

# **Bond Case Briefs**

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## **IMMUNITY - CONNECTICUT**

### **Northrup v. Witkowski**

**Supreme Court of Connecticut - July 2, 2019 - A.3d - 332 Conn. 158 - 2019 WL 2720605**

Property owners brought action against town and town officials, alleging that defendants' negligence in maintaining and repairing town's storm drains and drainage pipes had caused repeated flooding of property owners' residence.

Defendants moved for summary judgment, claiming governmental immunity.

The Superior Court granted the motion. Property owners appealed. The Appellate Court affirmed. Property owners appealed.

The Supreme Court held that:

- Under modern principles of governmental immunity, the salient consideration in determining whether a municipal duty is discretionary or ministerial is not whether the duty was imposed on the municipality by statute or voluntarily assumed pursuant to its own ordinances or regulations, but whether there is any statute, city charter provision, ordinance, regulation, rule, policy, or any other directive requiring the government official to act in a prescribed manner, overruling *Spitzer v. City of Waterbury*, 113 Conn. 84, 154 A. 157, and
- Neither creation of schedule for cleaning all catch basins at least once per year nor practice of attempting to respond to every complaint about malfunctioning storm drains constituted policy or rule converting town officials' discretionary duty to carry out functions mandated by town ordinance into clear ministerial duty, and thus officials were entitled to immunity.