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*Town of Wallingford, Connecticut*

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March 23, 1992

Albert E. Killen  
Town Council  
Town of Wallingford  
45 South Main Street  
Wallingford, CT 06492

Dear Mr. Killen:

As a follow-up to my March 3rd letter and our recent conversation concerning the same, I offer these additional comments. It is your position that the sentence in Chapter XV, Section 4, which states, "At the time when the council shall approve the budget, it shall also fix the tax rate in mills which shall be levied on the taxable property in the town for the ensuing fiscal year", controls in the event the Mayor's veto is upheld. It is your position that the Council "approves" a budget when it initially votes and, therefore, the Council fixes the mill rate even though the process continues and the Council's budget is subject to the Mayor's veto.

Your interpretation of the Charter ignores the fact that the Council's vote on a budget is one step in the process of adopting a final budget. In interpreting the Charter, the applicable sections must be read in their entirety and as a whole, as opposed to one sentence in isolation. Gentry v. City of Norwalk, 196 Conn. 596 (1985).

Chapter XV, Section 4 of the Charter also states the following:

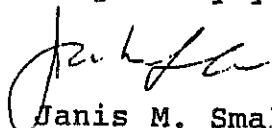
Should the council fail to adopt a budget after holding such public hearing or hearings, the budget, as transmitted by the mayor in accordance with the provisions of Section 3 of this chapter shall be deemed to have been fully adopted by said council. The tax rate shall forthwith be fixed by the mayor, and thereafter expenditures shall be made in accordance with the budget so adopted.

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Adopt is defined as "To accept, consent to, and put into effective operation." Black's Law Dictionary. Reading the provisions of the Charter as a whole, the budget is not adopted until the process is complete.

Based upon this analysis and that of my March 3rd letter, my opinion of March 3rd remains the same.

Very truly yours,



Janis M. Small  
Town Attorney

JMS:da

cc: Mayor Dickinson  
Council Members