

**TOWN OF EAST HAMPTON
AGENDA REPORT**

Town Manager Approval: _____



Item to be presented by: Jeffery J. O'Keefe

DATE: February 24, 2009

SUBJECT: Proposed Changes to "Additional appropriations" ordinance 45-3, and the "Exemptions" ordinance 117.4

DEPARTMENT: Town Managers Office

RECOMMENDED ACTION

1. Conduct Public Hearing on Ordinance changes
2. Review the proposed changes to the "Additional appropriations" ordinance 45-3, and the "Exemptions" ordinance 117.4 as recommended and approved by the Board of Finance by a vote of 7 – 0 at their January 20, 2009 meeting. The proposed changes are attached.
3. Based on a comment made by a councilmember concerning section 5.2 of the Town's Charter, the Town Attorney took another look at the proposed change as proffered by the board of finance and determined that ordinance 45-3 (prior to any revisions even being made) does not align properly with section 5.2 of the Town Charter (see letter to Town Manager dated February 5, 2009).
4. Adopt revisions to the ordinance.

BACKGROUND

There has been discussion between the Board of Finance, the Town Council and the Town Managers office to revise the "Additional appropriations" ordinance 45-3, and the Exemptions ordinance 117.4 the proposed changes are attached.

The proposed changes were being recommended by the Board of Finance to clarify the existing language as it related to the word "recommended."

Based on a comment made by a councilmember concerning section 5.2 of the Town's Charter, the Town Attorney took another look at the proposed change as proffered by the board of finance and determined that ordinance 45-3 (prior to any revisions even being made) does not align properly with section 5.2 of the Town Charter (see letter to Town Manager dated February 5, 2009). The Town Attorney has offered suggested changes to the ordinance which would address these matters (see letter to Town Manager dated February 5, 2009).

ALTERNATIVE ACTIONS

Other direction as determined by Town Council.

FISCAL IMPACT

None

EH: Clerks Office

AGENDA ITEM: _____

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45-3. Additional appropriations.

Pursuant to Sections ^{and 5.2} 4.1 of the Town Charter, the Board of Finance ^{subject to Town Council approval} may make additional appropriations to any board, commission, department or agency upon request, after inquiry, but if the amount requested by that same board, commission, department or agency, together with the sum of additional appropriations made previously in the same fiscal year exceeds \$25,000 from the Town Fund Balance, such appropriation shall not be made until, ~~upon recommendation of the~~ approved by the Board of Finance, the Town Council and the same has been approved by vote at a Town Meeting called for such purpose. If however, the Board of Finance does not approve a requested additional appropriation, the Town Council may vote to take the request directly to a Town Meeting for approval. If, however, the additional appropriation is funded entirely from a grant, donation, gift or other source of revenue received in the current fiscal year, other than local taxes, said appropriation in its entirety, regardless of amount, shall be made as recommended by the Board of Finance and approved by the Town Council.

117.4. Exemptions.

Legal, professional engineering, student educational and auditing services shall be exempt. Consulting services shall be acquired through a "Request for Proposals" process unless a written justification is provided to and considered by the Town Council or Board of Education prior to approval of said contract or agreement for services.

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