

June 25, 2018 Town Meeting: Revisions to **Town Ordinance** Ellington Code Chapter 28 Budget and Finance, Article 1 Competitive Bidding [28.1 through 28.3].

Background:

The Town Ordinance 28-1:28-3 was approved by the residents of the Town of Ellington on October 21, 2013. The State of Connecticut Statute allows Towns to forego competitive bidding for purchases under \$25,000 if the Town elects to adopt an ordinance to that affect. The residents of the Town of Ellington voted to enact this in 2013.

At the Charter Revision Commission meeting on January 31, 2018, the members reviewed the Charter Revision questions that failed at the November 7, 2017 election, which included the following question:

“Shall the minimum monetary amount that would require competitive bidding be increased from \$7,500 to \$25,000, as prescribed in State Statutes Chapter 98, Section 7-148v?”

Results of November 7, 2017 Vote: 1,349 Yes / 1,420 No

The Charter Revision Commission was considering proposing the removal of the dollar amount from Section 1011 of the Town Charter and to simply reference the State Statute and the Town Ordinance; discussion was tabled to the February 21, 2018 Charter Revision Commission meeting. Upon further review of the Town Ordinance Concerning Competitive Bidding Requirements, it was pointed out that per State Statute, the Town Charter cannot be amended by Ordinance; however, an Ordinance can change the dollar amount in the Town Charter. The Charter Revision Commission asked the Town Attorney for a legal opinion regarding the wording of the Ordinance and tabled their review of Section 1011.

On February 28, 2017 the Town Attorney informed the Charter Revision Commission that the Town Ordinance, as written, was flawed because it specifically states that it is amending the Town Charter. The Town Attorney clarified that the Town ordinance is indeed lawful and the Town has the authority to conduct Town business within the Town Ordinance parameters as it was approved lawfully at a Town Meeting by the residents of the Town of Ellington. The Town Attorney also clarified that in this instance the Town Ordinance does indeed control over the Town Charter.

The proposed revisions to the Town Ordinance reflects the Town Attorney’s recommendation that the language be changed due to the fact that it specifically states it is amending the Town Charter. The Town Ordinance was not put in place to amend the Town Charter. The Town ordinance revision being sent to Town Meeting on June 25, 2018 would not change the Town Charter.

The Town of Ellington Board of Selectmen are not attempting to change the Charter revision proposal that was rejected by the residents but are proposing to revise Town Ordinance that was lawfully adopted in 2013 by the residents of the Town so that the wording is more accurate.