March 23, 2020

COVID-19 Emergency Orders Authorize CT Municipalities and Schools to Adopt Budgets Without Voter Approval

On March 21, 2020, Connecticut Governor Ned Lamont issued emergency Executive Order No. 7I providing for approval of FYE 2021 municipal and regional school district budgets without reference to the voters:

- For Connecticut municipalities, the legislative body (for town meeting towns, the board of selectman) shall authorize the municipality's "budget-making authority" to adopt the FYE 2021 budget and to set a mill rate, without holding votes required by charter or without complying with any in-person budget adoption requirements, including but not limited to, annual town meetings requiring votes, referenda, and special town meetings. The General Statutes generally provide that the "budget-making authority": (1) is the board of finance for towns, cities and boroughs having a board of finance, (2) is the board of selectmen or other body charged with preparing the budget for towns not having a board of finance, and (3) is the district committee for fire districts and other special tax districts.
- For Connecticut regional school districts, the regional board of education shall adopt the FYE 2021 budget, which otherwise must comply with the requirements of Section 10-51 of the Connecticut General Statutes other than any in-person budget adoption requirements, including but not limited to, annual district budget meetings requiring votes, referenda, and special district meetings.

In acting to adopt the FYE 2021 budget, municipal budget-making authorities and regional board of educations must:

- Comply with public meeting requirements consistent with requirements set forth in Executive Order 7B (described below)
- Take all reasonable steps to publicize and receive comments on the draft municipal budget, including but not limited to publishing draft budgets on its website and providing an email address or other means for the public to submit timely comments on the proposed budget

Pursuant to the Governor's emergency Executive Order No. 7C (Order 7C), issued March 15, all municipal and regional school district budget deadlines for the preparation of FYE 2021 budgets that fall on any date prior to and including May 15, 2020, are extended by 30 days. Municipal legislative bodies (for town meeting towns, boards of selectman) and regional board of educations may alter or modify the schedules and deadlines pertaining to the preparation and submission of a proposed budget and the deliberation or actions on the budget by the legislative body or other fiscal authority, including any required public hearing, publication, referendum or final budget adoption.

For purposes of Orders 7C and Order 7I, "municipalities" include all municipalities and quasi-municipal corporations, whether created by statute, ordinance, charter, legislative or special act, including but not limited to any town, city or borough, whether consolidated or unconsolidated, any village, school, sewer, fire, lighting, special services or special taxing districts, beach or improvement association, any regional water or resource recovery authority or any other political subdivision of the state or of any municipality having the power to make appropriations or to levy assessments or taxes.

Municipal legislative bodies and budget-making authorities and regional boards of education received relief in the Governor's emergency Executive Order No. 7B, issued March 14, (Order 7B) from the requirements of the State and local open meeting laws regarding remote participation in public agency meetings. Order 7B provides that Connecticut General Statutes Sections 1-206, 1-225 and 1¬226, and local open meeting charter, ordinance, or regulation provisions are suspended to the extent necessary 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, provided that:

- The public has the ability to view or listen to each meeting or proceeding in real time, by telephone, video, or other technology.
- The meeting or proceeding is recorded or transcribed, and the recording or transcript is posted on the agency's website within 7 days of the meeting or proceeding, and made available within a reasonable time in the agency's office.
- The required notice and agenda for each meeting or proceeding is posted on the agency's website and includes information about how the meeting will be conducted and how the public can access it.
- Any materials relevant to matters on the agenda shall be submitted to the agency a minimum of 24 hours prior to the meeting 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 24 hours prior to the meeting and posted to the agency's website for public inspection prior to, during, and after the meeting.
- 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.

For more Day Pitney alerts and articles related to the impact of COVID-19, as well as information from other reliable sources, please visit our COVID-19 Resource Center.

COVID-19 DISCLAIMER: As you are aware, as a result of the COVID-19 pandemic, things are changing quickly and the effect, enforceability and interpretation of laws may be affected by future events. The material set forth in this document is not an unequivocal statement of law, but instead represents our best interpretation of where things stand as of the date of first publication. We have not attempted to address the potential impacts of all local, state and federal orders that may have been issued in response to the COVID-19 pandemic.

Authors



Namita Tripathi Shah

Partner

Hartford, CT | (860) 275-0132

ntshah@daypitney.com