BoE shall provide a detailed accounting to the BoF for each project / purchase. Any residual funds not used to complete the project / purchase shall be returned to the HES CNR fund.

7. Severability

If any section, paragraph, change or provision of this ordinance shall be deemed invalid, such adjudication shall apply only to the section, paragraph, change or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

Date Approved: Special Town Meeting September 5, 2019