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TO:

FROM: Kevin E. McCarthy, Principal Analyst

RE: Forms of Local Government

You wanted to know the number of towns with representative town meeting (RTM) and other forms of government, and the arguments for and against each type of government. For the towns with the representative town meeting form of government, you wanted to know the number of RTM members compared to the town population.

Table 1 lists the towns with the following forms of government: selectmen-town meeting, representative town meeting, council-manager, and mayor-council. The selection-town meeting is by far the most common type of government. Towns seldom change their form of government. Between 1991 and 1997 only one town did so—Berlin which changed from mayor-council to council-manager.

Table 1: Forms of Local Government

<i>Selectmen-Town Meeting (103)</i>				
Andover	Cromwell	Litchfield	Ridgefield	Weston
Ashford	Deep River	Lyme	Roxbury	Willington
Barkhamsted	Durham	Madison	Salem	Wilton
Beacon Falls	Eastford	Marlborough	Salisbury	Wilton
Bethany	East Granby	Middlebury	Sctoland	Windham
Bethel	East Haddam	Middlefield	Seymour	Windsor Locks
Bethlehem	East Lyme	Montville	Sharon	Woodbridge
Bolton	Easton	Monroe	Sherman	Woodbury
Bozrah	East Windsor	Morris	Simsbury	Woodstock
Bridgewater	Ellington	New Canaan	Somers	
Brookfield	Essex	New Fairfield	Southbury	
Brooklyn	Franklin	New Hartford	Sprague	
Burlington	Goshen	North Haven	Stafford	
Canaan	Griswold	North Stonington	Sterling	
Canterbury	Guilford	Old Lyme	Stonington	
Canton	Haddam	Old Saybrook	Suffield	
Chaplin	Hampton	Orange	Thomaston	
Chester	Hartland	Oxford	Thompson	
Clinton	Harwinton	Plainfield	Union	
Colchester	Kent	Pomfret	Voluntown	
Colebrook	Killingworth	Portland	Warrant	
Columbia	Lebanon	Preston	Washington	
Cornwall	Lisbon	Redding	Westbrook	

<i>Representative Town Meeting (6)</i>
Branford
Darien
Fairfield
Greenwich
Waterford
Westport

<i>Council-Manager (32)</i>				
Avon	Farmington	Manchester	Plainville	West Hartford
Berlin	Glastonbury	Mansfield	Rocky Hill	Wethersfield
Bloomfield	Granby	Meriden	Southington	Winchester
Cheshire	Groton	Newington	South Windsor	Windsor
Coventry	Hartford	New London	Stratford	
East Hampton	Hebron	North Branford	Tolland	
Enfield	Killingly	Norwich	Watertown	

<i>Mayor-Council (28)</i>			
Ansonia	Hamden	New Milford	Torrington
Bridgeport	Ledyard	Norwalk	Trumbull
Bristol	Middletown	Plymouth	Vernon
Danbury	Milford	Prospect	Wallingford
Derby	Naugatuck	Putnam	Waterbury
East Hartford	New Britain	Shelton	West Haven
East Have	New Haven	Stamford	Wolcott

The principal argument for the selectmen-town meeting form of government is that it is the closest to being pure democracy. Any person who resides or owns property in the town can express his views on such important issues as the town budget. In addition, many towns have separately elected boards with jurisdiction over such issues as zoning, allowing for a greater dispersal of power. On the other hand, in most towns only a minority of voters participate in town meeting and a small but well-organized group can have disproportionate influence. In addition, this form of government is impracticable in larger towns, as there is often no building in town that can accommodate more than a small proportion of the voters. None of the towns with the town meeting form of government have more than 25,000 residents.

The representative town meeting form of government represents a compromise between the direct democracy of a town meeting and the representative democracy of a town council. Table 2 lists the towns with this form of government, their populations, the size of their representative town meeting, and the ratio between these numbers. The number of RTM members is larger than the number of council members in most municipalities, allowing for a greater diversity of views. The ratio between voters and representatives is smaller in RTM towns, giving voters a closer connection with their representatives. As the table indicates, the ratio ranges from one representative for every 192 residents in Darien to one for every 1,061 residents in Branford. On the other hand, this form of government can be cumbersome, as some measures require the approval of the selectmen, the board of finance, and the RTM. As the table indicates, most RTM towns are medium size suburbs, and four of the six are located in lower Fairfield County.

Table 2: Towns with Representative Town Meeting

<i>Town</i>	<i>Population</i>	<i>RTM Members</i>	<i>Ratio</i>
Branford	28,043	30	1: 1,061
Darien	19,171	100	1: 192
Fairfield	53,057	50	1: 866
Greenwich	57,732	230	1: 251
Waterford	17,312	20	1: 935
Westport	24,400	36	1: 678

The primary benefit of the council-manager form of government is that it allows for the appointment of a nonpartisan professional administrator. The manager can provide expertise and continuity through changes in administration. He also can select staff on a nonpolitical basis. On the other hand, this form of government can reduce the responsiveness of the elected officials to the voters and place less emphasis on political leadership. This form of government is most common in the suburbs, particularly in the Hartford area.

Most mayor-council towns have a weak mayor, that is, the council has most of the decision-making authority. This has the advantages of providing a system of checks and balances, but can result in weak political leadership. In contrast, the strong mayor form of government, where the mayor has substantial executive powers, provides for clear accountability. But, mayors who are strong political leaders are not necessarily good administrators and vice versa. The mayor-council form of government is most common in cities and in particular the largest cities.

KEM:lc

COUNCIL-MANAGER OR “STRONG MAYOR”

The Choice is Clear

Learn the Facts About Council-Manager Government

Everyone wants strong political leadership—neighborhoods, civic leaders, and the business community included. And today’s complex communities cannot succeed without the guidance of effective mayors who provide a sense of direction and contribute to the smooth functioning of a local government.

But communities also need thoughtful, dedicated council members, who work with the mayor to establish appropriate policy, and competent, professional managers to carry out those policies. None of the three are mutually exclusive; they can and do work together today in many of the country’s successful council-manager communities.

Today council-manager government is the fastest growing form of government in the United States; it frees up the elected body to establish policy, which is carried out by an appointed manager and an administrative staff. The manager is accountable to the entire council for the satisfactory implementation of council policy and the day-to-day administration of municipal affairs.

There are compelling reasons why many of the nation’s most successful cities and towns have adopted council-manager government rather than the “strong-mayor” form. Council-manager government encourages neighborhood input into the political process, diffuses the power of special interests, and eliminates partisan politics from municipal hiring, firing, and contracting decisions.

People who take time to learn the facts about council-manager government are likely to join the ranks of those who favor this popular form. Consider the following when deciding which form of government is best for your community:

Neighborhoods Strengthen Their Voice

The council-manager form encourages open communication between citizens and their government. Under this form, each member of the governing body has an equal voice in policy development and administrative oversight. This gives neighborhoods and diverse groups a greater opportunity to influence policy.

Under the “strong mayor” form, political power is concentrated in the mayor, which means that other members of the elected body relinquish at least some of their policy-making power and influence. This loss of decision-making power among council members can have a chilling effect on the voices of neighborhoods and city residents.

The Power of Special Interests is Diffused

Under the council-manager form of government, involvement of the entire elected body ensures a more balanced approach to community decision making, so that all interests can be expressed and heard—not just those that are well funded. Under the “strong mayor” form, however, it’s easier for special interests to use money and political power to influence a single elected official, rather than having to secure a majority of the city council’s support for their agenda.

Merit-Based Decision Making Vs. Partisan Politics

Under council-manager government, qualifications and performance—and not skillful navigation of the political election process—are the criteria the elected body uses to select a professional manager. The professional manager, in turn, uses his or her education, experience, and training to select department heads and other key managers to oversee the efficient delivery of services. In this way, council-manager government maintains critical checks and balances to ensure accountability at city hall.

Functioning much like a business organization's chief executive officer, the appointed professional manager administers the daily operations of the community. Through a professional staff, the manager ensures the effective provision of services and enforces the policies adopted by the elected body. He or she, in turn, uses merit as the leading criterion for making all hiring and personnel decisions.

Appointed local government managers have no guaranteed term of office or tenure. They can be dismissed by the council at any time, for any reason. As a result, they constantly must respond to citizens and be dedicated to the highest ideals of honesty, integrity, and excellence in the management and delivery of public services.

Under the “strong mayor” form of government, the day-to-day management of community operations shifts to the mayor, who often lacks the appropriate training, education, and experience in municipal administration and finance to oversee the delivery of essential community services. Also, under the “strong mayor” form, the temptation is strong to make decisions regarding the hiring and firing of key department head positions—such as the police chief, public works director, and finance director—based on the applicant’s political support rather than his or her professional qualifications.

Many Successful Cities Use Council-Manager Government

Council-manager government works! It balances diverse interests, responds quickly to challenges, and brings the community together to resolve even the toughest issues.

Currently, more than 92 million Americans live in council-manager communities, and the system continues to flourish. This form of government is used by thousands of small, medium, and large jurisdictions, including Charlotte, N.C.; Dallas, El Paso, Fort Worth, and San Antonio, Texas; Las Vegas, Nev.; Oklahoma City, Okla.; Phoenix and Tucson, Ariz.; Sacramento, San Jose, and Anaheim, Calif.; Wichita, Kans.; and Colorado Springs, Colo. Consider these examples:

History Argues for the Council-Manager Form of Government

Nearly 100 years old, the council-manager form of government has proven its adaptability; today it is the most popular choice of structure among U.S. communities with populations of 2,500 or greater.

Council-manager government, however, was not always an option. In the late 19th and early 20th centuries, there was widespread corruption, graft, and nepotism among U.S. cities. The stories of New York City's Tammany Hall and Kansas City's Pendergrast machine are only two examples of the misuse of local government power during this time.

By the early 20th century, reformers were looking for ways to return control of municipal government to citizens. Those reformers advocated the council-manager structure of government to eliminate the corruption found in many cities. With its emphasis on professional training and accountability, the council-manager form of government was first formally adopted in 1912 (following appointment of the first manager in 1908), and was subsequently adopted by a number of cities in the 1920s and 1930s.

It took years to diffuse the power entrenched in turn-of-the-century city political machines and special interests. Today, however, citizens throughout the U.S. have resumed control by adopting or retaining council-manager government in their community and enjoying representative democracy at its best.

Prepared by the California City Management Foundation and ICMA, the International City/County Management Association (Revised 2009)

San Jose, California (pop. 894,000)

Long viewed as the "capital" of Silicon Valley, San Jose uses the council-manager form of government to successfully manage diverse interests in an environment of rapid residential and commercial growth.

Phoenix, Arizona (pop. 1,321,000)

In 1993, Phoenix captured the international Bartelsmann Award for being one of the two best managed cities in the world. Today, the city continues to maintain its reputation as a model U.S. community.

Boulder, Colorado (pop. 94,000)

One of the nation's most beautiful and environmentally conscious communities, the city of Boulder successfully balances environmental quality with a vibrant business climate.

Dayton, Ohio (166,000)

Dayton enhanced the process of involving citizens in community decision making by creating neighborhood-based priority boards to deal with key funding, service, and neighborhood issues.

See discussions, stats, and author profiles for this publication at: <https://www.researchgate.net/publication/280915640>

What Have We Learned about the Performance of Council-Manager Government? A Review and Synthesis of the Research

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Research
Synthesis

What Have We Learned about the Performance of Council-Manager Government? A Review and Synthesis of the Research

Editor's note: The International City/County Management Association (ICMA) celebrated the 100th anniversary of its founding in 2014. This is the fourth and final article in a series over the past year about the council-manager plan to commemorate ICMA's 100th anniversary.

JLP

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Abstract: *The 100th anniversary of the International City/County Management Association provides an excellent point to review and assess research on the performance of the council-manager form of government. The development of the council-manager form arguably has been the most important innovation in American local government over the last century, yet its impact on the performance of municipal governments is not well understood. This article reviews and assesses the empirical evidence for 10 propositions that council-manager governments perform better than mayor-council governments. This evidence indicates that although progress has been made on demonstrating differences in representation and functionality, the proposition that council-manager governments are better managed than mayor-council governments has yet to be seriously engaged in this literature. Filling this critical gap requires progress in two areas: the development of theory to explain why council-manager governments are better-managed organizations and the production of evidence assessing the major propositions of this theory.*

Practitioner Points

- The proposition that the council-manager form of government produces better operational performance than mayor-council government has not received serious attention in the vast empirical literature on municipal government in the United States.
- The empirical literature shows that council-manager governments seek to distribute the benefits of public policies more broadly and experience lower voter turnout, and their senior executive officials direct more of their time to their roles as managers than is the case in mayor-council governments.
- The evidence also suggests that council-manager governments favor more comprehensive policy solutions, experience less conflict among senior officials, and are more willing to adopt innovative policies and practices than mayor-council governments.
- Currently, the empirical literature does not support contentions that there are systematic differences between the two forms of government in their responsiveness to powerful local constituencies, in the levels and form of civic and political participation by residents (other than voting), in the quality of public services delivered, or in the general operational effectiveness of the organizations.

The council-manager form arguably has been the most important innovation in American local government over the last century. It fundamentally changed municipal government in the United States, and its steady diffusion has led to a sustained effort to study the institutional structures used to govern local governments. The advantages for professional public administration provided by council-manager government are regularly asserted in the professional and academic literatures on local government administration, and the proportion of America's municipal governments using the council-manager form has increased

steadily (Choi, Feiock, and Bae 2013; Nalbandian et al. 2013; Wheeland, Palus, and Wood 2014).

The idea that council-manager governments perform better than those using the mayor-council form has become conventional wisdom in our field, but what do decades of empirical research on the performance of this innovation reveal? The short answer is that we simply do not know what we know. Literally hundreds of papers and reports have been published examining aspects of municipal government performance in the United States, but a comprehensive

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review of this literature has not been produced to date. This article begins to address our knowledge gap in two important ways. First, it synthesizes the findings from 76 studies analyzing differences in one or more aspects of performance between council-manager and mayor-council governments to distill 10 propositions illustrating the questions that have been examined in this literature.¹ Second, it provides a brief assessment of the evidence for these propositions produced by this research.

The discussion that follows is organized into three major sections. The next section discusses the scope of this review, outlines the basis for selecting the studies included, and explains the categories used to group the outcomes discussed. The section also identifies the elements that constitute the council-manager form and how this concept differs from the broader subject of municipal institutions. The subsequent section presents the 10 propositions and summarizes the extant empirical literature on the differences in the performance of these two forms of municipal government. The final section summarizes the findings of the review and identifies gaps that remain in our understanding of the performance benefits of the council-manager form. This evidence indicates that although progress has been made on demonstrating differences in representation and functionality, the proposition that council-manager governments are better managed than mayor-council governments has yet to be seriously engaged in this literature. Filling this critical gap requires progress in two areas: the development of theory to explain why council-manager governments are better-managed organizations and the production of evidence assessing the major propositions of this theory.

Scope: Form of Government's Effects on Municipal Performance

The scope of this review is limited to empirical studies that examine the effects of differences between these two forms on the performance of municipal governments. To be included, the research must be empirical, analyze multiple cases, and utilize methods of analysis capable of supporting conclusions about observed differences in performance between the two forms. This decision rule resulted in the exclusion of entire research streams focused only on the performance of council-manager governments or mayor-council governments, such as city manager turnover, mayor-manager relations, and the policy roles of city managers. In all, findings from 76 articles were included in this review.

“Form” is often used interchangeably with “municipal structure” or “political institutions,” but it is not synonymous with these two terms.² Svava and Nelson (2008) proposed that the following three elements constitute form and provided the most important distinction between council-manager and mayor-council governments:

1. **Allocation of authority over policy and administration:** “The unique feature of the council-manager form is the interaction of the council members and administrators in both policy and administration” (Svava and Nelson 2008, 7). In contrast, the

The mayor-council form creates a separation of powers structure similar to that of the federal government by assigning policy authority to the council and administrative authority to the mayor.

mayor-council form creates a separation of powers structure similar to that of the federal government by assigning policy authority to the council and administrative authority to the mayor.

2. **Assignment of executive responsibilities:** “In the council-manager form, executive functions are the responsibility of the city or county manager even if some functions on occasion are shared with other officials” (8), whereas in the mayor-council form, these responsibilities are carried out under the authority of the mayor. “A central coordinating position can be created—a CAO [chief administrative officer]—but” the responsibilities of the CAO are determined by the mayor in the mayor-council form (8).
3. **Accountability of the chief administrative officer:** “Responsibility to the entire council is an essential characteristic of the council-manager form and helps to ensure both transparency and a focus on the public interest rather than the political interests of a single elected official” (8). Svava and Nelson observed that when the mayor is charged with the responsibility of terminating the manager, this reporting relationship essentially creates a CAO who will likely serve the mayor’s interests rather than those of the council.

The studies included in this review largely rely on the traditional dichotomous measure of council-manager and mayor-council government to capture differences in the form of government. However, a few studies (e.g., Carr and Karuppusamy 2010; French and Folz 2004; Nelson and Nollenberger 2011; Nelson and Svava 2012) use more complex measures that combine form and other aspects of institutional structure. These studies still permit conclusions to be drawn about the effects of form because, with the notable exception of the adapted cities approach developed by Frederickson, Johnson, and Wood (2003), the measures build directly on the two generally recognized forms of government.³ The few studies using measures based on the adapted cities framework are more difficult to interpret in terms of insights about form, but the findings most relevant to the key elements of the council-manager form, such as shared decision making and professional management, are highlighted. Finally, a few studies included in this review employ measures that treat form of government as just another element of municipal structure. These analyses examine several specific elements of institutional structure (Lineberry and Fowler 1967; Sharp 1991; Welch and Bledsoe 1988) or bundle institutions in ways to highlight specific dimensions such as mayoral power (Krebs and Pelissero 2010) or the mayor-manager balance of power (Lubell, Feiock, and Ramirez de la Cruz 2009). These studies are the most difficult from which to draw insights about the effects of form, but some conclusions are possible.

The Performance of Council-Manager Government: Policy Choices and Functionality of the Organization

I distill 10 general propositions about how council-manager governments produce different—and often better—performance than mayor-council governments from my review of the literature analyzing the performance

Table 1. Summary of Propositions Derived from the Review of the Empirical Literature

Strategic Choices Made by Executive Officials

Proposition 1: Executive officials in council-manager governments are less likely to be responsive to the policy agenda of politically powerful interests than their counterparts in mayor-council governments.

Proposition 2: Executive officials in council-manager governments are more likely to adopt comprehensive policies than their counterparts in mayor-council governments.

Proposition 3: Executive officials in council-manager governments are less likely to adopt policies that direct highly visible benefits at politically important interests than their counterparts in mayor-council governments.

Proposition 4: Residents in council-manager cities are less likely to vote in municipal elections than residents in mayor-council cities.

Proposition 5: Executive officials in council-manager cities are more likely to involve residents in deciding issues of public importance than their counterparts in mayor-council cities.

Functionality of the Organization

Proposition 6: Executive officials in council-manager governments devote more of their time to managing the organization than their counterparts in mayor-council governments.

Proposition 7: Council-manager governments produce less conflict among their officials than mayor-council governments.

Proposition 8: Executive officials in council-manager governments are more likely to adopt innovative policies and practices than their counterparts in mayor-council governments.

Proposition 9: Council-manager governments produce higher-quality services than mayor-council governments.

Proposition 10: Council-manager governments are more effective in performing the basic functions of government than mayor-council governments.

of these governments. The propositions and evidence for each are described at length in the next two sections. Table 1 lists these propositions, which are grouped into two categories:

1. **Differences in incentives for the strategic choices made by executive officials:** The propositions in this category are largely directed at the representation function of municipal government. Expectations for performance differences are based on differences in the responsiveness of the chief executive officials in each form to influential constituencies within the community and the incentives to encourage civic and political engagement by residents.
2. **Differences in the functionality of the organization:** The propositions in this category focus on how well the organization functions (e.g., role emphases and conflict among key officials) and the incentives provided by form for certain types of “desirable” decisions (e.g., adoption of innovations and the use of analysis) that key officials make.

Form and Incentives for Policy Choices Made by Executive Officials

In a now-classic study, Lineberry and Fowler concluded that “reformed” municipalities spend and tax less than their unreformed counterparts. They asserted that this finding indicated that interest groups have less influence on fiscal policies in council-manager cities and concluded that “reformed cities are less responsive to cleavages in their population than unreformed cities” (1967, 710). The first five propositions are rooted in the assumption that a city’s form of government shapes the incentives of the chief executive official to supply policies demanded by powerful local interests and to choose policies that target benefits to supporters.

This literature has improved considerably on the initial claims that differences in performance stem from “less political decision making” or “more professional management.” A promising advance is the emergence of literature on the “political market,” which conceptualizes policy change as an exchange between government policy suppliers and interest group policy demanders (Feiock, Lubell, and Lee 2014). This literature is providing a serious theoretical underpinning for research examining form of government. Analysts have used the political market framework to understand policy decisions in economic development (Feiock, Jeong, and Kim 2003; Feiock and Kim 2000; Hawkins 2010; Hawkins and Feiock 2011; Kwon, Berry, and Feiock 2009; Sharp 1991; Sharp and Mullinix 2012), land use (Lubell, Feiock, and Ramirez de la Cruz 2009; Ramirez de la Cruz 2009), environmental sustainability (Daley, Sharp, and Bae 2013; Hawkins and Wang 2013; Krause 2011, 2012, 2013; Sharp, Daley, and Lynch 2011), and service delivery (Carr and Shrestha 2014).

Proposition 1: Executive officials in council-manager governments are less likely to be responsive to the policy agenda of politically powerful interests than their counterparts in mayor-council governments.

This proposition has been assessed in several ways over the years. The initial studies focused on identifying differences in spending between the two forms. Studies attempting more direct measures of the influence of interest groups followed. Finally, over the last decade, several studies have focused on the potential contingent effects of form of government on municipal spending decisions and policy adoptions.

Studies of municipal expenditures. More than a dozen studies have sought to confirm and extend Lineberry and Fowler’s (1967) findings, and, like them, the initial efforts largely focused on relating differences in spending to form. A few studies have confirmed Lineberry and Fowler’s finding that cities with council-manager governments have lower spending levels (Anderson 1979; Booms 1966; Chapman and Gorina 2012; Clark 1968; Lyons 1978; Morgan and Brudney 1985). A few others have reported the opposite, finding that cities with council-manager governments have higher spending than cities with mayor-council governments (Campbell and Turnbull 2003; Craw 2008; Jung 2006; MacDonald 2006) and higher wages (Deno and Mehay 1987; Ehrenberg 1973).

However, the most common finding from the studies examining this question is that spending differences are attributable to factors other than form. Liebert (1974), Deno and Mehay (1987), Hayes and Chang (1990; fire, police, and refuse), Morgan and Pelissero (1980), Campbell and Turnbull (2003; police, fire, and highways), Jung (2006), Carr and Karuppusamy (2010), and Eskridge (2012) all reported no differences in expenditures per capita between council-manager and mayor-council cities, no differences in wage levels for employees (Ehrenberg and Goldstein 1975), and no differences in total compensation (including fringe benefits) for police and fire employees (Deno and Mehay 1987). Deno and Mehay explained the null findings they reported as resulting from the absence of systematic differences between these two forms of government for cost minimization, arguing that simply appointing

a professional manager does not mute the forces of electoral politics or provide incentives for efficiency that did not previously exist. “If matters were so simple, the urban fiscal crisis could have been solved long ago” (1987, 639).

Analyses based in the theory of the political market may ultimately provide the needed clarity to this question because these studies assert expectations for performance differences that are not simply based on the presence of appointed administrators but are attributable to different incentives for executive action created by the two forms. City managers are presumed to be more attentive to the expectations of their professional peers and the norms of professional management advanced by organizations such as the International City/County Management Association than to the demands of electoral politics.

Another important contribution of this framework has been to press the argument that the effects of form on municipal performance are likely contingent on other factors and that the weakness of the existing literature can be corrected with better theories and stronger research designs (Carr and Shrestha 2014). Craw, for example, argues that the “appropriate model of expenditures is likely to be causally complex, that is, a model in which political institutions or fiscal constraints mediate the impacts of other variables” (2008, 668). This direction is promising, as indicated by the studies of municipal expenditures reporting that form of government affects local fiscal policy through the way it moderates the influence of other factors, such as intergovernmental grants (Bae and Feiock 2004), state tax limits (McCabe and Feiock 2005), interjurisdictional competition (Craw 2008), and local fiscal capacity (Karuppusamy and Carr 2012) on municipal spending levels.

Responsiveness to specific interests. These studies notwithstanding, the evidence for proposition 1 from analyses of municipal expenditures is generally weak. It may be that the effort to produce evidence for proposition 1 has been hindered by the narrow focus on spending as a proxy for policy responsiveness, and analysts are increasingly turning to more direct measures of interest group influence on policy outcomes. One set of studies seeks to show that the link between the presence of interest groups and the adoption of their preferred policies is affected by form of government. For example, “[t]he developmental nature of local political priorities has made local governments eager to accommodate business and manufacturing interests” (Krause 2012, 2400). This perspective of the strong influence exerted by the local growth machine on the policies adopted by city governments is widely held, and having a council-manager government may moderate this “eagerness.” However, the political market literature has not produced compelling evidence for this proposition. All but six of the roughly two dozen studies seeking to establish that these differences exist have reported null findings.⁴

Stronger evidence for this proposition is provided by studies examining land-use decisions. Land-use policy provides an interesting case because this issue often pits powerful interests against one

another, and the political market framework presumes that form moderates the influence of these competing forces. For example, Lubell, Feiock, and Ramirez de la Cruz (2009) proposed that wealthy residents demand land-use policies that restrict growth in order to isolate themselves from low-income individuals, increasing their property values and lowering the costs of supplying public goods, but developers use their properties for personal or economic gain and resist regulations that limit their choices in how to use their properties. The authors concluded that property owners had more influence in mayor-council cities because “[a]s mayoral power increases, higher socioeconomic status shifts the balance of land use changes to be more proenvironmental” (Lubell, Feiock, and Ramirez de la Cruz 2009, 662).⁵ Property owners also had more influence on the number of housing permits granted than developers in cities with executive mayors. Ramirez de la Cruz’s (2009) analysis of the adoption of “smart growth” regulations in Florida cities produced similar

City managers are presumed to be more attentive to the expectations of their professional peers and the norms of professional management advanced by organizations such as the International City/County Management Association than to the demands of electoral politics.

findings.⁶ He found that active homeowners’ associations increased the use of density bonuses and growth boundaries in mayor-council cities over the levels seen in the council-manager cities. Developers’ activism reduced the use of growth boundaries in mayor-council cities, but their influence on the other two regulations was not affected by form.

The logic underlying proposition 1 is that interests with resources that can help reelect the mayor will be favored in mayor-council governments. Several studies analyzing the link between fiscal decline and economic development policy seem to support the premise that mayor-council governments are more responsive to wealthier residents (Feiock, Jeong, and Kim 2003; Feiock and Kim 2000; Sharp 1991). Feiock and Kim (2000) showed that the relationship between population decline and economic policy adoption was strongest in mayor-council governments and that poverty levels were more important to the policies adopted in council-manager governments. A later study by Feiock, Jeong, and Kim (2003) again showed that council-manager cities were more likely to adopt development policies as poverty levels increased and that median income was an important factor in mayor-council cities. Sharp analyzed the adoption of development policies in 428 U.S. cities to assess the potential of municipal political institutions to “either exacerbate or diminish the tendency for economic policy to be driven by economic distress” (1991, 140). She reported that the relationship between fiscal stress and the amount of financial incentives and economic development strategies adopted was strongest in the least “reformed” cities.⁷ A contrary finding is provided by Sharp and Mullinix’s (2012) analysis of the adoption of municipal policies limiting the use of economic development subsidies. They proposed that form of government would mediate the responsiveness of these policies to the demands of business but found that economic needs did not shape the use of these controls in either type of city.

Finally, the emerging literature on the adoption of sustainability policies by municipal governments is a source of additional evidence about the ability of form of government to moderate the influence of politically important interests on policy change. Interestingly,

these studies suggest that the influence of a city's manufacturing sector on the likelihood that the government adopts sustainability policies does not vary with form, but decisions about the depth of implementation and the use of communitywide initiatives do. Two studies assessing the influence of manufacturing interests on the adoption of sustainability initiatives advocated by the International Council on Local Environmental Initiatives (ICLEI) reported that form did not affect the strength of this relationship (Krause 2012; Sharp, Daley, and Lynch 2011). Krause concluded that "[t]he hypothesis that different local institutions—in this case having a mayor-council or council-manager/commission government type—amplify or reduce this influence that various interests have on political decisions making also fails to receive support" (2012, 2414). However, Sharp, Daley, and Lynch concluded that form of government did moderate the influence of manufacturers on the implementation of these policies. "The more prevalent industrial interest groups are in a city, the less progress that the city makes in achieving ICLEI milestones. And once again, the importance of political institutions is demonstrated by the fact that this negative influence is apparent in mayoral cities but not city manager cities" (2011, 451). Finally, Daley, Sharp, and Bae (2013) examined the factors affecting the likelihood that cities adopt sustainability policies with communitywide impacts. They showed that the effect of key organized interests (business, environmental, general interest) on the adoption of these sustainability initiatives did not vary with form, with one exception: mayor-council cities where the manufacturing sector was relatively large compared with the number of "creative class" establishments were more likely than council-manager cities to adopt initiatives with communitywide impact.

Proposition 2: Executive officials in council-manager governments are more likely to adopt comprehensive policies than their counterparts in mayor-council governments.

This second proposition asserts that the high-powered incentives of the mayor-council form encourage elected executives to appear responsive to local demands for action but not necessarily to invest the financial and political resources to comprehensively address the underlying problems. The appointed executives in council-manager governments are presumed not to reap the same benefits from pursuing largely symbolic policies and thus are expected to approach issues more comprehensively. Evidence for proposition 2 is largely provided by studies examining the effect of form on the policies adopted by cities to improve economic development and environmental sustainability. These two policy areas provide a good context in which to study this proposition because each confronts problems that are highly salient to the public yet also involve the creation of programs that are complex and difficult to assess.

The extant literature offers two sources of evidence in support of proposition 2. One source is several studies that show seemingly symbolic policies adopted by mayor-council governments that are less often pursued by their counterparts in council-manager governments. A second source is the studies that examine "comprehensive" policies to identify differences in adoption patterns that are attributable to form.

Council-manager governments are less likely to adopt symbolic policies than mayor-council governments.

Adopting symbolic policies. Council-manager governments are less likely to adopt symbolic policies than mayor-council governments, at least when it comes to the issue of climate change. A growing literature is focused on understanding the factors that explain when cities will make formal public commitments

to reduce the emissions from within their borders and the extent of their implementation of these commitments, permitting analysts to distinguish between those cities using the program for largely symbolic purposes and those taking steps to reduce their emissions.

Krause (2011) found that mayor-council cities were more likely to have signed the nonbinding Mayors' Climate Protection Agreement advocated by the U.S. Council of Mayors. This agreement to meet the emissions reduction targets set out in the Kyoto Protocol has no mechanisms for monitoring or enforcing compliance with these targets, giving it value to local officials as symbolic policy. Krause (2013) built on these findings by showing that council-manager governments were more likely to have taken actions to implement their climate protection programs. She showed that mayor-council governments were less likely to take these steps, and the odds of adoption declined as the analysis moved from policies with symbolic value (e.g., developing inventories and climate action plans for city government operations) to the creation of plans covering the entire community and providing resources to implement these plans.

A third study analyzed city participation in another nonbinding program for emission reductions by examining membership in the ICLEI's Local Climate Protection program and the extent to which the cities adopting the ICLEI program implemented key milestones identified by the program. Sharp, Daley, and Lynch sought to provide "a means for differentiating cities that actually develop and implement policies and programs to achieve GHG [greenhouse gas] emission reductions from cities whose involvement is largely symbolic policy" (2011, 435). Their findings suggest that mayor-council governments used this program as symbolic policy. They showed that the presence of fiscal stress increased the likelihood that mayor-council cities joined the climate change program but decreased the likelihood that these cities made significant progress on implementing the program. In contrast, fiscal stress did not affect either outcome in council-manager cities.

Adopting comprehensive sets of policies. The evidence produced thus far on the question of differences between the two types of governments in the comprehensiveness of their programs is much weaker. The "comprehensiveness" of these programs is conventionally assessed by the number of policies adopted relative to a list or index of policies presumed to represent a comprehensive program in each policy area (e.g., Daley, Sharp, and Bae 2013; Feiock and Kim 2000; Hawkins and Wang 2013; Krause 2012, 2013; Saha 2009; Sharp, Daley, and Lynch 2011; Svava, Watt, and Jang 2013). Despite the popularity of these approaches, only three of these studies concluded that form of government affects the comprehensiveness of the program. Svava, Watt, and Jang's (2013) analysis of sustainability initiatives in 2,176 cities found that council-manager cities adopted more comprehensive policies than mayor-council cities. Likewise, Homsy and Warner (2015) showed that the environmental policies adopted by the council-manager

cities in their study were more comprehensive than what mayor-council cities adopted. Finally, Hawkins and Wang (2013) concluded that form of government affected the comprehensiveness of the sustainability initiatives adopted by cities, but only in the presence of active support from business interests. The council-manager cities in their study that actively involved business in developing a sustainable vision for the city adopted 45 percent more policies than mayor-council cities.

Proposition 3: Executive officials in council-manager governments are less likely to adopt policies that direct highly visible benefits at politically important interests than their counterparts in mayor-council governments.

Feiock, Lubell, and Lee (2014) argued that the high-powered incentives created by the mayor-council form of government give mayors a strong interest in adopting policies that provide clear opportunities for credit claiming and improved prospects for reelection. They asserted that policies that facilitate credit claiming by local officials provide clear benefits to the general public or target benefits to politically important groups (Feiock, Steinacker, and Park 2009).

The political market literature provides evidence for the proposition through studies of policy adoptions in economic development and sustainability. Economic development policies provide significant opportunities to officials for both avenues to claiming credit. These policies often produce highly visible projects that seem to benefit the entire community, but the largest benefits may flow to politically important interests (Feiock, Steinacker, and Park 2009). Sustainability policies are also often highly visible initiatives that appear to provide benefits to the general public yet may also benefit key supporters through various benefits from generated by these policies (Hawkins and Wang 2013).

Policy instrument choice. Proposition 3 asserts differences in the net benefits of policy from targeting benefits to particular groups, dispersing the costs widely, or both. For example, loan policies, financial incentives, and business attraction are policy instruments with costs that are diffuse or largely borne by groups that are not politically mobilized. Feiock, Jeong, and Kim examined city adoption of seven types of development policy instruments that they described as differing in terms of “cost, visibility, targetedness of benefits, and other potentially salient dimensions” (2003, 620).⁸ They found that lower household incomes increased the likelihood that mayor-council governments used loan policies, financial incentives, and business attraction, but the size of median household income did not affect the adoption of these policies in council-manager cities. Income levels also did not affect the use of regulatory reform, land management, historic preservation, or aesthetic improvements in either group of cities. Median income did not affect the adoption of the other four types of policies differently in the two groups of cities. Feiock, Jeong, and Kim (2003) concluded that the divergence between the influence of population and economic decline in council-manager and in mayor-council communities was greatest for the costly and controversial strategies based on tax-exempt bonds, cash contributions, and deferred tax payments. They found that the use of financial incentives was strongly linked to declines in population and economic base in mayor-council cities, but their use was unaffected by these economic

declines in council-manager systems. “Despite their questionable effectiveness, they may be politically advantageous because they provide targeted and visible benefits” (Feiock, Jeong, and Kim 2003, 623).

The proposition that elected chief executives have stronger incentives to respond to the demands of politically important interests than their appointed counterparts has also been examined through the lens of joint ventures on economic development projects. Feiock, Steinacker, and Park (2009) asserted that joint ventures are appealing to mayors because these projects provide good opportunities for credit claiming, even though any credit gained is shared with elected officials in other jurisdictions. Their analysis of joint venture formation in 254 U.S. cities showed that mayor-council governments were more likely to seek economic development through joint ventures than council-manager governments. Hawkins (2010) confirmed their finding and showed that the odds of forming a joint venture in mayor-council cities were almost four times higher than in council-manager cities.

In another study, Hawkins and Feiock (2011) linked presumptions of directing benefits to political supporters and motivations to claim credit for popular policies by proposing that executive mayors seek economic development that rewards geographically based constituents. Economic development projects can be designed to promote “localized” or “communitywide” development, and they proposed that these mayors prefer interlocal agreements that support localized development. Their analysis showed that “when compared with cities with a council-manager governing arrangement, the likelihood that a joint venture is established increases substantially when cooperation is intended to address localized issues and when the city has a mayor-council system” (Hawkins and Feiock 2011, 340). This study was limited to joint ventures in just 75 cities, but it suggests that governments with a council-manager form are more likely to use these joint ventures to pursue a communitywide development agenda.

Differences in program design. Finally, another source of evidence for proposition 3 comes from analyses of the targeting of the benefits from sustainability policies adopted by municipal governments. Bae and Feiock framed the choice this way: sustainability programs “can be targeted to promote energy efficiency in governmental operations, which aligns with the career incentives of professional managers, or they can be targeted to residences and businesses in the community, a strategy in alignment with the incentives of elected mayors” (2013, 777). Their analysis of the sustainability policies adopted by 956 U.S. local governments showed that the council-manager form had a significant positive effect on the expected number of sustainability policies directed to governmental operations and a significant negative effect on community-based sustainability efforts. They concluded that managers were more likely than mayors to promote policies to reduce operational costs in the public sector and less likely to accommodate community and interest group demands.

Proposition 4: Residents in council-manager cities are less likely to vote in municipal elections than residents in mayor-council cities.

Propositions 4 and 5 focus on an important consequence of the incentives produced by the two forms of government: the idea that the presence or absence of high-powered incentives affects the kind of public participation sought by executive officials. The fact that the mayor-council form of government is built on the classic representation system of an elected executive provides a strong basis to expect these governments to encourage their residents to be politically engaged. This rationale would also seem to place a premium on voting over other forms of engagement in mayor-council cities. In contrast, the low-powered incentives of council-manager government are predicted to reduce incentives for executive officials to engage in distributive politics to encourage turnout from supportive voters (Feiock, Lubell, and Lee 2014).

A strong consensus has emerged around the conclusion that voter turnout is lower in cities with council-manager governments. This finding goes back to Lineberry and Fowler's (1967) study and has been consistently supported by subsequent research (Alford and Lee 1968; Bridges 1997; Hajnal and Lewis 2003; Karnig and Walter 1983; Oliver 2001; Wood 2002).⁹ This literature often shows that other local institutions also affect voter turnout even more than form of government (e.g., council districts, partisan ballots, local initiatives, electing timing, etc.), but the finding that form matters is consistent.

Proposition 5: Executive officials in council-manager cities are more likely to involve residents in deciding issues of public importance than their counterparts in mayor-council cities.

If form of government incentivizes executive officials to use participation in different ways, proposition 5 follows in a straightforward way from proposition 4. Proposition 5 presumes that executive officials in council-manager governments are more likely to utilize participation mechanisms beyond voting to engage residents in deciding issues of public importance than officials in mayor-council governments (Nalbandian et al. 2013). This practice may be motivated by the low-powered incentives discussed earlier (Frant 1996), either because these executive officials embrace best practices that encourage public participation (Nelson and Wood 2010) or because these forms of participation are more consistent with an accountability system based on professional management and consensus decisions (Svara and Nelson 2008). Examples of these processes range from the use of traditional activities such as public meetings or hearings to online activities and mobile phone applications (Nabatchi and Anslar 2014).

Scholars have been slow to focus on forms of public participation other than voting, and only three analyses reviewed for this article examined this proposition. One study provides evidence that council-manager governments more actively seek to engage the public. Nelson and Wood (2010) surveyed city managers in 91 cities about the municipality's use of 16 specific participation strategies. After controlling for differences in the average education level of residents and the size of the population, the analysis showed that the administrative cities in the sample—the only group almost entirely composed of cities using the council-manager form of

government—used more of these participation strategies than cities in political or two adapted categories.

However, the two studies seeking to link form of government other forms of civic and political participation did not produce strong evidence of a relationship. Oliver (2001) examined the effect of form of government on the likelihood that residents contacted public officials, attended local government meetings, attended meetings of civic organizations, and informally engaged in community activities using self-reported measures of these activities from a 1990 survey of political and civic participation by the American public. He found that the residents in council-manager cities were no more likely to engage in these mechanisms than residents in mayor-council cities. He concluded that “[electoral] politics is more compelling, it seems, when mayors are running for office, a fact that contributes to higher turnout. Nevertheless, across all other civic acts, there are few differences between the civic activities of people in reformed municipalities and those in unreformed ones” (Oliver 2001, 183–84). Kelleher and Lowery (2009) extended Oliver's work by examining two additional measures of participation, the act of registering to vote and membership in local civic organizations. They found that people living in council-manager cities were more likely to report registering to vote, but responses about membership in civic organizations were unrelated to the city's form of government.

Summary. Progress has been made in studying these first five propositions, but the empirical evidence base linking form of government to differences in executive choices and political and civic engagement by residents is still relatively small. This lack of progress is attributable, at least in part, to the emphasis in the literature on analyzing municipal expenditures. The emergence of the political market framework has led to analyses focused on more direct measures of policy adoption and targeting benefits. This

approach has considerable promise, but the overall literature is still in a very early stage of development.

The evidence thus far indicates that advocates of the benefits of council-manager governments have some evidence to support their claims. This literature does not provide strong evidence yet for the widely held presumption that council-manager governments are less responsive to politically important interests or that elected executives reward political supporters, but evidence does exist for other propositions. The evidence is stronger for the proposition that the executives of council-manager governments are less likely to adopt symbolic policies or to seek visible development projects providing localized benefits over those benefiting the community more broadly. This is a potentially important finding, and confirmation from analyses of other policy areas would permit stronger conclusions to be drawn.

The empirical case for differences between the two forms in the intensity and form of public engagement in municipal government rests largely on voter turnout. The evidence indicates that turnout is lower in council-manager governments. To date, there is virtually no statistical evidence of differences in measures of public participation other than voting. The one exception is Kelleher and Lowery's

The emergence of the political market framework has led to analyses focused on more direct measures of policy adoption and targeting benefits.

finding that residents in council-manager governments are more likely to register to vote. The findings for propositions 4 and 5 are particularly interesting given Ihrke's (2002) finding that surveys of local government officials about their perceptions of the representational effectiveness of their city governments showed no difference attributable to form. He analyzed the representational effectiveness of 108 municipalities in New York and Wisconsin and found no differences in the mean representational effectiveness reported by city council members between the council-manager and mayor-council cities.¹⁰

Lineberry and Fowler's work led to analyses focused on the proposition that executives in mayor-council governments promote a "machine politics" approach to holding power and that these strategies encourage higher turnout than what is typical in cities with council-manager governments. The possibility that the gap is (also) attributable to executives in council-manager cities using participation in a fundamentally different way and therefore relying on different mechanisms has attracted little attention by comparison. Perhaps the behaviors predicted by propositions 4 and 5 net out, at least from the perspectives of officials. What is lacking is an analysis of residents' perceptions of representation effectiveness and form.

Form and Functionality of Municipal Government

Analysts have also devoted considerable energy to examining differences in the functionality of municipal governments that can be attributed to form of government. The next three propositions assert that improvements in role symmetry, governance harmony, and innovation are provided by council-manager governments. These outcomes are not direct measures of performance but instead are precursors of positive organizational performance. The final two propositions focus on expected differences in the effectiveness of service delivery and general functionality of the government but also are indirect measures. The lack of attention in the literature to the analyzing the organizational performance of the two governments directly in terms of efficiency, effectiveness, and economy is an important limitation of this literature. This issue is considered at length in the Discussion section.

Proposition 6: Executive officials in council-manager governments devote more of their time to managing the organization than their counterparts in mayor-council governments.

The expectation that the appointed executives of municipal governments devote more of their time to management is broadly supported in the literature, but the influence of form on these choices is less clear (Newell and Ammons 1987). For instance, some analysts point to the advantages of the presence of high-level appointed professional administrators, regardless of form, in explaining role emphases (French and Folz 2004; Nelson and Svara 2012). There is the additional issue that the link between time allocation and organizational performance is widely assumed but not confirmed empirically.

The evidence on the question of time allocation generally supports proposition 6. Newell and Ammons examined time allocation among city managers and mayors with regard to management, policy, and political activities.¹¹ They reported that "city managers spend significantly more of their time on both the management role

(50.8%) and the policy role (32.2%) than do mayors (44.2% and 25.6%, respectively), who spend twice as much time on the political role (32.2% compared to 17% for the city managers)" (1987, 247). In a later study, Eskridge (2012) asked respondents to rate their involvement (as either mayor or CAO) and that of their counterpart (either the mayor or CAO) and their city council in several specific activities falling within these three groups. He found that CAOs in council-manager cities reported spending more of their time on management activities than their counterparts in mayor-council cities.¹² There was no difference in the time devoted to policy activities reported by the CAOs, but the respondents from council-manager governments reported spending less time on political activities than the mayor-council CAOs.

Additional evidence is provided by analyses of differences in how the chief administrative officers in the two forms of government spend their time using Svara's (1985) four categories of mission, policy, administration, and management (French and Folz 2004; Eskridge 2012). This research also generally supports proposition 6. Eskridge (2012) asked CAOs to report their involvement in specific activities intended to represent Svara's categories. The CAOs from mayor-council cities reported lower involvement in all but the mission activities of their organizations.¹³ French and Folz also concluded that "form of government is important for understanding how mayors and city managers allocate their time and choose role emphases, but it [our research] also underscores the importance of knowing whether or not a mayor-council city is served by a professional administrator" (2004, 57).

Proposition 7: Council-manager governments produce less conflict among their officials than mayor-council governments.

Two studies in the review assessed the proposition that form affects the level of conflict among elected officials, and the existing evidence supports this proposition. Svara's (2002a) analysis of council roles showed that council members reported that their interactions with other council members were more positive and less conflictual in council-manager cities than in mayor-council cities. Nelson and Nollenberger (2011) built on Svara's work with a study examining how municipal form affects the amount of conflict among council members and showed that respondents from cities using the mayor-council form reported higher conflict scores than the respondents from cities with the council-manager form.¹⁴ Their analysis also indicated that respondents from cities using the mayor-council form without a CAO and those using a mayor-council form with a CAO appointed by the mayor reported more conflict than the respondents from cities with the council-manager form.

Nelson and Nollenberger also reported that mayor-council cities in which the mayor and council jointly appoint the CAO reported lower conflict than the mayor-council cities in which this was not a shared responsibility. They concluded that "[a]ll of the cities with a professional administrator hired with council involvement showed lower levels of reported conflict in the decision-making process than the cities without such a position or the municipalities that have a CAO who is appointed by the mayor" (2011, 710). They attributed this finding to the ability of professional managers to bridge

the separation of powers divide by reducing conflict and increasing cooperation between the mayor and members of council.

Proposition 8: Executive officials in council-manager governments are more likely to adopt innovative policies and practices than their counterparts in mayor-council governments.

Only three studies in this review professed to examine differences in adopting innovative policies, and each provides relatively strong support for this proposition. Another source of evidence about how form affects the adoption of innovative policies and programs comes from the voluminous literature on public services contracting by local governments. In-house production of virtually all services was common until the last few decades, and the decision to contract or otherwise share service production is the most frequently studied innovation in municipal government.¹⁵

Incentives for general innovation. The studies explicitly linking form of government to differences in the adoption of innovative policies assert that the council-manager form incentivizes innovative behavior. The proposition that council-manager governments are more innovative than mayor-council governments is based on expectations of increased stability as a result of less conflict, a willingness to take risks because of a less political environment, and the longer-term perspective and credibility of commitment permitted when the chief executive official is a professional administrator. Krebs and Pelissero (2010) examined the adoption of several management innovations commonly associated with reinventing government (REGO) to assess the general proposition that managers in cities with institutions that decrease conflict are more active in controversial policies than their counterparts in higher-conflict environments. They did not use form of government as an independent variable but instead used a scale variable indicating “mayoral power,” with endpoints roughly corresponding to the council-manager/mayor-council distinction.¹⁶ They found that weaker mayoral power was associated with more adoptions of the REGO innovations, even while controlling for the manager’s interest in the topics, and concluded that where mayors were stronger, managers were less active in seeking innovations.¹⁷

Nelson and Svara also examined the link between form of government and innovation by examining the adoption of several specific management innovations, including e-government, REGO, and strategic practices in 490 U.S. municipalities. They proposed that cities are less likely to adopt innovative practices when their form “more greatly distinguishes the mayor from the council and reduces the professional stature of the chief administrative officer” (2012, 226–27). They found higher innovation rates were associated with council-manager governments, both with and without an elected mayor.

Aversion to risk is a well-known barrier to innovation. Feiock, Steinacker, and Park (2009) asserted that elected executives are averse to risking being perceived as ineffective on issues that are highly salient to residents. They argued that this aversion to failure incentivizes mayor-council governments to be late adopters of innovative policies. Kwon, Berry, and Feiock examined this proposition by analyzing the timing of the strategic economic development tools adopted by 233 U.S. cities and asserted that “[l]ater adoption

produces less gain but it poses little political risk. In fact, once the innovation has become more visible and is legitimated by its diffusion, there are stronger political incentives to adopt it” (2009, 973). Their analysis confirmed that council-manager governments were more likely to adopt these strategic economic development tools and confirmed that the cities in the late adopter group were much more likely to be mayor-council cities.

Incentives to contract service delivery. The literature examining services contracting in local governments generally supports proposition 8, but the picture is muddled by the frequency of null findings from these studies. Roughly half of the studies seeking to link form of government to decisions to contract services reported that form is not statistically related to these decisions (Carr, LeRoux, and Shrestha 2009; Kwon and Feiock 2010; Lamothe, Lamothe, and Feiock 2008; Morgan, Hirlinger, and England 1988; Shrestha and Feiock 2011). None of these studies indicated that mayor-council governments were more likely to contract services than council-manager governments; they simply lacked evidence to support claims of differences in behavior attributable to form of government.

The strongest evidence is provided by three analyses reporting that council-manager governments are more likely than mayor-council governments to adopt the innovation of services contracting. Hefetz and Warner’s (2004) analysis of service delivery arrangements in 628 U.S. cities showed that council-manager governments were more likely to contract services than mayor-council cities and less likely to return services to in-house production once they had been contracted out. Levin and Tadelis’s (2010) analysis of service delivery arrangements in 1,043 U.S. cities in 1997 and 2002 showed that council-manager cities were slightly (15 percent) more likely to contract with other governments and nongovernmental (private and nonprofit) organizations (10 percent) than the mayor-council governments. They concluded that “cities run by an appointed manager, rather than an elected mayor, are more likely to contract for service provision, although the effect is relatively modest” (Levin and Tadelis 2010, 510). Finally, Hefetz, Warner, and Vigoda-Gadot’s (2012) analysis of service delivery arrangements in cities and counties in the United States showed that those with a council-manager form were more likely to contract with other governments and nongovernmental producers.¹⁸

Three additional studies focused on the proposition that form of government incentivizes officials to prefer certain sectors for producing services because the transaction risk common to arrangements with the different sectors. The sectors have different transaction risks, and these studies seek to assess the extent to which these risks affect the choice of sector. The evidence thus far is mixed at best. For example, Brown and Potoski (2003) reported that council-manager cities were less likely to contract with private sector firms but that form of government was unrelated to the likelihood that cities opted to contract with nonprofits and other governments over in-house production. They also reported that council-manager cities were significantly more likely to engage in joint contracting, internal production, and complete contracting with other governments than to enter into complete contracting with private firms. Feiock and Jang (2009) found that council-manager cities were more likely to contract elder services to nonprofits than mayor-council cities and

more likely to use joint arrangements when they did. Finally, Hefetz and Warner (2012) found that the presence of a council-manager government decreased the likelihood of a service being produced using a nonprofit organization but had no effect on the other sector choices.

Proposition 9: Council-manager governments produce higher-quality services than mayor-council governments.

Propositions 9 and 10 focus on differences in the organizational effectiveness of these governments. Proposition 9 focuses on the proposition that council-manager governments produce higher-quality services than mayor-council governments. Council-manager governments are presumed to provide high-quality services because city managers have an advantage over elected mayors when it comes “to collaborative civil authority and injecting expert administration in the delivery of urban services. . . . The professional values, training, and expertise of city and town managers and administrators may promote or encourage advances in the level of urban services provided in their communities” (Folz and Abdelrazek 2009, 568). The evidence for this proposition comes from several different approaches to studying the quality of public service provision. The findings from these studies suggest that form matters to service production decisions, but it is not clear how much.

Perceptions of service quality. Three studies examine this proposition by studying the perceptions of service quality held by CAOs, council members, and residents. Eskridge (2012) found that CAOs in mayor-council cities viewed the quality of the services provided by their city more favorably than CAOs in council-manager cities. Ihrke’s (2002) study of council-members in New York and Wisconsin found that the council members from the council-manager cities in New York reported statistically higher service delivery effectiveness scores than the council members from the state’s mayor-council cities. The scores reported by the council members from the Wisconsin cities did not differ by form of government.

Finally, Wood and Fan (2008) examined differences in the probability of residents reporting that the public services provided by their municipal government were “exceptional” between cities using institutions based on one of the two forms of government or an adapted structure blending elements of the two forms.¹⁹ For the most part, this study did not demonstrate a statistically significant relationship between municipal structure and the measure of residential service satisfaction. However, the analysis did show that residents from administrative cities (the group most closely proxying the council-manager form) were more likely to rate the quality of city services in the top category than residents in cities with the adapted structures, controlling for several important socioeconomic variables. There are significant limitations to the design of this study, but it is the only analysis from this literature to examine proposition 9 from the point of view of residents.

Service levels. Folz and Abdelrazek’s (2009) analysis of service levels for police, fire, building code enforcement, and solid waste management in 508 communities showed that council-manager governments and “adapted” mayor-council cities with a professional city administrator had higher levels of service than mayor-council

cities with a mayor serving as the chief executive officer.²⁰ There is clear evidence in this study for a distinction based on form, but the authors also suggested that the presence of professional administrators alone is likely enough to influence service levels. They concluded that the “association between the type of chief executive and service level is considerably stronger than the connection between type of government and service level” (Folz and Abdelrazek 2009, 564).

Contract management best practices. Several studies provide additional evidence for proposition 9 by examining how form of government moderates the effect of the complexities of managing the use of contractors. Council-manager governments are presumed to be more effective than mayor-council governments in assessing the transaction risks, conditions in the vendor market, and citizen preferences that must be balanced when contracting for public services with other organizations (Hefetz, Warner, and Vigoda-Gadot 2014). Hefetz and Warner (2004) proposed that council-manager governments engage in higher levels of monitoring than mayor-council governments and that this difference leads to “more effective” monitoring by council-manager governments and a higher probability of reverse contracting in these cities. They also proposed that council-manager governments are more effective at managing internal opposition to contracting and that form moderates the reductive effect of internal opposition on the use of service contracting and the positive effect that this opposition has on contracting services back in. They did not find support for the proposition that the link between opposition and contracting decisions is moderated by form of government, but they showed that the relationship between monitoring activities and contracting out and back in is affected by form in the way they predicted. A later study of the service production arrangements in 118 U.S. cities by the same authors (Hefetz and Warner 2012) showed that the effects of several measures indicating increased difficulty of managing contracts for external service production on the likelihood the city would contract these services were each moderated by form of government. Hefetz, Warner, and Vigoda-Gadot (2014) showed that council-manager governments were less likely to rely on for-profit organizations to supply services when the market for vendors is not competitive.

Another approach used to examine this proposition is to focus on decisions to contract services when the risk of contractor opportunism is high. Levin and Tadelis proposed that council-manager cities would be less likely to contract for services with substantial transaction risk but that the contracting decision in mayor-council cities would be less influenced by the level of difficulty of effectively contracting the service because “political concerns might cause administrators to focus on issues other than the economic tradeoffs” (2010, 517). They reported null effects for this proposition and concluded that “[t]he relationship between contracting difficulty and privatization is essentially the same in cities with managers and mayors” (532). This same question was examined by Hefetz, Warner, and Vigoda-Gadot (2014), who also showed that the presence of substantial transaction risks did not lead to different decisions in council-manager and mayor-council governments. The one exception was that council-manager governments were more likely than mayor-council governments to contract with the for-profit sector when services were difficult to measure. Given that this is typically

considered the riskiest sector to contract for services with, one interpretation is that council-manager governments do not strike a better risk/reward balance than mayor-council governments. However, the authors suggest that the finding may reflect that council-manager governments are better able to mitigate the risks through superior contract management practices.

Proposition 10: Council-manager governments are more effective in performing the basic functions of government than mayor-council governments.

Finally, an improvement in operational effectiveness is central to the perceived performance benefits of the council-manager form, but only a few of the studies in this review sought to analyze differences in effectiveness attributable to form. The following studies provide eclectic, if not definitive, evidence in support of proposition 10.

Officials' perceptions of their own effectiveness. Svava (2002b) analyzed surveys asking administrative and elected officials to rate the effectiveness of their governments to determine whether the levels reported differed by form of government. He reported that council members in council-manager cities rated their effectiveness higher than council members in mayor-council cities with regard to several key functions: establishing a vision for the city, establishing long-term goals, establishing objectives and priorities, reviewing and approving the budget, overseeing program effectiveness, and overseeing administrative performance. He also found that the two groups of council members reported similar ratings for tasks related to the representation function such as resolving citizen complaints and responding to citizen demands.

Effectiveness capitalized in home sales. Two studies investigated the proposition that differences in the effectiveness of the two forms can be seen through premiums in the sales price of homes in council-manager cities. Kreft (2003) studied the sales prices of 37,441 homes sold in Ohio in 1991, and, after controlling for differences in structural-house and city-specific characteristics, he concluded that houses in council-manager cities sold for higher prices. He also reported a similar effect on sales prices for houses in regions in which the central city had a council-manager form, arguing that a "CM-run metropolitan area" benefits sales prices in cities throughout the region. MacDonald (2006) also proposed that council-manager governments improve the provision of public services and tax rates in communities and increase the desirability of home ownership in their communities. However, her analysis of the home sales from 1980 to 2005 in 165 Florida cities showed no statistical difference in home prices between cities of different forms.²¹

Application of analysis to decisions. Finally, decisions informed by analysis are expected to improve organizational performance, but if the elected executives in mayor-council governments assess projects largely in terms of political benefits, analysis of the fiscal or economic impacts is unnecessary. Ha and Feiock (2012) surveyed local government officials in 274 U.S. cities about their use of cost-benefit or fiscal impact analysis prior to granting

requests for development incentives.²² They found that officials from mayor-council governments were less likely to report using these techniques than those from council-manager governments, even after controlling for differences in the strength of the bargaining positions of business interests and governments. "As predicted, mayor-council governments apply fiscal analyses less often, and local governments with an appointed administrators position apply fiscal analyses more often" (Ha and Feiock 2012, 490).

Summary. The five propositions presented in this section cover several key aspects of organization functionality and two indirect indicators of effectiveness. This review shows that the evidence produced thus far for these propositions is weaker than many might expect. Many studies reported no differences that could be attributed to form, and others attribute observed differences to the benefits of appointed professional managers, rather than form of government. At this point, the strongest evidence for differences attributable to form is the level of conflict among key officials and incentives for adopting innovative policies.

An important limitation in this literature is the lack of studies that directly examine propositions about potential differences in the two types of governments in terms of effectiveness, economy, and efficiency. Superior management capacity and more professional management are central to the perceived benefits of the council-manager form, yet this literature has focused instead on examining differences in functionality and a few indirect measures of organizational effectiveness. Likewise, service provision is a basic function of municipal governments, yet only a few studies have examined the proposition that council-manager and mayor-council governments perform differently on this key function. Here, too, the research focus is not on assessing differences in efficiency, economy, and effectiveness but on understanding the decision to contract for services and how officials balance the demands of contactors, residents, and employees in these cases. This review reveals that scholars have more often chosen to study how form of government affects the sector choices that municipalities make for services production rather than how well they perform this function.

Discussion

The improvement in performance provided by council-manager governments is widely assumed in the field of local government scholarship, but what does the research show? This review answers this question by identifying the propositions about performance differences between council-manager and mayor-council governments that have been analyzed empirically and then assessing the evidence provided in these studies. The studies examined in this review provide considerable evidence in support of claims of improved performance of the council-manager form of government. The evidence is not as strong as many advocates likely assume, but progress has been made. This literature is still maturing, and more work is required to fully assess these claims.

This review concludes with three general assessments of the state of this literature and several suggestions about the steps necessary

Service provision is a basic function of municipal governments, yet only a few studies have examined the proposition that council-manager and mayor-council governments perform differently on this key function.

to develop the evidence required to more fully assess the potential performance differences between the two governments. First, are scholars examining the topics necessary for us to develop a good understanding of the actual benefits of the council-manager form? Second, what is the strength of the evidence produced by this literature? Third, how might some of the major gaps in this literature be filled through future research?

Are Scholars Examining the Appropriate Topics to Build Our Knowledge Base?

The answer to this question is a qualified yes. This review shows that scholars have been engaged in a quest to assess the presumed performance advantages of council-manager government for nearly 50 years. The breadth of the topics covered by the 10 research propositions underscores the broad scope of this literature. This literature emerged decades ago focused on issues of representation and accountability, expanded into assessments of differences in the functionality of these organizations, and is increasingly focused on examining differences in the policy choices encouraged by the two forms of government.

For the most part, this literature is examining the most important questions. The one glaring exception is the lack of attention to assessing differences in the operational performance (effectiveness, economy, and efficiency) of these governmental forms. The lack of attention to this question is surprising given that discussions in favor of council-manager governments often emphasize its professional management benefits over mayor-council governments. Not only has this literature failed to provide much evidence for these claims, it also has largely failed to directly address this research question.

The lack of progress on these questions is disappointing given the extensive literature on the positive impact of public management on the performance of local government that has emerged in recent years. A recent review of this literature concluded that “the evidence points toward strong positive performance effects resulting from staff quality, personnel stability, and planning” (Walker and Andrews 2015, 101). Scholars studying the effect of form of government on performance have not built on this extensive literature but instead have focused on differences in role emphases, conflict among officials, and other indirect assessments of the operational performance of these governments.

Progress on the role that form of government plays in operational performance has lagged in part because the attention of the scholars most concerned with local institutions has been elsewhere. The performance of the council-manager form of government has not received the same level of sustained, systematic attention that has been directed at identifying the elements of municipal institutional structure, the extent of institutional variation in U.S. municipalities, and how the different institutional arrangements used by these governments should be categorized and described (e.g., Carr and Karuppusamy 2008; DeSantis and Renner 2002; Frederickson, Johnson, and Wood 2003; Nelson and Svava 2010; Wheeland, Palus, and Wood 2014). This focus reflects the

historical emphasis in this literature on understanding representation processes and the nature of executive leadership in these governments. This exercise is ultimately necessary but not sufficient for understanding performance differences among local governments. Hopefully, more effort will be directed at analyzing performance differences in the future.

What Is the Strength of the Evidence Supporting These Presumed Differences Thus Far?

The evidence produced by this literature is uneven at this point because the amount and quality of attention from empirical scholars to these propositions varies enormously. This is often the case in empirical work, but it does indicate that additional effort is required to provide an adequate base of support for most of these propositions. In the next few paragraphs, I provide a brief assessment of the evidence produced thus far for the individual propositions and a general assessment of the major sources of weakness in this literature.

The evidence is strongest for propositions 3, 4, and 6: council-manager governments seek to distribute the benefits of public policies more broadly, experience lower voter turnout, and their senior executive officials direct more of their time to their roles as managers than is the case in mayor-council governments. These three propositions share the benefit of consistent findings across several studies and the use of common variable measures and theory. The findings produced for propositions 4 and 6 are the best example of consistent findings over time, and in both cases, the measurement of the dependent variable is consistent over several studies. A reliance on the same theoretical framework over several studies has likely contributed to the consistent findings favoring council-manager governments for proposition 3. The evidence for proposition 3 is also strengthened by the use of different policy areas to test this proposition.

The evidence is weaker for propositions 2, 7, and 8 but still fairly compelling: council-manager governments seem to favor more comprehensive policy solutions, experience less conflict among senior officials, and are more willing to adopt innovative policies and practices than mayor-council governments. The evidence for this set of propositions is less consistent both within and across propositions. For example, when proposition 2 is studied in terms of the adoption of symbolic policies in support of mitigating climate change, this research provides consistent evidence over several studies that council-manager governments are less likely to adopt these policies. The consistent findings strengthen the case for this proposition, but the use of the same policy area in these studies raises questions about their generalizability. However, when analysts assess this proposition in terms of the sheer number of policies adopted by these governments, the empirical evidence is less compelling. The findings for proposition 7 consistently show that conflict is lower in council-manager governments, but so far, this evidence is based on only two studies. Similarly, the evidence produced for proposition 8 suggests that council-manager governments are more open to innovative program and practices, but again, this conclusion is based

Council-manager governments seem to favor more comprehensive policy solutions, experience less conflict among senior officials, and are more willing to adopt innovative policies and practices than mayor-council governments.

on just a few studies. In addition, this literature does not focus on identifying differences in innovative behavior in these governments but simply examines differences in the adoption of policies the researchers perceive as “innovative.”

The evidence for propositions 1, 5, 9, and 10 is considerably weaker than that for the other six propositions: at this point, the evidence does not support contentions that there are systematic differences between the two forms of government in their responsiveness to powerful constituencies, in the levels and form of civic and political (other than voting) participation by residents, in the quality of public services delivered, or in the general operational effectiveness of the organizations. It is not that the proposals are incorrect but that the evidence provided by this literature is inconclusive, for two general reasons. First, the quality of evidence suffers from insufficient coverage of important topics. The attention of empirical scholars has been strongly focused on representation issues, but the proposition of improved management from council-manager government has yet to be engaged in a meaningful way. This review shows that analyses of operational performance have largely been limited to exploring differences in functionality of these organizations, such as conflict among key officials, role emphases, and innovation. These elements may prove to be important to the theory building needed for this topic, but we need to go further than demonstrating differences in functionality.

Second, the quality of the evidence is very uneven across the 10 propositions. This is both a problem of inadequate theorizing and a general weakness in research designs. Form of government is often included in these studies to serve as a control variable, permitting the authors to avoid articulating a solid theoretical basis for expecting differences attributable to form. Examples of this problem can still be found (e.g., Hefetz, Warner, and Vigoda-Gadot 2014) in which the authors do not go beyond vague assertions of increased management capacity or more professional management provided by council-manager governments.²³ This practice has stunted the development of our knowledge about this critical question.

To a lesser degree, the strength of the evidence is also affected by weaknesses in the research designs used to study performance differences. In terms of methods of analysis, we have come a long way from the initial studies relying on analyzing frequency distributions and bivariate correlations (Lineberry and Fowler 1967; Sharp 1991) to widespread use of multivariate analyses in this literature. The move toward multilevel models is a positive step (e.g., Kelleher and Lowery 2009), as is increased use of network analysis (Feiock, Steinacker, and Park 2009; Hawkins 2010). Finally, there is a strong reliance on cross-sectional analyses in this literature, creating challenges for demonstrating causality rather than association in these studies.

How Can These Gaps Be Filled through Future Research?

The major gap that must be filled in order for the evidence base to be fully developed is to expand the literature to cover the perceived benefits of council-manager governments for operational performance. In my view, the lack of attention to this aspect of municipal performance is the most important finding of this review.

This review shows that empirical scholarship has not adequately engaged the proposition that council-manager governments are

better managed than mayor-council governments. Given that council-manager government emerged as a solution to problems of political corruption and the need to generally improve administrative competence (Lineberry and Fowler 1967; Lyons 1978; Sharp 1991), it is not surprising that the effect of institutional structures on the responsiveness of elected officials and administrators has received serious attention from scholars over the past several decades.

Filling this critical gap requires progress in two areas: the development of a theory to explain why council-manager governments are better-managed organizations than mayor-council governments and the production of evidence assessing the major propositions of this theory. Insufficient theorizing about why the two forms of municipal government create different behavior is a critical factor limiting the strength of the evidence produced by this literature. For decades, analysts have presumed this performance gap exists, but they have yet to empirically demonstrate that any differences actually exist.

Greater emphasis on developing theory to explain differences in operational performance. The presumption that form of government produces differences in operational performance is a staple of the empirical literature on local government management in the United States. Scholars have not devoted sufficient attention to developing theory to explain the basis for these expectations, but an extensive literature exists that links local government management and operational performance that can be drawn on. Walker and Andrews report that “three broad theoretical perspectives on the management of local governments—economic theories of service production; contingency theories of organizational design; and resource-based arguments about distinctive production capabilities—encapsulate much of this literature” (2015, 105). The resource-based arguments of contingency theory in particular might provide some building blocks for this theory. It is worth noting that form of government is not mentioned in Walker and Andrews’s review of this literature, nor are any other of the municipal governance institutions commonly studied in this literature. The authors do note that the contingency theory literature is U.K. based, and perhaps this omission results from differences in the systems of municipal government between the counties.

Despite the conventional wisdom to the contrary, it is possible that there are no fundamental differences in the management strategies used in governments of different forms. The lack of theory development on this question in the United States may not be an oversight but may instead reflect a sense that there is not a clear basis to expect substantial differences that can be attributed to form. Given the extensive professionalization of local governments in recent decades, the use of effective management strategies may not depend on form but on other factors, such as differences in resources and the scale of the organization. If this is the case, the differences in operational performance that are popularly attributed to form may instead be the result of the different incentives for executive decision making created by its form of government.

If so, the story may not be about how differences in administrative competence between the two forms lead to the use of different management strategies to achieve operational efficiency, economy, and effectiveness but about how operational performance is affected

by incentives for policy choice encouraged by form of government. Interestingly, this premise is consistent with perspectives on municipal institutions that deemphasize the importance of form in explaining municipal performance (Karuppusamy and Carr 2012). For example, studies using the adapted cities framework have raised questions about the centrality of form of government for explaining performance differences (Svara 2005).

Analyzing operational performance through policy choice.

A different path to theory development on this question is through an empirical strategy that builds on the political market framework by analyzing policy choices that have clear implications for the operational performance of these governments. The political market framework provides a basis for understanding the effects of high- and low-powered incentives on the policy choices of municipal governments, and often the policies selected have significant operational consequences for the government. This approach would permit scholars to extend insights from the research focused on issues of representation and policy choice to questions of operational performance. Potentially, the benefits of this approach are not only in explicating the incentives of executive officials in policy adoption but in articulating the contingent effects of form of government on operational performance.

There are many policy areas in which local government officials have substantial discretion in selecting among options and their decisions have significant consequences for the long-term operational performance of the local governments. A contemporary example is the constrained fiscal policy space that many municipal governments face because of past decisions about staffing levels and compensation, revenue structure, capital expenditures, service production, and infrastructure investment (Carr and Shrestha 2014; Methe and Perry 1980; Tavares and Ferreira da Cruz 2014; Terman and Feiock 2014). The political market theory expects high-powered incentives to privilege certain policy options in mayor-council governments, and these decisions are likely to have predictable impacts on the operational performance of these governments over time. Council-manager governments may produce superior operational performance over time, all other things equal, because these governments lack these distorting incentives. If so, this reinforces the contingent effects approach suggested by the political market.

Conclusion

Decades of efforts have produced some evidence about the presumed performance benefits of council-manager governments. The 10 propositions presented in this article reflect my efforts to organize the empirical literature into the core research questions addressed in this literature. The range of topics covered by the propositions suggests the importance of this topic. The studies examined in this review indicate evidence exists to support claims of improved performance of the council-manager form of government. The evidence is not as strong as many advocates likely expect, but progress has been made. In many ways, this review suggests that local government scholars are still at an

early point in the effort to demonstrate the performance differences between council-manager and mayor-council governments.

Notes

1. The full list of citations is included in the references and indicated with an asterisk.
2. The latter terms are broader concepts that include aspects of governance beyond the fundamental elements of form. For example, the commonly used term “reform government” refers to the council-manager form and the presence of two specific electoral institutions (nonpartisan ballots and at-large elections). In another example, the adapted cities framework developed by Frederickson, Johnson, and Wood (2003) identifies categories of cities based on nearly 20 institutional elements (Carr and Karuppusamy 2008).
 3. For those studies using measures of municipal structure emphasizing form of government, the interpretation is fairly straightforward. However, for approaches that use categories that comingle cities with different forms of government, such as Frederickson, Johnson, and Wood’s (2003) “adapted cities” framework, the task is more difficult. Findings about their “nonadapted” categories—political and administrative cities—are easily relatable, but findings for their three “adapted” categories—adapted administrative, conciliated, and adapted political—are not.
4. This proposition is difficult to assess empirically because the local interest groups that are politically important are a product of many local factors that are not easily measured. Given this, these studies generally identify one or more interests expected to benefit from the adoption of specific policies, measure their presence in the community and/or engagement in the issue, and assess any differences in adoptions across the two groups of cities (e.g., Lubell, Feiock, and Ramirez de la Cruz 2009; Sharp, Daley, and Lynch 2011). This approach does not provide conclusive evidence, but these studies indicate that mayor-council governments seem to be more responsive to developers, upper-income residents, and business interests. A few studies instead use scale measures indicating perceptions of support for the policy from different groups or levels of activism in the policy area (Bae and Feiock 2013; Daley, Sharp, and Bae 2013; Hawkins and Wang 2013). A different approach was used by French and Folz (2004) to investigate the question of responsiveness to the “particularistic interests” described by Lineberry and Fowler. They asked mayors and city managers to rate “the level of influence that any local interest groups have on their decisions” in regard to six core local government services (French and Folz 2004, 61). The executives in both forms of governments reported “between a minor and moderate influence on the decisions they make about local government services” (61), but the responses from the managers in council-manager government were not statistically different from the influence reported by executives in the mayor-council cities.
5. This study did not examine form but instead used an index depicting “mayor-manager balance” based on form and a few other institutions. Despite the additional factors, the index strongly corresponded with form. “The factor score is highest for mayor-council cities and lowest for council-manager cities” (Lubell, Feiock, and Ramirez de la Cruz 2009, 656).
6. Cities use density bonuses to “promote affordable housing, child care facilities, open spaces, or the preservation of environmental and historical goods, while at the same time, promoting the construction of compact developments” (Ramirez de la Cruz 2009, 225). Smart growth zoning focuses on regulating the intensity instead of the type of land use. It has limited redistributive effects because it largely directed at making the development process flexible. Ramirez de la Cruz argued that these regulations provide benefits to prodevelopment interests because density bonuses and urban containment regulations increase

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- the production of public goods such as open space that can be capitalized into housing prices and passed on to home buyers.
7. Sharp did not examine form of government but instead used an index of political institutions that combines form of government with the proportion of the city's council members elected by ward. Higher values of the index indicate less "reform."
 8. The category "Facilities Improvements" was excluded from this study.
 9. Several of these studies focus on the effects the broader "reform" institutional package of council-manager form, nonpartisan ballots, and at-large elections of council members. Karnig and Walter (1983) attributed their findings to several factors they saw as depressing incentives for turnout in council-manager cities: fewer council members, no party cue because of nonpartisan elections, and professional management in these cities made it possible to avoid major conflict and policy debates. In her study, Bridges (1997) found that the council-manager cities, without exception, had lower voter turnout than the mayor-council cities, despite the fact that a lower proportion of the population in the council-manager cities was foreign born, minority, and less educated. Like Karnig and Walter, she also concluded that the use of nonpartisan ballots and at large elections of council members reduce public participation in elections and thus insulate government officials from the demands of lower-income and ethnic groups. Wood's (2002) study examined this question using measures of structure based on the adapted cities typology developed by Frederickson, Johnson, and Wood (2003). His findings show that the cities with mayor-council governments had the highest voter turnout and the council-manager cities had the lowest turnout. Wood's findings are based on the adapted cities framework, which does not use form of government as the key variable in assigning governments to categories of structure. In the adapted cities framework, political cities are those cities that most closely resemble the classic mayor-council form.
 10. Ihrke studied differences among cities within the same state and did not attempt to assess differences in cities across the two states.
 11. Eskridge (2012, 219) used the following definitions in his survey to assist respondents in answering this question: management activities include "staffing, budgeting, coordination of departments, evaluating, directing, etc." Policy activities include "meetings with council members, agenda setting, and policy development, policy proposal, and policy advise [*sic*]." Political activities include "ceremonies, public relations, meetings with other governmental officials at other levels of government, speeches, etc."
 12. For the purposes of his study, Eskridge defines CAOs as "the individual within a government that is responsible for the administrative functions of the municipality (this may be the elected mayor or an appointed professional administrator)" (2012, 91).
 13. Eskridge's (2012, 216–17) measure of mission activities included three activities: determining the purpose and services of municipal government, developing strategies of future development of the municipality, and setting long-term fiscal priorities for the municipality. His measure of policy activities included four activities: developing annual goals and objectives for municipal programs, the budget process, identifying current issues that require attention by the municipal government, and developing solutions to current issues. His administration measure included three activities: evaluation the accomplishment of specific programs, resolving citizen complaints about services, and implementing programs and delivering services. Finally, his measure of management activities included three items: changing management practices or reorganizing city government, hiring decisions about department heads, and hiring decisions about employees below the department head level.
 14. Nelson and Nollenberger (2011) measured the amount of conflict as an index of perceptions about the presence of conflict, including whether the respondents believed that other officials were overstepping their roles, that conflict was a problem on city council, and that council members were too focused on short-term issues and administrative matters.
 15. That is, other than studies of the innovation of council-manager government.
 16. Mayoral power is measured using a six-point scale that includes information on "whether the mayor was responsible for preparing the budget, whether the mayor had power to appoint department heads, whether the mayor was directly elected by the voters, whether the mayor had veto power, and whether the mayor's position was full-time" (Krebs and Pelissero 2010, 396).
 17. The study also examined the effects of other elements of institutional structure. Krebs and Pelissero found that managers were less likely to propose REGO policies in places that used partisan ballots in the selection of local elected officials, holding constant several other factors likely to affect policy initiation.
 18. Council-manager governments were more likely to contract with other governments in all four years studied and with nongovernmental producers in 1992 and 2002. They were less likely to use nongovernmental producers in 1997, and there was no difference between the forms in 2007.
 19. Wood and Fan's (2008) study of citizen perceptions of service quality in 74 U.S. cities did not examine this question in terms of the two forms of governments but in terms of the adapted cities measure developed by Frederickson, Johnson, and Wood (2003).
 20. Spending levels are a common but very limited approach to measuring the level of services provided by local governments. Folz and Abdelrazek instead developed proximate measures other than spending for each of the five service areas. For example, police protection is measured by the ratio of full-time sworn officers per 1,000 people (2009, 557).
 21. Prior to correcting the estimation for serial autocorrelation, MacDonald's (2006) analysis showed the council-manager had a negative effect on sales prices. She suggested that Krefit's (2003) analysis suffered from several problems, including the use of a single cross-section and omitted variable bias.
 22. Sharp and Mullinix (2012) also analyzed factors explaining the use of benefit-cost analysis prior to granting development ventures, but they did not examine the effect of form of government on this decision. Instead, they focused on the proposition that form mediates the impact of other factors (economic need or disadvantage, government capacity other than form, and political context).
 23. These examples are not intended to criticize specific authors but to highlight the prevalence of this approach.

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Charter Revision

**A CCM Municipal Resource & Service Center
InfoKit**

March 2020



Charter Revision

A CCM Municipal Resource and Service Center
Research InfoKit

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Center staff at:
(203) 498-3000 or research@ccm-ct.org.



INTRODUCTION

Charter revisions are an important part of local governance in Connecticut's cities and towns. It is a good way for local officials and residents to review and assess their own processes and procedures, compare those with those of other communities, and reshape how their community is governed.

This Infokit will provide you with a significant amount of information and insight into how the charter revision process works and what some other municipalities have done recently to change their systems of governance.

The information provided in this document includes:

- The basics of the charter revision process;
- The relevant constitutional and statutory framework for home rule and charter revisions;
- Legislative reports on the subject;
- Examples of recent charter revisions.

We hope you find *Charter Revision* helpful.

A Service of CCM Municipal Resource and Service Center



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PART I: GUIDES AND RESEARCH REPORTS

Forms of Municipal Government in Connecticut

SELECTMAN - TOWN MEETING		COUNCIL-MANAGER*	MAYOR-COUNCIL*	OTHER*
Andover (4)*	Goshen	Avon	Ansonia	Manchester
Ashford	Griswold	Berlin	Bridgeport (4)	Stamford (4)
Barkhamsted	Guilford (4)*	Bloomfield	Bristol	Granby
Beacon Falls	Haddam*	Cheshire	Danbury	Hebron (4)
Bethany	Hampton	Clinton	Derby	Simsbury
Bethel*	Harland	Coventry	East Hartford	New Canaan
Bethlehem	Harwinton	Cromwell	East Haven	Trumbull
Bolton*	Kent	East Hampton	Hamden	Branford
Bozrah	Killingworth*	Enfield	Hartford (4)	Darien
Bridgewater (4)	Lebanon*	Farmington	Ledyard (4)	Fairfield (4)
Brookfield*	Lisbon	Glastonbury	Middletown (4)	Greenwich
Brooklyn	Litchfield	Groton	Milford	Waterford (4)
Burlington (4)*	Lyme	Killingly	Montville (4)	Westport (4)
Canaan	Madison*	Mansfield	Naugatuck	
Canterbury	Marlborough (4)*	Meriden	New Britain	
Canton (4)*	Middlebury*	Newington	New Haven	
Chaplin	Middlefield*	North Branford	New London (4)	
Chester	Monroe*	Norwich (4)	New Milford	
Colchester*	Morris	Plainville	Norwalk	
Colebrook	New Fairfield	Rocky Hill	Plymouth	
Columbia (4)*	New Hartford	South Windsor	Prospect	
Cornwall	Newtown*	Southington	Shelton	
Deep River	Norfolk	Tolland	Stratford (4)	
Durham (4)*	North Canaan	Watertown	Torrington (4)	
East Granby	North Haven*	West Hartford	Vernon	
East Haddam	North Stonington	Wethersfield	Wallingford	
East Lyme*	Old Lyme	Winchester	Waterbury (4)	
East Windsor (4)*	Old Saybrook*	Windham (4)	West Haven	
Eastford	Orange*	Windsor Locks*	Wolcott	
Easton	Oxford*	Woodbridge*		
Ellington*	Plainfield*	Woodbury*		
Essex	Pomfret	Woodstock		
Franklin	Portland*			

NOTE: Chartered municipalities are indicated by a (*) and in **BOLD**. All Council-Manager, Mayor-Council, and Other forms of government are chartered municipalities.

NOTE: (4) represents those municipalities whose Chief Elected Official (CEO) is elected on a 4-year cycle. All other municipalities have a 2-year CEO election cycle.

Source:

<https://www.jud.ct.gov/lawlib/ordinances.htm>

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BASIC STEPS FOR REVISING OR DEVELOPING A MUNICIPAL CHARTER

Below is a simple step-by-step outline of the charter development or revision process, as prescribed in *Connecticut General Statutes (CGS) 7-188* "Initiation of action for adoption, amendment or repeal of charter or home rule ordinance."

STEP 1: INITIATION

A charter revision proposal must be initiated by either a 2/3 vote of the entire membership of the municipal appointing authority (town or city council, board of selectmen, etc.), or a petition signed by not less than 10% of the electorate.

CGS §7-187(a); §7-188(b)



STEP 2: APPOINTMENT

Within 30 days, the appointing authority must appoint a charter commission, charter revision commission, or home rule ordinance revision commission. The commission must consist of five to fifteen electors (registered voters), not more than 1/3 of whom may hold another public office in the municipality, and with no more than a bare majority from the same political party. "The commission shall proceed forthwith to draft a charter or amendment to the existing charter, or amendments to the home rule ordinance as the case may be."

CGS §7-190(a)



STEP 3: PUBLIC HEARINGS

The commission must hold at least two public hearings; one prior to beginning "substantive work," and one after the commission has completed a draft report, but before submitting it to the appointing authority. The commission may hold other meetings it deems necessary.

CGS §7-191(a)



STEP 4: SUBMISSION

The appointing authority shall prescribe a date, no later than 16 months from appointment, by which the commission must submit the draft report, including the proposed revisions, to the municipal clerk. Although the appointing authority can prescribe a date, decisions are not definitive.

CGS §7-190(b); §7-191(b)



STEP 5: FINAL PUBLIC HEARING

The appointing authority shall hold its last public hearing within 45 days of submission of the commission's draft report

CGS §7-191(b)



STEP 6: RECOMMENDED CHANGES

Within 15 days of the last hearing, the appointing authority may recommend changes to the draft report.

- If there are recommended changes, the commission shall confer with the appointing authority concerning such recommendations and may amend its report or reject the recommendations. In either case the commission shall make its final report within 30 days of receiving such recommendations.
- If there are no recommended changes, the commission's report becomes final and the appointing authority shall act on it.

CGS §7-191(b), (c)

**STEP 7: APPROVAL OR REJECTION BY APPOINTING AUTHORITY**

Within 15 days after receiving the final report, the appointing authority shall, by majority vote, either approve or reject the proposed changes. Following a vote to reject, a petition may be filed for referendum within 45 days after rejection by the appointing authority. The commission shall terminate upon acceptance or rejection of its final report by the appointing authority.

CGS §7-190(c); 7-191(d)

**STEP 8: PUBLICATION**

Within 30 days of the authority's approval or certification of a petition from the electorate, the charter and amendments shall be published in full at least once in a general newspaper having circulation in the municipality.

CGS §7-191(d)

**STEP 9: REFERENDUM**

After approval or the filing of a petition, the appointing authority decides by majority vote whether to hold a vote on the charter, amendments or revisions at either a regular election (majority vote of participants needed for approval), or a special election (majority equal to at least 15% of qualified electors needed for approval). The election must be held not more than 15 months after approval by the appointing authority or certification of a petition.

CGS §7-191(e), (f)

**STEP 10: CERTIFICATION**

Not later than 30 days after approval by the electors, the municipal clerk must notify the Secretary of the State, in writing, of the results. The clerk must also file three certified copies of the charter, amendments or revisions with the Secretary of the State.

CGS §7-191(g)

CONSTITUTION OF THE STATE OF CONNECTICUT

ARTICLE TENTH. OF HOME RULE.

SEC. 1. The general assembly shall by general law delegate such legislative authority as from time to time it deems appropriate to towns, cities and boroughs relative to the powers, organization, and form of government of such political subdivisions. The general assembly shall from time to time by general law determine the maximum terms of office of the various town, city and borough elective offices. After July 1, 1969, the general assembly shall enact no special legislation relative to the powers, organization, terms of elective offices or form of government of any single town, city or borough, except as to (a) borrowing power, (b) validating acts, and (c) formation, consolidation or dissolution of any town, city or borough, unless in the delegation of legislative authority by general law the general assembly shall have failed to prescribe the powers necessary to effect the purpose of such special legislation.

SEC. 2. The general assembly may prescribe the methods by which towns, cities and boroughs may establish regional governments and the methods by which towns, cities, boroughs and regional governments may enter into compacts. The general assembly shall prescribe the powers, organization, form, and method of dissolution of any government so established.

Source: <https://www.cga.ct.gov/asp/Content/constitutions/CTConstitution.htm>

CONNECTICUT GENERAL STATUTES

CHAPTER 99* MUNICIPAL CHARTERS AND SPECIAL ACTS

*See Conn. Const. Art. X and Sec. 2-14.

Cited. 147 C. 60. If charter empowers legislative body of municipality to adopt and amend its own rules of order in exercising certain legislative function, such body need not act by ordinance or resolution. 148 C. 33, 44. Cited. 149 C. 631, 747. Home Rule Act covers entire field of charter drafting or amendment by municipalities so far as that is allowed to be done by them without action of General Assembly; act controls previously enacted special laws which are inconsistent with it, and methods it prescribes may be employed irrespective of any existing charter provisions; home rule, so far as it relates to charter changes, may be exercised only in accordance with provisions of general statutes; when Sec. 2-14 is read in connection with Home Rule Act, it becomes clear that legislature intended to provide two separate methods—one with, and one without, action by General Assembly—for inaugurating and securing adoption or amendment of a municipal charter. 150 C. 24. Cited. 152 C. 676; 156 C. 260. Plaintiffs as taxpayers had no standing as individuals to challenge the constitutional and legal existence of city of Danbury in action for declaratory judgment; doctrine of de facto municipal corporations discussed. *Id.*, 347. Cited. 171 C. 74; 172 C. 60; 174 C. 282; 178 C. 81; 180 C. 243; 182 C. 93; 185 C. 88. Provisions do not authorize a municipality to restrict the candidacy of unclassified state employees for elective office. 192 C. 399. Does not authorize municipal recall elections. 195 C. 524. Cited. 196 C. 623; 197 C. 554; 201 C. 377; 208 C. 543; 216 C. 112; 219 C. 217; 225 C. 378; 234 C. 513; 242 C. 678.

Cited. 16 CA 213; 42 CA 599.

Omission of zoning powers from enumeration of specific powers granted towns under chapter compels conclusion that legislature did not intend that any action under chapter should alter the declared law under the general zoning enabling act; that law is that zoning commissions have the exclusive power to enact and change zoning regulations and zone boundaries. 25 CS 378. Cited. 28 CS 286, 298, 413; 36 CS 74; 40 CS 539.

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[Sec. 7-200. Consolidation of school districts. Charter revisions in consolidation process.](#)

[Sec. 7-201. Receipt of funds. Appropriations.](#)

Sec. 7-187. Definitions. Whenever used in sections 7-188 to 7-193, inclusive:

(a) "Appointing authority" means the body having authority to appoint a charter commission, charter revision commission or home rule ordinance revision commission, which shall be the board of selectmen of a town not having a council or board of directors, the council or board of directors of a town having such a council or board, the common council or other body empowered to make ordinances of a city or the board of burgesses of a borough;

(b) "Commission" means any such charter commission, charter revision commission, or home rule ordinance revision commission;

(c) "Home rule ordinance" means any ordinance or resolution which has been adopted by a municipality prior to October 1, 1982, in substitution for a special act relating to its government, which ordinance or resolution may contain the provisions of such special act with or without amendments and which ordinance or resolution shall not be inconsistent with the Constitution of the state or the general statutes;

(d) "Municipality" means a town, city, borough, consolidated town and city or consolidated town and borough.

(1957, P.A. 465, S. 1; 1959, P.A. 678, S. 1; P.A. 81-451, S. 1, 10; P.A. 85-253, S. 1, 10.)

History: 1959 act added home rule ordinance commission; P.A. 81-451 added definitions of "commission", "home rule ordinance" and "municipality" and rephrased definition of "appointing authority", effective October 1, 1982; P.A. 85-253 redefined "home rule ordinance" to include resolutions.

Cited. 150 C. 26; 188 C. 276; 190 C. 39; 193 C. 1; 196 C. 623.

Sec. 7-188. Initiation of action for adoption, amendment or repeal of charter or home rule ordinance. (a) Any municipality, in addition to such powers as it has under the provisions of the general statutes or any special act, shall have the power to (1) adopt and amend a charter which shall be its organic law and shall supersede any existing charter, including amendments thereto, and all special acts inconsistent with such charter or amendments, which charter or amended charter may include the provisions of any special act concerning the municipality but which shall not otherwise be inconsistent with the Constitution or general statutes, provided nothing in this section shall be construed to provide that any special act relative to any municipality is repealed solely because such special act is not included in the charter or amended charter; (2) amend a home rule ordinance which has been adopted prior to October 1, 1982, which revised home rule ordinance shall not be inconsistent with the Constitution or the general statutes; and (3) repeal any such home rule ordinance by adopting a charter, provided the rights or benefits granted to any individual under any municipal retirement or pension system shall not be diminished or eliminated.

(b) Any action pursuant to subsection (a) of this section shall be initiated by a resolution adopted by a two-thirds vote of the entire membership of the appointing authority of such municipality, or by petition filed with the clerk of such municipality for submission to the appointing authority and signed by not less than ten per cent of the electors of such municipality, as determined by its last-completed registry list; provided, in the case of a consolidated town and city having a town clerk and a city clerk, such petition shall be filed with the city clerk.

(c) No signature on any petition filed pursuant to subsection (b) of this section shall be valid unless it has been obtained within ninety days of the filing of the page of the petition on which it appears. Any elector signing such a petition may cause his signature to be removed at any time prior to the filing of such petition with the clerk. The clerk with whom the petition is filed shall proceed forthwith to determine its sufficiency by comparing the signatures thereon with those contained in said registry list and shall certify its sufficiency or insufficiency to the appointing authority.

(d) After a resolution has been so adopted by the appointing authority or a petition has been so certified as sufficient, as the case may be, the appointing authority shall not adopt any resolution initiating such action and the clerk shall not accept any petition for the initiation of such action until such time as the commission appointed pursuant to such original resolution or petition has been terminated.

(1953, S. 271d, 272d; 1957, P.A. 465, S. 2; 1959, P.A. 678, S. 2; February, 1965, P.A. 269, S. 1; P.A. 81-451, S. 2, 10; P.A. 84-153; P.A. 85-253, S. 2, 10; P.A. 87-278, S. 2, 5.)

History: 1959 act added home rule ordinance provisions; 1965 act provided no signature is to be valid unless obtained within 90 days of filing petition; P.A. 81-451 provided that no new home rule ordinances should be adopted after October 1, 1982, and that no new petition could be accepted until a commission appointed pursuant to a previous petition had been terminated, effective October 1, 1982; P.A. 84-153 amended Subsec. (d) to apply provisions to resolutions and to clarify that only one commission can exist at any time; P.A. 85-253 amended Subsec. (a) to replace the word "revise" with the word "amend" and to add language concerning inclusion of special acts in Subdiv. (1); P.A. 87-278 inserted the word "otherwise" in the phrase "shall not otherwise be inconsistent" in Subsec. (a).

See Sec. 7-328a re home rule action.

Cited. 140 C. 517. Home rule, so far as it relates to charter changes, may be exercised only in accordance with general statutes. 150 C. 24. Purpose behind act is to enable municipalities to draft or amend charters without necessity of action by General Assembly; as to method or procedure of assessment, the Home Rule Act, being later in time, takes precedence over any inconsistent provisions in the Waterbury charter. 152 C. 423. Act exhibits legislative intent to add a new power to those which municipalities already had without affecting existing powers. Id., 424. Cited. 178 C. 81; 180 C. 243; 182 C. 253; 188 C. 276; 190 C. 736; 193 C. 1; 216 C. 112; 234 C. 513.

Cited. 37 CA 348.

Adoption of municipal charter does not invalidate special acts prior thereto establishing special districts. 28 CS 413. A charter provision cannot repeal or nullify the general statutes. 31 CS 392.

Sec. 7-189. Form of petition. (a) The form of the petition for adopting or amending a charter or amending a home rule ordinance shall be as follows: **WARNING: ALL SIGNATURES SHALL BE IN INK OR INDELIBLE PENCIL.** We, the undersigned electors of the town, city or borough of (here insert name of town, city or borough), hereby present this petition under the provisions of section 7-188 requesting the appointment of a commission for (insert one of the following: "The adoption of a charter, the amendment of its charter, or the amendment of its home rule ordinance", using such words as are applicable) and we certify that we are electors of the town, city or borough of residing at the addresses set opposite our names and that we have signed this petition on the dates opposite our names and not more than once. (Here follow the signatures, dates and addresses.)

(b) Each page of such petition shall contain a statement, signed under penalties of false statement as defined in section 53a-157b, by the person who circulates the same, setting forth such circulator's name and address, and which shall be in the form as follows: "Each person whose name appears on this page signed the same in person in my presence and such person is known to me or has satisfactorily identified himself to me." Any page of a petition which does not contain such a statement by the circulator shall be invalid.

(c) Such petition may also include, immediately after the statement provided in subsection (a) of this section, a list of general or specific recommendations for consideration by such commission.

(1957, P.A. 465, S. 3; 1959, P.A. 678, S. 3; February, 1965, P.A. 269, S. 2; P.A. 81-451, S. 3, 10; P.A. 85-253, S. 3, 10.)

History: 1959 act added home rule ordinance provisions; 1965 act added provision for placing date of signing on petition; P.A. 81-451 added Subsec. (b) concerning the statement of the circulator and Subsec. (c) concerning recommendations for consideration by the commission and revised wording of petition form in Subsec. (a), effective October 1, 1982; P.A. 85-253 amended Subsec. (a) to refer to amendments of charters and home rule ordinances rather than to revisions.

Cited. 188 C. 276; 193 C. 1; 196 C. 623; 234 C. 513.

Sec. 7-190. Commission: Appointment, membership, duties, report, termination. (a) Within thirty days after such action has been initiated by vote of the appointing authority or by certification of a petition, the appointing authority shall by resolution appoint a commission consisting of not fewer than five nor more than fifteen electors, not more than one-third of whom may hold any other public office in the municipality and not more than a bare majority of whom shall be members of any one political party, which commission shall proceed forthwith to draft a charter, or amendments to the existing charter, or amendments to the home rule ordinance, as the case may be.

(b) The appointing authority shall direct the commission to consider those recommendations included in the petition and may make other recommendations to the commission. The commission may also consider other items for inclusion in the proposed charter, other changes to the charter or home rule ordinance and such other items as it deems desirable or necessary. The commission shall in its reports comment on each recommendation which it has been directed to consider, if any, and on such other changes or items. The appointing authority shall specify by resolution when the commission shall submit its draft report, which shall be not later than sixteen months from the date of its appointment.

(c) The commission shall terminate upon acceptance or rejection of its final report by the appointing authority.

(1957, P.A. 465, S. 4; 1959, P.A. 678, S. 4; 1967, P.A. 76; P.A. 75-179; P.A. 81-451, S. 4, 10; P.A. 83-188, S. 2; P.A. 85-253, S. 4, 10.)

History: 1959 act added home rule ordinance provisions; 1967 act made minor change in wording; P.A. 75-179 distinguished between charter commissions and charter revision or home rule ordinance commissions re report deadlines; P.A. 81-451 divided section into subsecs., clarified language of existing provisions, required consideration of recommendations in petition and recommendations of appointing authority, changed deadline for report from 18 to 16 months from date of appointment and added Subsec. (c) re termination of commission, effective October 1, 1982; P.A. 83-188 made minor change in wording of Subsec. (b), requiring submission of draft report rather than of final report; P.A. 85-253 replaced the words "revision of" with the words "amendments to" and made certain technical changes.

Cited. 150 C. 27; 184 C. 30. Interpretation of statute not unconstitutional. 188 C. 276. Cited. 193 C. 1; 196 C. 623; 234 C. 513.

Sec. 7-191. Charters, charter amendments and home rule ordinance amendments: Hearings; draft and final report; public notice; referendum; effective date; filing of copies with Secretary of the State; file maintained by State Library. (a) The commission shall hold at least two public hearings on the proposed charter, charter amendments or home rule ordinance amendments; one prior to the beginning of any substantive work on such charter, charter amendments or home rule ordinance amendments, and one after the draft report to the appointing authority has been completed, but not submitted, after which hearings the commission may amend such report. The commission may hold such other public hearings as it deems necessary.

(b) The commission shall submit its draft report, including the proposed charter, charter amendments or home rule ordinance amendments, to the clerk of the municipality, who shall transmit such report to the appointing authority. The appointing authority shall hold at least one public hearing on the draft report and shall hold its last hearing not later than forty-five days after the submission of the draft report to such clerk. Not later than fifteen days after its last hearing, the appointing authority shall make recommendations to the commission for such changes in the draft report as it deems desirable.

(c) If the appointing authority makes no recommendations for changes in the draft report to the commission within such fifteen days, the report of the commission shall be final and the appointing authority shall act on such report. If the appointing authority makes recommendations for changes in the draft report to the commission, the commission shall confer with the appointing authority concerning any such recommendations and may amend any provisions of the proposed charter, charter amendments or home rule ordinance amendments, in accordance with such recommendations, or the commission may reject such recommendations. In either case the commission shall make its final report to the appointing authority not later than thirty days after receiving such recommendations.

(d) Not later than fifteen days after receiving the final report, the appointing authority, by a majority vote of its entire membership, shall either approve the proposed charter, charter amendments or home rule ordinance amendments or reject the same or separate provisions thereof. Not later than forty-five days after a vote of the appointing authority to reject such matter, a petition for a referendum thereon, signed by not less than ten per cent of the electors of such municipality, as determined by the last-completed registry list thereof, and filed and certified in accordance with the provisions of section 7-188, may be presented to the appointing authority. Not later than thirty days after approval by the appointing authority or the certification of such a petition (1) the proposed charter shall be published in full at least once in a newspaper having a general circulation in the municipality, or (2) the portion of the charter or home rule ordinance being amended shall be published at least once in a newspaper having a general circulation in the municipality with a notice that a complete copy of the charter or home rule ordinance and amendment is available in the town clerk's office and that a copy shall be mailed to any person who requests a copy. The town clerk shall mail or otherwise provide such copy to any person who requests a copy.

(e) The appointing authority shall, by a majority vote of its entire membership, determine whether the proposed charter, charter amendments or home rule ordinance amendments shall be submitted to the electors for approval or rejection at a regular election or at a special election warned and held for that purpose, which shall be held not later than fifteen months after either the approval by the appointing authority or the certification of a petition for a referendum.

(f) The proposed charter, charter amendments or home rule ordinance amendments shall be prepared for the ballot by the appointing authority and may be submitted in the form of one or several questions; and, if approved by a majority of the electors of the municipality voting thereon at a regular election or if approved by a majority which number equals at least fifteen per cent of the electors of the municipality as determined by the last-completed active registry list of such municipality at a special election, such proposed charter, charter amendments or home rule ordinance amendments shall become effective thirty days after such approval unless an effective date or dates are specified therein, in which event the date or dates specified shall prevail.

(g) Not later than thirty days after the approval by the electors of any proposed charter, charter amendments or home rule ordinance amendments, the town or city clerk shall file, with the Secretary of the State, (1) three certified copies thereof, with the effective date or dates indicated thereon, and (2) in the case of the approval of charter or home rule ordinance amendments, three certified copies of the complete charter or ordinance incorporating such amendments. The Secretary of the State shall distribute two copies, whether tangible or intangible in form, to the State Library, where a file of such charters, charter amendments and home rule ordinance amendments shall be kept for public inspection.

(1953, S. 271d; 1957, P.A. 465, S. 5; 1959, P.A. 678, S. 5; 1963, P.A. 184; P.A. 75-358, S. 1, 2; P.A. 77-196, S. 1; P.A. 79-207; P.A. 81-451, S. 5, 10; P.A. 82-472, S. 14, 183; P.A. 83-188, S. 3; P.A. 84-161; P.A. 85-253, S. 5, 10; P.A. 87-387, S. 3; P.A. 96-134, S. 6, 9; P.A. 00-92, S. 6; P.A. 02-89, S. 7; P.A. 03-99, S. 1; P.A. 07-227, S. 19.)

History: 1959 act added home rule ordinance provisions and changed "general" election to "regular" election; 1963 act specified subject matter of mandatory hearing by commission and provided for referendum re rejected matter on petition of electors; P.A. 75-358 made specific provisions re effective dates for charters, home rule ordinances etc., re validations of actions of municipality or its administrative agencies or officials; P.A. 77-196 required filing with secretary of the state within 15 days rather than 7 days; P.A. 79-207 required two public hearings rather than one, one before the substantive work and one after report is drafted but before its submission; P.A. 81-451 divided section into subsecs., clarified language of existing provisions, changed time for hearing from 30 to 45 days after submission of draft report, reduced the percentage of electors necessary to force a referendum from 15% to %10, required that election be held within 15 months rather than one year after approval or certification of petition and provided that the appointing authority shall prepare the ballot, effective October 1, 1982; P.A. 82-472 made technical corrections; P.A. 83-188 made minor changes in wording of Subsec. (b); P.A. 84-161 amended Subsec. (h) to provide for 30-day filing period rather than 15-day period; P.A. 85-253 changed "revised charter" to "charter amendments" and "revised home rule ordinance" to "home rule ordinance amendments"; P.A. 87-387 added Subsec. (h)(2) re filing requirements in the case of approval of charter or home rule ordinance amendments; P.A. 96-134 added the word "active" before "registry list of such municipality" in Subsec. (f), effective May 29, 1996; P.A. 00-92 amended Subsec. (b) to require hearing "not later than" 45 days "after the submission" rather than former "within" 45 days "of the submission", and throughout the section substituted "not later than" for "within"; P.A. 02-89 deleted as obsolete former Subsec. (g) re effective date of any proposed charter, home rule ordinance or amendment or repeal thereof approved at any election on or after November 5, 1974, and prior to July 1, 1975, and re the validation of actions of a municipality or agency or official thereof taken prior to July 1, 1975, under a previously effective charter or home rule ordinance, and redesignated existing

Subsec. (h) as Subsec. (g); P.A. 03-99 amended Subsec. (d) to insert Subdiv. designators (1) and (2), to delete requirement that charter or home rule ordinance amendments be published in full and to provide that the portion of the charter or home rule ordinance being amended be published and that a copy be provided by the town clerk upon request; P.A. 07-227 added reference to tangible or intangible copies in Subsec. (g), effective July 1, 2007.

See chapter 152 re holding of referenda.

Cited. 140 C. 517. Legislature intended procedure outlined in Home Rule Act to be a complete, self-contained method of amending charter of a city irrespective of any existing charter provision; Home Rule Act controls previously enacted special laws which are inconsistent with it; home rule, so far as it relates to charter changes, may be exercised only in accordance with provisions of general statutes. 150 C. 24. Amendment of charter of consolidated city of Norwich to change tax and other provisions concerning its districts pursuant to Secs. 7-188 through 7-194 held valid when challenged by action for declaratory judgment by resident taxpayer. 155 C. 573. Cited. 184 C. 30. Interpretation of statute not unconstitutional. 188 C. 276. Cited. 193 C. 1; 196 C. 623; 234 C. 513.

Sec. 7-191a. Adoption of home rule ordinance. Any home rule ordinance in effect on October 1, 1982, shall be part of the organic law of the municipality and the special act superseded thereby and any other special act relating to the government of such municipality inconsistent therewith are repealed.

(1959, P.A. 678, S. 6; P.A. 81-451, S. 6, 10.)

History: P.A. 81-451 made ordinances in effect on October 1, 1982, a part of municipality's organic law, replacing provision which had made any home rule ordinance a part of organic law upon its adoption, effective October 1, 1982.

Cited. 178 C. 81; 188 C. 276; 193 C. 1; 196 C. 623.

Sec. 7-191b. Amendments to charters to modify budget adoption dates. Notwithstanding the provisions of this title and chapters 164, 170 and 204 and any special act, municipal charter or home rule ordinance, a municipality, upon a two-thirds vote of its legislative body, may amend its charter for the sole purpose of modifying its budget adoption dates. Such budget adoption dates may include, but need not be limited to, applicable dates relating to an executive presentation of a proposed budget, public hearings, fiscal authority action, publications, referenda or final budget adoption. Any vote by the legislative body of a municipality pursuant to this section shall include a reference to this section. For the purposes of this section, "municipality" has the same meaning as provided in section 7-401.

(P.A. 18-12, S. 1.)

History: P.A. 18-12 effective May 25, 2018.

Sec. 7-192. Existing provisions not affected. Amendments to charters. Amendment or revision of home rule ordinance. Supersedence of certain special acts by municipal ordinance. Termination of certain parking authorities and boards of health. (a) Every charter, special act and home rule ordinance in effect on October 1, 1982, shall continue in effect until repealed or superseded by

the adoption of a charter, charter amendments or home rule ordinance amendments in accordance with this chapter, the provisions in any charter in existence on said date governing revision or amendment to the contrary notwithstanding. Nothing in this section shall prohibit the adoption of a revised home rule ordinance or home rule ordinance amendments by any method established in such home rule ordinance if the provisions concerning such method were in effect on July 15, 1959. Any municipality administering its local affairs under the provisions of the general statutes or special acts adopted prior to said date may continue to so administer its local affairs until the electors of such municipality avail themselves of the provisions of this chapter. Any municipality having as its organic law a home rule ordinance or a revised or amended home rule ordinance shall after any revision or amendment of such ordinance publish, in a single document, any such home rule ordinance and shall make such ordinance available at a nominal cost to any member of the public.

(b) Notwithstanding the provisions of subsection (a) of this section, the provisions of any special act relative to the number of holders of an office, or members of a board, commission, department or agency of a municipality (1) which does not administer its affairs under a charter, and (2) for which the legislative body, as defined in section 1-1, is a town meeting may be superseded by adoption of a municipal ordinance that is not otherwise inconsistent with the Constitution of the state or the general statutes.

(c) Notwithstanding the provisions of subsection (a) of this section, any consolidated town and city which (1) was consolidated in 1902, (2) has a mayor and board of aldermen form of government, and (3) has a population of more than one hundred thousand may terminate a parking authority established by special act in such consolidated town and city upon majority vote of the board of aldermen. The clerk of any such consolidated town and city shall notify the Secretary of the State of such termination not more than ten days after such vote.

(d) Notwithstanding the provisions of subsection (a) of this section, any municipality which (1) was incorporated in 1784, (2) administers its affairs under a charter and for which the legislative body is a town meeting, and (3) has a population of less than twelve thousand may terminate a board of health established in the municipality by special act by adoption of an ordinance that is not otherwise inconsistent with the Constitution of the state or the general statutes.

(1957, P.A. 465, S. 6; P.A. 81-451, S. 7, 10; P.A. 85-253, S. 6, 10; P.A. 92-172, S. 1; P.A. 03-256, S. 2.)

History: P.A. 81-451 transferred former provision concerning imposition of taxes to Sec. 7-192a and added provisions concerning revision of home rule ordinance by methods in effect prior to July 15, 1959, and to publication of home rule ordinances, effective October 1, 1982; P.A. 85-253 amended section to refer to amendment of charters and home rule ordinances rather than to their revision; P.A. 92-172 amended section by designating Subsec. (a) and adding Subsec. (b) re supersedence of special acts by municipal ordinance not inconsistent with the state constitution or general statutes; P.A. 03-256 made a technical change in Subsec. (b), added Subsec. (c) re termination of a parking authority in a consolidated town or city and added Subsec. (d) re termination of a board of health in a municipality, effective June 26, 2003.

Legislature intended procedure outlined in Home Rule Act to be a complete, self-contained method, not involving action by General Assembly, of amending charter of a city, irrespective of any existing charter provision; act confers no power on mayor to exercise a veto; a construction

which would import into these amendatory proceedings the power of veto conferred on mayor by charter would be inconsistent with procedure provided for in Sec. 7-191. 150 C. 24. Cited. 155 C. 579; 171 C. 74. Retention of surplus was not an unauthorized exercise of taxing power in violation of statute. 178 C. 81. Charter provisions regarding consolidation prevail over parallel provisions in Home Rule Act. 179 C. 589. Cited. 188 C. 276; 193 C. 1; 196 C. 623.

Sec. 7-192a. New tax not authorized by general statutes prohibited. Provisions affecting elections and electors not to be adopted. No provision of this chapter shall be deemed to empower any municipality to levy or collect any tax not authorized by the general statutes or to adopt a charter, charter amendments or home rule ordinance amendments which shall affect matters concerning qualification and admission of electors; duties and responsibilities of registrars of voters; duties and responsibilities of town clerks with respect to electors, voting and elections; forfeiture of electoral rights and restoration of the same; absentee voting; conduct of and procedures at elections; hours of voting; canvass of electors; preliminary, final and supplementary registry lists; warning of elections; election officials and their duties and responsibilities; election canvass and returns; election contests; corrupt practices; prohibited acts with respect to elections; nomination of candidates; adoption and amendment of party rules; primaries; and political parties and enrollment therein.

(1967, P.A. 417, S. 1; P.A. 81-451, S. 8, 10; P.A. 85-253, S. 7, 10.)

History: P.A. 81-451 added provisions concerning new taxes, formerly in Sec. 7-192, effective October 1, 1982; P.A. 85-253 amended section to refer to amendment of charters and home rule ordinances rather than to their revision.

Cited. 188 C. 276; 193 C. 1; 195 C. 524; 196 C. 623.

A town is not prohibited by section from adopting age requirements for local elective officers. 31 CS 447.

Sec. 7-193. Required provisions. Organization of government. (a) Any charter adopted or amended under the provisions of this chapter shall conform to the following requirements:

(1) The municipality shall have a legislative body, which may be: (A) A town meeting; (B) a representative town meeting; (C) a board of selectmen, council, board of directors, board of aldermen or board of burgesses; or (D) a combination of a town meeting or representative town meeting and one of the bodies listed in subparagraph (C). In any combination, the body having the greater number of members shall have the power to adopt the annual budget and shall have such other powers as the charter prescribes, and the body having the lesser number of members shall have the power to adopt, amend and repeal ordinances, subject to any limitations imposed by the general statutes or by the charter. The number of members in any elective legislative body, the terms of office of such members and the method by which they are elected shall be prescribed by the charter.

(2) The municipality shall have a chief executive officer, who may be one of the following: (A) The first selectman; (B) a chief administrative officer appointed by the board of selectmen; (C) a mayor elected by the electors of the municipality; (D) a warden elected by the electors of the borough; (E) a town, city or borough manager appointed by the board of selectmen, the council, the board of directors, the board of aldermen or the board of burgesses; (F) a chief administrative

officer appointed by the mayor. Any municipality having a manager as its chief executive officer may also have a mayor who shall be the presiding officer of its legislative body, shall be the ceremonial head of such municipality and shall have such other powers and duties as the charter prescribes. The powers, duties and term of office of the chief executive officer shall be those prescribed by the general statutes and he shall have such other powers and duties as the charter prescribes.

(b) Every municipality shall have all municipal officers, departments, boards, commissions and agencies which are required by the general statutes or by the charter. Each municipality may have any municipal officers, departments, boards, commissions and agencies which are specifically allowed by the general statutes or which are necessary to carry out any municipal powers, duties or responsibilities under the general statutes. All such officers, departments, boards, commissions and agencies shall be elected, appointed and organized in the manner provided by the general statutes, except as otherwise provided by the charter or by ordinances or resolutions adopted pursuant to such charter. Any municipality may, by charter or by ordinances or resolutions adopted pursuant to such charter, alter the method of election, appointment or organization of any or all of such officers, departments, boards, commissions or agencies, including combining or separating the duties of each, unless specifically prohibited from making such alteration by the Constitution or the general statutes.

(1957, P.A. 465, S. 7; P.A. 76-296, S. 1; P.A. 81-451, S. 9, 10; P.A. 85-253, S. 8, 10; P.A. 86-230.)

History: P.A. 76-296 included among those things prescribed by statute, the term of office of municipality's chief executive officer; P.A. 81-451 substituted "municipality" for "town, city, borough", effective October 1, 1982; P.A. 85-253 applied provisions to charter amendments; P.A. 86-230 changed the manner of subdividing the section and expanded the new Subdiv. (b) by clarifying that a municipality may alter the method of election, appointment or organization of its officers, departments, boards, commissions or agencies.

See Sec. 9-167a re minority representation.

Cited. 170 C. 62; 188 C. 276; 192 C. 399; 193 C. 1; 195 C. 524; 196 C. 623; 234 C. 513.

Cited. 41 CS 295.

Subsec. (b):

Cited. 216 C. 112; 219 C. 217.

Because Subsec. authorizes commissions to be elected, appointed and organized as provided by the charter or by ordinances or resolutions adopted pursuant to such charter, and because Plainville's charter requires five affirmative votes of the town council for the adoption of any resolution, ordinance or vote, the adoption of the resolution appointing members by only four affirmative votes renders their appointment and subsequent actions null and void. 47 CA 783. Trial court properly concluded that membership amendment was authorized by statute; however, it was improper for trial court to engage in analysis of common law doctrine of incompatible offices because language of statute precludes it. 70 CA 358.

Cited. 35 CS 645.

Sec. 7-194. Powers. Subject to the provisions of section 7-192, all towns, cities or boroughs which have a charter or which adopt or amend a charter under the provisions of this chapter shall have the following specific powers in addition to all powers granted to towns, cities and boroughs under the Constitution and general statutes: To manage, regulate and control the finances and property, real and personal, of the town, city or borough and to regulate and provide for the sale, conveyance, transfer and release of town, city or borough property and to provide for the execution of contracts and evidences of indebtedness issued by the town, city or borough.

(1957, P.A. 465, S. 8; 1961, P.A. 490; 517, S. 89; 1967, P.A. 19; 1971, P.A. 802, S. 12; 1972, P.A. 279, S. 1, 2; P.A. 75-516, S. 1, 2; P.A. 79-531, S. 2; 79-618, S. 2; P.A. 80-403, S. 8, 10; 80-483, S. 19, 186; P.A. 81-219, S. 2, 3.)

History: 1961 acts made section applicable to municipalities having a charter as well as those which adopted or amended a charter under provisions of this chapter and amended Subdiv. (50) to remove obsolete exception for court officers; 1967 act amended Subdiv. (57) to raise maximum penalty from \$25 to \$100; 1971 act repealed Subdiv. (41) re building code regulation; 1972 act added Subdiv. (58) re merit and civil service systems; P.A. 75-516 added Subdiv. (59) re leasing real property; P.A. 79-531 added Subdivs. (60) and (61) re fair housing and data processing services; P.A. 79-618 added Subdiv. (62) re ethics code; P.A. 80-403 added Subdiv. (63) re discriminatory practices; P.A. 80-483 made technical changes; P.A. 81-219 transferred most powers from this section to Sec. 7-148, effective October 1, 1982.

Cited. 147 C. 60. Where charter points out particular way in which act is to be done, prescribed form must be pursued for act to be lawful. *Id.*, 401. If charter of city grants, in general terms, power to take any land necessary to layout of highways, it is to be presumed, in absence of express words or necessary implication to the contrary, that it was not intended land already appropriated to one public use should be taken for another. *Id.*, 478. Language in charters varies so that cases involving construction of some charters are not authoritative in determining power under others. 148 C. 233. Cited. 152 C. 422. Court held ordinances attempted to regulate public service company and were in conflict with state policy; New Haven and Hamden ordinances requiring private water company, which also served 11 other towns, to fluoridate the water it supplied them held invalid. *Id.*, 563, 566. Ability of board of education to perform its statutory duties not destroyed by requirement that it select nonprofessional employees under civil service requirements of charter. *Id.*, 568. A town, as a creature of the state, can exercise only such powers as are expressly granted to it, or such powers as are necessary to enable it to discharge the duties and carry into effect the objects and purposes of its creation. 153 C. 236. Regulation and disposal of refuse and garbage is town power and refuse disposal operation is not a nuisance where not in arbitrary or unreasonable manner. 156 C. 304. Cited. 158 C. 100; 162 C. 497; 171 C. 78. Town has broad authority to control traffic on its public streets which includes the closing thereof to vehicular traffic. 174 C. 282. That the legislature went to the extent of precisely enumerating numerous specific powers without mentioning subpoena power indicates it did not intend to grant municipalities such a power by way of charter adoption; former Subdiv. (26) did not authorize a municipality to grant its governing or legislative body the power to issue subpoenas. 180 C. 243. "Regulate" connotes the power to permit and control as well as to prohibit and infers limitations. 181 C. 114. Cited. 182 C. 253. Adoption of equal opportunities ordinance was valid exercise of Home Rule Act, but former Subdiv. (25) did not authorize municipality to create commission to resolve employment discrimination complaints. 183 C. 495.

Cited. 185 C. 88; 186 C. 229; 188 C. 276; 193 C. 1; 196 C. 623; 203 C. 267; 208 C. 543; 237 C. 135; 241 C. 678.

Cited. 1 CA 417; 42 CA 599.

Omission of zoning powers from enumeration of specific powers granted towns under statute compels conclusion that legislature did not intend that any action under chapter should alter the declared law under the general zoning enabling act. 25 CS 378, 379. Cited. 31 CS 447; 34 CS 14. Former Subdiv. (58) provided authority to establish a merit or civil service system for selection and promotion; also contained implied power to establish a personnel appeals board. 35 CS 645. Cited. 36 CS 74; 37 CS 124.

Sec. 7-195. Consolidation of governments. (a) As used in this section and sections 7-196 to 7-201, inclusive, "unit of local government" means a town or political subdivision thereof and "political subdivision" means a city, borough or district within a town.

(b) The consolidation of the government of any town with the government or governments of one or more political subdivisions therein shall be effected in the manner hereinafter prescribed. A proposal to consolidate setting forth the units of local government to be consolidated may be adopted by a majority vote of the entire membership of the legislative body of any unit of local government or, when the legislative body is the town meeting, by a majority vote of those present and voting. Upon adoption of such proposal, a copy thereof shall be transmitted to the legislative body of each other unit of local government included in the proposed consolidation, which legislative body shall, within thirty days of the adoption of the proposal, accept or reject the proposal. Acceptance shall be by resolution adopted by at least a majority vote of the entire membership of the legislative body of each such other unit or, when the legislative body is the town meeting, by a majority vote of those present and voting, a copy of which resolution shall forthwith be filed with the town clerk.

(c) In addition to the method of initiating a consolidation set forth above, such action may also be initiated by petition. Such petition shall set forth the units of local government to be consolidated and shall be signed by not less than ten per cent of the electors of each political subdivision included in the proposed consolidation and by not less than ten per cent of the electors of the town, if any, residing outside the boundaries of any such political subdivision; provided, if a lesser number of signatures on such petition is required by any existing special act, such number shall be sufficient for the purposes of this section. Prior to the obtaining of any signatures on such petition, a copy thereof shall be filed with the town clerk and a period of ninety days from the date of such filing shall be allowed for the obtaining of the required signatures. Within not more than ninety days from the filing of the copy of the petition with the town clerk, the signed petition shall be filed with the town clerk, who shall proceed forthwith to determine its sufficiency by comparing the names thereon with those contained in the registry list of the town and shall certify its sufficiency or insufficiency to the presiding officer of the legislative body of the town; provided a separate petition may be signed by the electors of each political subdivision included within the proposed consolidation and by the electors residing outside the boundaries of any such political subdivision, in which case the clerk of each such political subdivision shall determine the sufficiency of the petition so far as such political subdivision is concerned and shall certify such sufficiency or insufficiency to the clerk of the town, who shall transmit the certification to the presiding officer of the legislative body of the town.

(1957, P.A. 465, S. 9; 1971, P.A. 55; P.A. 80-474, S. 1, 4.)

History: 1971 act required passage by two-thirds majority of those present and voting when legislative body is town meeting; P.A. 80-474 amended Subsec. (b) to require adoption and acceptance of consolidation by simple majority rather than two-thirds majority.

Cited. 152 C. 676. District means geographical subdivision, inhabitants of which are invested with power to discharge some function of government; since districts in consolidated city of Norwich are not units of local government but subdivisions of city, changes in city charter affecting them were properly made by amendment and not by consolidation procedures hereunder. 155 C. 573. Cited. 171 C. 74; 179 C. 589; 184 C. 30; 188 C. 276; 195 C. 524; 208 C. 543.

Watertown and Oakville Fire districts are units of local government and consolidation with Watertown is governed by Secs. 7-195 to 7-201. 28 CS 413.

Sec. 7-196. Form of petition. The form of the petition for proposing a consolidation shall be as follows: **WARNING: ALL SIGNATURES SHALL BE IN INK OR INDELIBLE PENCIL.** We, the electors of the town, city or borough or unit of local government of (Here insert the name of the town, city, borough or unit of local government), hereby present this petition under the provisions of section 7-195 proposing a consolidation with the following-named town, city, borough or unit of local government, and we certify that we are electors of the town, city, borough or unit of local government of residing at the addresses set opposite our names and that we have not signed this petition more than once. (Here follow the signatures and addresses.)

(1957, P.A. 465, S. 10.)

Cited. 171 C. 74; 179 C. 589; 188 C. 276; 208 C. 543.

Sec. 7-197. Consolidation commission. If, within thirty days of the adoption of the proposal to consolidate by the initiating legislative body, the legislative body of each other unit of local government included in the proposed consolidation has accepted the proposal, or if a sufficient petition has been certified to the presiding officer of the legislative body of the town, such presiding officer shall call a joint meeting of the legislative bodies of all of the units of local government included in the proposal, designate the time and place, and preside at the joint meeting. Such meeting shall by joint resolution appoint a consolidation commission of not fewer than five nor more than fifteen members. Each political subdivision included in the proposed consolidation and the area of the town, if any, outside the boundaries of any such political subdivision shall be represented on the consolidation commission, as nearly as possible, in proportion to the number of electors residing in each such political subdivision and the number of electors residing outside the boundaries of any such political subdivision; provided there shall be at least one commission member from each political subdivision in the proposed consolidation and one member from the area of the town, if any, outside the boundaries of any such political subdivision.

(1957, P.A. 465, S. 11.)

Cited. 152 C. 676; 171 C. 74; 179 C. 589; 184 C. 30; 188 C. 276; 208 C. 543.

Sec. 7-198. Duties of commission. Such consolidation commission shall prepare a consolidation ordinance in which provision shall be made for the allocation of local governmental functions and services to existing offices, departments, boards, commissions or other agencies of the town, city, borough or other unit of local government; the abolition of unnecessary offices, departments, boards, commissions or other agencies; the definition of areas in which services are to be rendered; the establishment of necessary taxing districts to pay the cost of such services; the distribution of assets and liabilities, and such other matters as are required to effectuate such consolidation, including the necessary revision of the charter of any of the units of local government under consolidation so as to eliminate unnecessary offices, departments, boards, commissions or other agencies or to expand existing offices, departments, boards, commissions or other agencies and so to render such charter effective as the charter of the consolidated municipality; provided the terms of the consolidation ordinance shall not, in terms or effect, impair the contractual obligations of the town, city, borough or other unit of local government.

(1957, P.A. 465, S. 12; 1963, P.A. 18, S. 1.)

History: 1963 act deleted the word “geographical” before the word “areas” in the phrase “the definition of areas” and specifically provided for necessary charter revision, deleting a prohibition against the establishment of new offices, departments, etc.

“Cost of such services” does not permit charges exceeding cost of acquiring, constructing and operating a sewage system; taxpayer cannot be charged for more than he is actually receiving. 171 C. 74. Cited. 179 C. 589; 188 C. 276; 208 C. 543.

Sec. 7-199. Referendum. Not less than ninety days nor more than eighteen months after the appointment of such consolidation commission, such consolidation ordinance shall be submitted to the town clerk. Such ordinance shall be submitted to the electors of the town at the next general election following submission to the town clerk. A special election may be held before the next general election providing a petition for a special election is filed with the town clerk of such municipality for submission to the legislative body and signed by not less than ten per cent of the electors of such town. The sufficiency of such petition shall be determined in the manner specified in section 7-188. Such consolidation ordinance shall become effective if approved by a majority of the electors of the town voting thereon; provided such majority shall be no less than fifteen per cent of the electors as determined by the last-completed registry list of such town.

(1957, P.A. 465, S. 13; P.A. 75-212, S. 1, 2.)

History: P.A. 75-212 required submission of ordinance within 18 months rather than within one year to town clerk (previously to electors) and to voters at next general election following submission to clerk unless special election held.

Cited. 171 C. 74; 179 C. 589; 188 C. 276; 208 C. 543.

Sec. 7-200. Consolidation of school districts. Charter revisions in consolidation process. Nothing in sections 7-195 to 7-201, inclusive, shall be construed to prevent the consolidation of school districts as heretofore provided by law. Nothing herein contained shall be construed to prevent a consolidation commission from making revisions in the charter of any of the units of local government in the process of consolidation so as more conveniently and appropriately to effectuate the process of consolidation of that unit of government with the other unit or units of

government concerned; nor shall the provisions of sections 7-187 to 7-191, inclusive, apply to any such consolidation commission.

(1957, P.A. 465, S. 14; 1963, P.A. 18, S. 2.)

History: 1963 act deleted language re appointment of combined charter and consolidation commission and added provision re charter revisions to facilitate consolidation procedure.

Cited. 179 C. 589; 188 C. 276; 208 C. 543.

Sec. 7-201. Receipt of funds. Appropriations. Any charter commission or consolidation commission appointed under the provisions of this chapter is authorized to receive for its own use and purposes any funds or money from any source, including gifts and contributions, made by any individual, corporation or association. Any unit of local government is authorized to appropriate funds for expenses incurred by any charter commission, consolidation commission or combined charter and consolidation commission in the performance of its purposes. Within the amounts so received such commissions may engage employees and contract for the services of consultants.

(1957, P.A. 465, S. 15.)

Cited. 179 C. 589; 188 C. 276; 208 C. 543.

PUBLIC ACT 18-12: An Act Permitting The Amendment of Municipal Charters for the Purpose of Modifying Budget Adoption Dates



House Bill No. 5184

Public Act No. 18-12

AN ACT PERMITTING THE AMENDMENT OF MUNICIPAL CHARTERS FOR THE PURPOSE OF MODIFYING BUDGET ADOPTION DATES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective from passage*) Notwithstanding the provisions of title 7 and chapters 164, 170 and 204 of the general statutes and any special act, municipal charter or home rule ordinance, a municipality, upon a two-thirds vote of its legislative body, may amend its charter for the sole purpose of modifying its budget adoption dates. Such budget adoption dates may include, but need not be limited to, applicable dates relating to an executive presentation of a proposed budget, public hearings, fiscal authority action, publications, referenda or final budget adoption. Any vote by the legislative body of a municipality pursuant to this section shall include a reference to this section. For the purposes of this section, "municipality" has the same meaning as provided in section 7-401 of the general statutes.

Approved May 25, 2018

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 18-12—HB 5184

Planning and Development Committee

**AN ACT PERMITTING THE AMENDMENT OF MUNICIPAL CHARTERS FOR THE
PURPOSE OF MODIFYING BUDGET ADOPTION DATES**

SUMMARY: This act authorizes municipal legislative bodies to amend budget adoption dates in their charters by a two-thirds vote. Dates subject to modification include those concerning: the executive presentation of the proposed budget, public hearings, action by the fiscal authority, publications, referenda, and final budget adoption.

The act's authorization applies regardless of conflicting (1) special act, charter, or home rule ordinance provisions or (2) laws on municipalities, local taxes, public schools, or boards of education. (Generally, to amend a charter, a municipality must (1) ask the General Assembly to change the municipality's special act charter or (2) in the case of home rule charters, establish a charter revision commission and comply with a statutory procedure.)

"Municipalities" covered by the authorization include towns; cities; boroughs; consolidated towns and cities; consolidated towns and boroughs; school districts; regional school districts; metropolitan districts; and similar municipal corporations, organizations, authorities, and taxing districts.

EFFECTIVE DATE: Upon passage



Adopting Charters, Ordinances, and Bylaws

By: Rute Pinho, Principal Analyst
June 15, 2017 | 2017-R-0117

Issue

Explain the procedure municipalities and special taxing districts must follow to adopt or revise home rule charters, charter amendments, ordinances, and bylaws. This report updates OLR report [2002-R-0863](#).

Summary

Municipalities and special taxing districts generally must follow the same statutory process for adopting or amending home rule charters. This is also the case for municipalities and districts that currently operate under charters that the legislature enacted on their behalf (i.e., special act charters). The procedure is generally the same for adopting or amending a charter and involves four steps:

1. The municipality or district's appointing authority (generally its legislative body) or voters can initiate the process by resolution or petition, respectively.
2. The appointing authority must appoint a charter commission, which must consider any item the appointing authority or petition specifies. The commission may also consider other items it chooses.
3. The commission and the appointing authority must hold public hearings on the proposed charter or charter amendments according to a statutory schedule. The appointing authority may recommend changes to the commission's proposal, but the commission does not have to accept them.
4. After the commission finalizes its proposed charter or amendments, the appointing authority may accept or reject all or parts of it. Voters can petition for a referendum on the rejected parts and must ultimately vote on the proposal, regardless of whether the appointing authority initially approved it.

The statutes authorize municipalities and special taxing districts to adopt ordinances, but they

establish specific procedural requirements that apply only to ordinances adopted by towns, cities, boroughs, and fire districts. The statutes are silent on whether and how municipalities and special districts can adopt bylaws. However, the statutory requirements for adopting ordinances appear to apply to bylaws as well since the statutes, local charters, and legal commentaries use the terms interchangeably.

Charter Adoption and Amendment

Home Rule Charters versus Special Act Charters

The phrase "home rule charter" signals the fact that some municipalities and districts operate under charters that they adopted and amended on their own (i.e., "home rule" charters) while others operate under charters that the legislature adopted and amended on their behalf (i.e., "special act" charters). The distinction holds even though the legislature allowed all towns (in 1957) and districts (in 1963) to act on their own.

A 1969 constitutional amendment banned the legislature from enacting special acts regarding the powers, organization, form of government, and terms of elective office for any single town, city, or borough (Article Tenth). The amendment did not repeal special act charters but generally blocked the legislature from amending them. As a result, towns, cities, and boroughs operating under these charters can amend them only by converting them into home rule charters.

While the constitutional ban does not apply to special districts, they may still choose to convert their special act charters into home rule charters in order to amend them, rather than asking the legislature to do so. The legislature discourages legislation amending district charters because:

1. the legislative process does not move fast enough for districts;
2. drafting, processing, and debating numerous special acts consumes too much time; and
3. the statutes provide a mechanism through which districts can act on their own (Connecticut Advisory Commission on Intergovernmental Relations, Independent Special Taxing Districts in Connecticut, December 1988).

Home Rule Action by Special Districts

A special district operating under a special act charter must convert its charter into a home rule charter before it can amend it on its own by following the same statutory procedure municipalities must use to adopt and amend their home rule charters. Two-thirds of the voters present at a district meeting must vote to do so ([CGS § 7-328a\(a\)](#)).

Initiation

From this point on, the process for adopting or amending a municipal charter or amending a district charter is generally the same. (The statutes do not specify the process by which newly formed districts must adopt their charters.)

The process can be triggered by the jurisdiction's appointing authority or voters. A municipality's appointing authority is the (1) town's board of selectmen, town council, or board of directors; (2) city's common council or other body empowered to make ordinances; or (3) borough's board of burgesses. For special taxing districts, the appointing authority is the board of directors or other governing body.

The appointing authority can start the process if two-thirds of its members agree. Voters can start the process if 10% of them sign a petition to that effect, according to requirements the law establishes for preparing petitions and validating signatures. In the case of municipal charter petitions, the law requires petition signatures to be obtained within 90 days of the date when the page containing them was filed with the appointing authority in order for the signatures to be valid. In the case of either municipal or district charter petitions, it allows the petition to recommend items for the commission to consider. The petitioners must file the petition with the town or district clerk, who must validate the signatures and certify its sufficiency to the appointing authority ([CGS §§ 7-188\(c\), 7-189, and 7-328a\(c\)](#)).

In either case, the appointing authority appoints a commission to draft the charter or charter amendments ([CGS §§ 7-188\(b\) and 7-328a\(b\)-\(c\)](#)). Once the clerk certifies a municipal charter petition's sufficiency, the clerk cannot accept another petition for the same purpose until the first commission terminates ([CGS § 7-188\(d\)](#)).

Appointing the Charter Commission

The appointing authority must appoint a charter commission consisting of between five and 15 voters, no more than one-third of whom can hold another municipal or district office and no more than a bare majority of whom can belong to the same political party. The appointing authority must appoint all of the commissioners within 30 days after it voted to start the process or the clerk certified the petition ([CGS § 7-190\(a\)](#)).

The appointing authority can recommend items for the commission to consider, and the commission must consider these and any other items specified in the petition, if there was one. The commission can also consider other items it deems desirable or necessary. Its draft and final reports must discuss all of the items it considered.

The appointing authority must adopt a resolution setting a deadline for the commission to complete its draft report, which must fall within 16 months after the commission's appointment. The commission terminates after the appointing authority accepts or rejects the commission's final report ([CGS §§ 7-190\(b\) and \(c\)](#)).

Holding Public Hearings on the Proposed Charter or Amendments

The commission and the appointing authority must separately hold public hearings on the proposed charter or amendments. The commission must hold at least two hearings, one before it begins to draft its proposal and one before it submits the draft to the appointing authority. It may opt to hold additional hearings ([CGS § 7-191\(a\)](#)).

After completing its hearings, the commission must submit the proposal to the town or district clerk, who must send it to the appointing authority, which must hold at least one hearing on the proposal. Its last hearing can be no later than 45 days after it receives the report ([CGS § 7-191\(b\)](#)).

The appointing authority has up to 15 days from its last hearing to recommend changes to the proposal ([CGS § 7-191\(b\)](#)). If it does not make any, it tacitly accepts the report as the commission's final report and must act on it. If it does recommend changes, the law requires the commission to discuss them with the appointing authority. The commission may accept these

recommendations and incorporate them into its proposal or reject them. In either case, it must submit its final report to the appointing authority no later than 30 days after the appointing authority makes its recommendations ([CGS § 7-191\(c\)](#)).

Approving the Charter or Amendments

The appointing authority must act on the commission's final report no later than 15 days after receiving it. It can, by majority vote, approve or reject the entire proposal or reject parts of it. If it rejects all or parts of the proposal, voters can petition for a referendum. They have 45 days to submit the petition, which must be signed by at least 10% of the voters. The petition requirements are the same as those for requesting a charter commission ([CGS § 7-191\(d\)](#)).

No later than 30 days after approving the final report or the petition's certification, the municipality or district must publish at least once in a newspaper the (1) proposed charter or (2) portion being amended, with a notice that a complete copy is available in the clerk's office or by mail on request ([CGS § 7-191\(d\)](#)).

The appointing authority must also decide by majority vote the forum for submitting the proposal to the voters for approval. Municipalities may submit the proposal at a regular or special election while districts may submit one at a regular or special district meeting. In both cases, the referendum must be held no later than 15 months after the appointing authority approved the proposal or the respective clerks certified the petition. The appointing authority must also decide whether to submit the proposal to the voters as a single question or several questions ([CGS §§ 7-191\(e\) and \(f\)](#)).

The voting requirements for approving the proposal depend on whether the vote is taken at a regular or special election (or meeting). A majority vote is required for proposals submitted at regular elections or district meetings. A majority vote is also required for those submitted at special elections or meetings, but that majority must equal at least 15% of all municipal or district voters. If approved, the proposal takes effect 30 days after the vote, unless the proposal requires otherwise ([CGS § 7-191\(f\)](#)).

The town or district clerk must file copies of the approved charter or amendments with the secretary of the state no later than 30 days after the voters approve them ([CGS § 7-191\(g\)](#)).

Ordinances and Bylaws

Distinction

The requirements for adopting and publishing ordinances seem to apply to bylaws as well. The statutes, town charters, and legal commentaries seem to use the terms interchangeably. For example, [CGS § 7-159](#) grandfathers "any valid ordinances, bylaws, or regulations adopted prior to October 1, 1957 under the provisions of the general statutes...." Several town charters list both bylaws and ordinances as the means for exercising municipal powers. Black's Legal Dictionary lists bylaws as a synonym for ordinance and likewise shows "ordinance" as one meaning for bylaw.

Adoption and Publication

Towns, Cities, Boroughs, and Fire Districts. The law explicitly allows towns, cities,

boroughs, and fire districts to adopt ordinances, subject to certain procedural requirements. The local legislative body or voters at a town or district meeting may adopt ordinances and have them published in a local newspaper. Those adopted by the legislative body take effect 30 days after publication; those adopted at meetings take effect 15 days after publication. But these requirements apply only if the local charter does not provide otherwise ([CGS § 7-157\(a\)](#)).

Voters can block these ordinances from taking effect by petitioning to have them approved at a referendum. At least 15% of the voters must sign the petition and submit it to the town or district clerk within 30 days after the newspaper publication. The petition must indicate if the referendum should be held at the next regular election or at a special meeting. The ordinance is adopted if a majority of voters approve ([CGS § 7-157\(a\)](#)).

The statutes allow jurisdictions to publish a summary of ordinances (except those making or requiring an appropriation) in lieu of the actual ones. Nonetheless, the jurisdiction's clerk must make copies of the actual ordinance available to the public upon request. The summary must include a statutory disclaimer explaining, in part, that it does not represent the legislative body's intent ([CGS § 7-157\(b\)](#)).

Districts. State law gives special taxing districts broad authority to adopt ordinances to carry out the special district law and establish the duties and compensation of their officers and how their duties must be carried out, including penalties to enforce the ordinances ([CGS § 7-328](#)). But, as noted above, it establishes procedural requirements only for fire districts.

RP:bs



Charter Revision Commission Membership

By: Kristin Sullivan, Chief Analyst

December 12, 2018 | 2018-R-0323

Issue

Describe whether the law prohibiting more than one-third of charter revision commission members from holding any other public office in the municipality allows the appointing authority to “round up” with respect to this threshold.

The Office of Legislative Research is not authorized to provide legal opinions, and this report should not be considered one.

Revisions to Commission Membership

Under the Home Rule Act, a municipality must follow specified procedures to amend its charter. Among other things, the appointing authority (i.e., legislative body) must appoint a charter revision commission consisting of between five and 15 electors, “not more than one-third of whom may hold any other public office in the municipality” ([CGS § 7-190\(a\)](#)).

It is unclear whether the legislative body may “round up” with respect to the threshold when the total commission membership is not evenly divisible by three. For example, if a legislative body appoints a five-member commission, one member may hold another public office in the municipality because one-third of five is 1.67. However, if the legislative body rounds up to two office-holding members, this would cause the commission to exceed the limitation imposed by statute.

We searched the legislative history of [CGS § 7-190](#) and other statutes specifying a maximum or minimum membership threshold for boards and commissions but did not find anything instructive.

In addition, we searched but did not find any relevant cases or attorney general opinions.

However, an April 15, 1985 letter from then-Governor O’Neill and the legislative leaders to the Law Revision Commission may be relevant. The letter asked for clarification of the minority representation statute, which restricts the maximum number of members from one political

party who can serve on most state and local boards and commissions ([CGS § 9-167a](#)). Among other questions, the letter asked:

For boards and commissions which have more than nine members, yet are not evenly divisible by three, does one round up from .5 and down from .49 to the nearest whole number to determine the number of members which may belong to the same political party?

In its February 24, 1986 response, the Law Revision Commission wrote:

Section 9-167a(a) states that where more than nine elected members serve on a body, only two-thirds of that membership can be from the same political party. The drafting committee has recommended that in response...language be added to clarify that, to obtain the appropriate number, the municipal clerk will round down to the nearest whole number.

The legislature never adopted the Law Revision Commission's recommended language, but the context is somewhat similar to the threshold under [CGS § 7-190](#). Nonetheless, a legislative body that is unsure of whether it may round up with respect to the charter revision commission threshold may consider contacting its town attorney for legal advice.

KS:cmg

OLR Report: Town Charters and Dillon's Rule (1997)

Connecticut General Assembly

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8881 Legislative Office Building

December 10, 1997

97-R-1307

TO:

FROM: Mary M. Janicki

RE: Town Charters and Dillon's Rule

You asked us to identify the Connecticut towns that have charters and to identify the advantages and disadvantages of adopting a charter. You also want to know about Dillon's Rule and those states where it applies.

SUMMARY

Of the state's 169 towns, 109 have charters.

To a great extent, the advantages and disadvantages of a charter depend on the perspective of the individual. For example, charter towns have more flexibility to change the structure of their government, and the powers, duties, and terms of office of their officials. For some people, though, that is a disadvantage: they don't want changes to be so easy to effect that there is constant pressure to make them. Charters can be designed so that there is no need to bring the budget to referendum every year; some people, however, prefer the annual referendum approach. Under a charter, many of the officials who are elected under statute could be appointed instead. This might not seem like an advantage to an elected constable or tax collector who is a strong incumbent. Generally, people who support charter government stress the additional flexibility it provides; those who oppose it tend to see it as a potential vehicle for too much change, and sometimes for too much government.

Dillon's Rule is a nineteenth century judicial doctrine that mandates strict construction of municipal authority that limits local powers to only those granted in the state constitution or passed by the state legislature. Judge John Forrest Dillon incorporated the doctrine in nineteenth century Iowa Supreme Court cases and expounded it in his treatise *The Law of Municipal Corporations*, first published in 1872. Its application

throughout the states varies depending on how and whether state courts rely on it to regulate the relationships between state and local governments. It does not apply where a state constitution directly grants broad home rule authority over “local affairs” or “municipal affairs” to municipalities or where the legislature delegates home rule authority. But in individual cases, state courts still present conflicting interpretations of Dillon’s Rule.

TOWNS WITH CHARTERS

The 109 towns listed below operate under charters rather than state statutes.

Ansonia	Enfield	New Canaan	Stamford
Avon	Fairfield	New Haven	Stonington
Berlin	Farmington	Newington	Stratford
Bethel	Glastonbury	New London	Suffield
Bloomfield	Granby	New Milford	Tolland
Bolton	Greenwich	Newtown	Torrington
Branford	Groton	North Branford	Trumbull
Bridgeport	Guilford	North Haven	Vernon
Bristol	Haddam	Norwalk	Wallingford
Brookfield	Hamden	Norwich	Waterbury
Burlington	Hartford	Old Saybrook	Waterford
Canton	Hebron	Orange	Watertown
Cheshire	Killingly	Oxford	West Hartford
Clinton	Killingworth	Plainfield	West Haven
Colchester	Ledyard	Plainville	Weston
Columbia	Madison	Plymouth	Westport
Coventry	Manchester	Portland	Wethersfield
Cromwell	Mansfield	Prospect	Wilton
Danbury	Marlborough	Putnam	Winchester
Darien	Meriden	Ridgefield	Windham
Derby	Middlebury	Rocky Hill	Windsor
Durham	Middlefield	Seymour	Windsor Locks
East Hampton	Middletown	Shelton	Wolcott
East Hartford	Milford	Simsbury	Woodbridge
East Haven	Monroe	Somers	Woodbury
East Lyme	Montville	Southbury	
East Windsor	Naugatuck	Southington	
Ellington	New Britain	South Windsor	

The towns are from the Connecticut Conference of Municipalities’ September 1993 list, plus Burlington and Colchester which adopted charters in 1996 and 1995, respectively.

ADVANTAGES AND DISADVANTAGES OF ADOPTING A CHARTER

When voters won the right, in 1959, to adopt home rule charters, the supporters of the home rule movement considered it to be a two-pronged victory. Municipalities would henceforth be free to organize as they saw fit to carry out the powers granted them in statute; they would not have to seek legislative approval. Further, there would be a diminution of the large volume of special legislation brought to the General Assembly. Both these points were reinforced when a 1965 constitutional amendment prohibited the General Assembly from enacting most special legislation relating to the powers, organization, terms of elective offices or form of government of any single town (Article Tenth).

The difficulty with labeling arguments as “for” or “against” charters, however, is that many of them cut both ways. For example, supporters of statutory governance point out that the General Assembly passes some legislation nearly every year which reflects new thinking and thus updates the arrangements under which statutory towns operate. Charter towns have to amend their charters to do their updating. On the other hand, one could just as well argue that a town that has adopted a charter might not want its form of government “updated” by legislators. Similarly, a person who supports charters can point out that with a charter form of government, a town can design its own budget process, and make it impossible or unnecessary to bring the budget to referendum every year, as statutory towns must. However, if one believes in the referendum requirement, the charter option offers no advantage in that respect. So in the lists that follow, we have done our best to separate advantages from disadvantages. It is well to remember, though, that whether something seems to be an advantage or a disadvantage is largely a function of individual values on a given issue. Also, you will note that some of the points overlap.

Advantages

Generally, the advantages associated with having a charter are that it provides a different mode of selecting officials, better accountability, or a clearer delineation of functions for town officials. Specific advantages are listed below.

1. A municipality with a charter, or initiating a charter process is free to organize its government without seeking General Assembly approval.
2. More specifically, it can change the form of its government if it needs change.
3. It can also adopt minor variations from statutory requirements for organization and procedure.
4. Officials such as constables, the treasurer, tax collector, and town clerk can be appointed rather than elected. In the case of constables, for example, this could have the effect of making them accountable to a police chief. Under statute, constables exercise considerable power and are responsible directly to the electorate.
5. The charter can prescribe a precise budget timetable, with or without a budget referendum.

6. Towns that are experiencing growth frequently feel the need for the flexibility inherent in charter government.

Disadvantages

1. Some people observe that towns with charters appear to revise them frequently causing splits in towns over small issues.
2. Conversely, officials in towns with charters can be reluctant to initiate charter revision efforts when needed to address a specific issue, fearing that other issues may surface subjecting the entire charter to amendment.
3. Some fear that the move to a charter heads in the direction of “big government” and “
4. People who oppose charters may prefer the stability of statutory governance. Local leaders may not want to open the door to a situation in which they may feel pressured to make frequent changes.
5. It may be hard in some very small towns to find enough interested, capable people to serve on a charter commission.
6. Statutory government is traditional in Connecticut.
7. People may be relatively satisfied with statutory provisions and requirements.
8. Charters tend, generally, to be characterized by somewhat less direct democracy than the statutory town meeting form of government (though that need not be the case). Some people feel strongly that direct democracy is philosophically superior to representative democracy. Others believe that they are more likely to be able to influence a town meeting than a council, or some other form of representative government.

DILLON’S RULE

Dillon’s Rule is used in the construction of statutes delegating authority to local governments. An 1868 Iowa Supreme Court case ruling held that “[a] municipal corporation possesses and can exercise the following powers and no others: First, those granted in express words; second, those necessarily implied or necessarily incident to the powers expressly granted; third, those absolutely essential to the declared objects, and purposes of the corporation – not simply convenient, but indispensable...” (*Merriam v. Moody’s Executors*, 25 Iowa 163, 170). Another Iowa case that year held that local governments “owe their origin to, and derive their power and rights wholly from, the legislature,” and could exercise only those powers expressly granted by the state and powers incident to or necessarily implied by that express grant (*City of Clinton v. Cedar Rapids & Missouri River R.R. Co.*, 24 Iowa 455, 475 (1868)).

Later, John F. Dillon, the former chief justice of the Iowa Supreme Court and a U.S. circuit court judge, set out the rule in an 1872 treatise on municipal corporations (*The Law of Municipal Corporations*). Language in the Dillon treatise (essentially the same as that in the *Merriam* decision) describes the constraints on municipal powers as “a general and undisputed proposition of law.” According to Dillon, “any fair, reasonable doubt concerning the existence of power is resolved by the courts against the corporation, and the power is denied ” (§ 55).

Dillon formulated his rule out of a nineteenth century fear of waste, extravagance, corruption, and ineptitude at the local level of government. However, it is still referred to in court cases around the country. Traditional notions of state sovereignty that ensure that municipalities exercise only as much power as the state delegates to them still provide some legitimate justification for the doctrine. But modern perceptions of the proper role of municipal government and its enhanced competence since the 1800’s challenge its application. Questions about Dillon’s Rule that arise also focus on its effect of shifting decisions about the scope of local authority from political institutions, the city council, or state legislature to the courts. Furthermore, as with other rules of statutory construction, courts have not always applied the rule with consistency and predictability.

Dillon’s Rule predated the home rule movement of the turn of the century. Under home rule, municipalities receive their authority directly from the state constitution and Dillon’s Rule is not regarded as a principle of interpretation that applies to home rule. “Dillon’s Rule, then, has no particular application to home rule cities....The domain of Dillon’s Rule is thus now limited to . . . smaller localities” (“Reviewing and Revising Dillon’s Rule” by Gary T. Schwartz, *ChicagoKent Law Review*, Vol. 67:1025, 1026).

Modern efforts to abandon the rule’s strict construction interpretation follow one of two methods for delegating home rule authority to municipalities. They are constitutional provisions or acts of the legislature. Still, litigation in this area “has been, at times, inconsistent and contrary to the plain language of the constitution” (“City of New Orleans v. Board of Commissioners: The Louisiana Supreme Court Frees New Orleans from the Shackles of Dillon’s Rule,” by G. Roth Kehoe II, 69 *Tulane Law Review* 809). Home rule efforts throughout the country have focused on overcoming Dillon’s Rule and transferring power to local governments. But, some state courts continue to take a restrictive view of both constitutional and legislative home rule grants thus adhering to Dillon’s Rule.

MMJ:pa

PART II: CHARTER REVISION COMMISSION SAMPLE DOCUMENTS

TOWN OF NEW CANAAN: CHARTER REVISION PROCESS (2015-2016)

August 19, 2015: Town Council votes to approve the establishment of a Charter Revision Commission:

Charter Review - Mr. Engel joined the meeting at this point. Ms. Young presented a request to approve the establishment of a Charter Revision Commission. She outlined the revision process from the formation of the Committee through the November 2016 election ballot to approve recommended revisions.

After some questions and discussion, Ms. Young made the motion, seconded by Mr. Campbell, to approve the request as presented. The motion was approved unanimously.

(Excerpt from Town Council Minutes, August 19, 2015)

September 16, 2015: Town Council Approves Charter Revision Commission Members recommended by the Bylaws & Ordinance Committee. The following memo was submitted to the Council.

September 16, 2015

To: Town Council

From: Steve Karl, Chair, By-laws and Ordinances Committee
Penny Young, Chair Sub-committee on Charter Revision

Subject: Recommended members of the Charter Revision Commission

At our August 19th meeting, the Town Council voted to form a Charter Revision Commission. By State Statute we have 30 days to form the Commission. Recommendations were submitted by the Board of Selectmen, Town Council, Republican Town Committee, Democratic Town Committee, and following newspaper coverage several individuals expressed interest.

Some 40 names were submitted to the Republican Caucus of the Town Council and the DTC. Consideration was given to expressed interest, experience, critical/objective thinking skills, party balance, etc.

Below are the recommended individuals to form the 10-person Charter Revision Commission.

Republican

John Hetherington
Dave Hunt
Kate Hurlock
Russ Kimes
Rich Townsend
Penny Young

Democrat

Kathleen Corbet
Kit Devereaux
Mike Franco
Sally Hines

he First Selectman ~~Rob Malozzi~~ will sit ex officio.

Upon a vote by the Town Council approving the recommendations at our meeting this evening, the Commission will convene and schedule a date within 30 days to hold a public hearing. At this meeting, members of the public will be requested to submit their recommendations of topics for the Commission to consider.

The Commission is charged with reviewing the Charter and determining what sections may need/may not need revising. Over the past 5 years various topics have surfaced which might be considered by the Commission. Though they are under no obligation to consider the topics, they will serve as a starting point to aid discussion. The Town Council does have the ability to identify a/some topics which the Commission would be obligated to consider. One such topic which was recently researched and crossed off the list would be the requirement of the Town to advertise public notices in local newspapers, but as it turns out that is actually a State mandated practice.)

A draft document should be submitted to the Town Council by ??? April ²⁰15, 2016. The Town Council will review the recommendations, hold a public hearing, and either send back to the Commission with recommended changes or approve. The goal is to have any proposed changes put forth to the electorate at the November 2016 election.

Swearing In of Commission Members – Town Clerk Claudia Weber welcomed the 10 individuals who had been approved by the Town Council to serve on the New Canaan Charter Revision Commission. She then led the process to swear-in Kathleen Corbet, Kit Devereaux, Michael Franco, John Hetherington, Sally Hines, David Hunt, Kate Hurlock, Russ Kimes, Richard Townsend and Penny Young as Commissioners.

Once the Commissioners were seated, Ms. Weber then reviewed the materials provided to each – including notice of the Code of Ethics; required acknowledgement and signing by each member; statement of Disclosure of Interest; summary of Freedom of Information (FOI) Requirements; and, an overview of the FOI Act from Shipman & Goodwin, LLP

Introductions and Commission Objectives – Steve Karl and Penny Young, Town Council co-chairs of the Charter Review sub-committee, led a discussion of the history and objectives of the former and current Charter Revision Commissions. Mr. Karl extended his thanks to the Commissioners for volunteering their time to this important endeavor. Mr. Karl and Ms. Young then described the likely timing required for review and recommendations for maintaining and/or revising articles of the Charter. The last changes made to the Charter were approved by the former Charter Revision Commission, the Town Council and by the electors in 2005. The current Commission will be seeking input from representatives of every council, commission and board as well as from citizens providing input at Public Hearings or in writing. The Commission intends to have its final recommendations available to the Town Council for their review and approval in time for the electors' vote by November 2016.

Election of Chairman – The next order of business was the election of the Charter Revision Commission chair. Penny Young made a motion to elect John Hetherington as chairman and Mike Franco seconded the motion. The motion was unanimously approved, with Mr. Hetherington abstaining.

Calendar meeting dates/times – Within thirty days of the Town Council vote to approve the members of the Charter Revision Commission, the Commission is required to hold its first Public Hearing to solicit input from the Town’s citizens regarding any issues covered by the Town Charter. Date availability was solicited prior to the first meeting with one date – October 21st – offering the opportunity for nine out of ten commissioners to be present. Kathleen Corbet then made a motion, seconded by Dave Hunt, to hold the Public Hearing on Wednesday, October 21, 2015 from 5:30 to 7:00 pm at the Town Hall Meeting Room. The motion carried unanimously.

The Commission has been asked to submit its first draft of Charter revisions, if any, to the Town Council by April 20, 2016. Ms. Young mentioned that the optimal goal is to have the final recommendations of revisions available for a vote by the electorate by election day in November 2016. The commission then discussed frequency, time and location of its meetings and reached consensus on: holding bi-monthly meetings on the first and third Wednesdays of every month through September 2016; meeting start time at 5:30 pm; location - Town Hall Meeting Room. Date availability will be confirmed with Commissioners via a “Doodle” calendar. Ms. Corbet will check on location availability with the First Selectman’s office and then post the dates, time and location with the Town Clerk and Town website.

Other business – The Commission then discussed the potential need for outside counsel; team or sub-committee meetings; public information for public record; dissemination of red-lined copy of previous Charter changes in 2004-2005; and a request for the review of previous Commission rules. It was also recommended that the Commissioners be assigned a Town email address whereby all correspondence would be received and sent.

Adjournment – There being no further business, Mr. Hetherington called for a motion to adjourn, moved by Mr. Hunt and seconded by Ms. Corbet. With all in favor, the meeting was adjourned at 8:15 P.M.

**DRAFT REVISED CHARTER OF THE TOWN OF NEW CANAAN
(2016)**



**FINAL REPORT
OF THE
CHARTER REVISION COMMISSION
TOWN OF NEW CANAAN**

DRAFT Approved and Submitted by the Commission April 19, 2016

FINAL Approved and Submitted by the Commission July 14, 2016

FINAL Approved by the New Canaan Town Council July 20, 2016

**Published as Required by Statute
For the Education and Benefit of Residents
Prior to the November 8, 2016 Referendum Vote**

COMMISSIONERS

David L. Hunt, Chairman

Kathleen A. Corbet

Kate Hurlock

Kit Devereaux

Russell Kimes

Michael J. Franco

Richard Townsend

Sally T. Hines

Penny Young

Ira W. Bloom, Commission Counsel

**Peter Gelderman, Commission Counsel Berchem, Moses &
Devlin, P.C.**

**FINAL REPORT
Of The
Town of New Canaan
Charter Revision Commission**

July 14, 2016

The Charter Revision Commission (the “Commission”) of the Town of New Canaan (the “Town”) respectfully submits and is pleased to present its Final Report to the Town Council as required by Connecticut General Statutes (the “Statutes”) on July 14, 2016. In this Final Report, the Commission is providing 1) an historical context of the Town Charter; 2) the Commission’s structure, objectives and review process; and 3) its final recommendations for Charter revision.

The New Canaan Town Charter

Under an Act Consolidating the Town and Borough of New Canaan enacted by the Connecticut General Assembly in 1935, the basis of the current New Canaan Town Charter (the “Charter”) was established. The act took effect upon approval by the electors in October 1935. Over the passage of time, amendments to the Charter have been approved by the electorate and adopted, most recently in November 2005.

Consistent with other Connecticut municipalities, the Charter outlines the foundation of municipal government with respect to elected and appointed Town officials and governing boards and commissions, representing leadership, legislative governance, education, elections, finance, health, parks and recreation, planning and zoning, public safety, public works and taxing, among others.

All official matters of operations of the Town not specifically addressed by the Charter or Town Ordinances are governed by Connecticut General Statutes and any Special Acts, as applicable.

The Charter Revision Commission

The Charter Revision Commission was established on August 19, 2015 by a unanimous vote of the Town Council. The individual members of the Commission – five Republicans and four Democrats all serving as volunteers – were reviewed and approved by the Town Council on September 16, 2015 and sworn in by the Town Clerk on September 30, 2015. The members include:

David L. Hunt, Chairman

Kathleen A. Corbet	Kate Hurlock
Kit Devereaux	Russell Kimes
Michael J. Franco	Richard Townsend
Sally Hines	Penny Young

John Hetherington, initially appointed as a Commissioner and elected Chair, resigned from the Commission on January 20, 2016 due to the press of private business matters. David Hunt was then elected by the Commission to serve as Chair.

Commission Duties and Process

The role of the Commission is to thoroughly **review** each article, section and provision of the Charter and to **consider** and **recommend** either a) maintaining the current description and elements of an article, or b) potential revisions which add, delete, update or clarify articles.

The Commission’s process – which is governed by State statutes – operated under a framework of three primary objectives in preparation for its report to the Town Council.

1. The Commission’s **research and review process** consisted of a thorough review of the current Charter and the changes that had been recommended by the former Charter Revision Commission and approved by the Town Council and the electorate in 2005. Study team groups of two commissioners each reached out to over 85 individuals representing current and most recent past members of Town governing bodies, Town employees and citizens. The outreach included engagement in interviews and information exchanges (see Appendix – Exhibit I).

The Commissioners also researched other municipal charters and trends in changes implemented by other towns within Fairfield County and in Connecticut, generally. These reviews included examining such matters as the length of terms, limits on terms, as well as the process of election or appointment of Town officials.

2. As part of the Commission’s **discussion and analysis process**, due consideration was given to ensure good governance; proper checks and balances of power; the avoidance of potential conflicts of interest; and, the institution of modern day best practices – and were added to, or reinforced within, the Charter. The Commission’s discussion was specific to the current and future roles of Town officials and governing bodies – *not* to any individuals currently in those roles.

Throughout the discussion and analysis process, the Commission met for 14 full meetings to discuss the results and to determine those areas of the Charter which the Commission recommends to be amended or clarified, as well as those areas it believes should remain as at present. The Commission meetings were properly noticed, open to the public and had time on

each Agenda for public commentary. As required under the Statutes, Public Hearings were held on October 21, 2015 before the Commission commenced its work, and on April 13, 2016, following which the Commission met to consider any changes to the Draft Report before submitting such report to the Town Council.

The Town Council then conducted its own review and held two Public Hearings on May 18, 2016 and June 1, 2016. On June 15, 2016, the Town Council passed a Resolution in accordance with Chapter 99 of the Connecticut General Statutes and made recommendations to the Charter Revision Commission for further modifications to the Charter, including the addition of the Conservation Commission; word modification to the proposed wording in the Fire Commission section of the Charter; and, a clarification to the definition of Publication. **See Exhibit III for the Town Council Resolution.**

3. The Commission's *votes and recommendations process* was based on the culmination of thorough information gathering (under the research and review process) and debate over each Charter article – weighing the pros and cons, the potential for unintended consequences, the variety of opinions and the view that the Commission should do what is right rather than what is convenient.

Accordingly, the Final Report addresses the Commission's recommendations for all articles within the Charter, including: a) articles which have been reviewed and the decision has been made not to make any changes or recommendation; b) articles where changes are recommended which may require a specific ballot vote; c) additions and/or amendments to articles which are already addressed in Town Ordinances and are recommended to be brought up-to-date in the Charter; and d) additions, deletions and amendments that are meant to clarify, update and/or define articles and provisions but do not represent substantive changes.

The Commission held its final review and discussion on July 12, 2016 before submitting this Final Report to the Town Council.

Report Structure and Potential Referendum

The Commission's Review and Recommendations for the Charter are presented in two sections. **Section 1** addresses research and recommendations of **Major Considerations, Revisions and Additions** of Charter articles. **Section 2** represents recommendations of **Minor Revisions, Clarifications, References and Definitions**. Article provisions which are not listed indicate that no changes are recommended.

Each section lists the recommendations with a brief description and the specific reference to the Charter Section to which they apply. A draft of the proposed revised Charter, red-lined to show the current language and the recommended changes, as applicable, is found in Exhibit II.

As required by State Statutes, the Town Council held two Public Hearings on May 18, 2016 and June 1, 2016 to review the Charter Revision Commission's proposed changes and will ultimately consider which changes, if any, will be posted to the ballot and subject to a vote by the electorate on November 8, 2016.

With respect to the November referendum, the Commission recommends that the proposed Charter changes be considered in five ballot measures. Subject to approval by the Town Council, the electorate may consider five items in five individual votes. The first four recommendations are further detailed in Section 1 and the last item covers all changes highlighted in Section 2.

1. **To approve** the opportunity to vote for up to six Town Council members instead of only four during each biennial election.
2. **To be consistent with the Town Charter provisions** for the Town Council and all boards, commissions and committees, the Board of Finance members shall be electors but no longer required to be real estate taxpayers.
3. **To allow** the Board of Finance members to vote annually for a chairman from among its regular members, not including the First Selectman who will remain as an ex officio member.
4. **To update** the Town Charter by adding articles and provisions including the Audit Committee, Conservation Commission, Health and Human Services Commission, Inland Wetlands Commission, Ethics Board and Town Attorney, which are consistent with existing Town ordinances and operations.
5. **To amend** the Town Charter to reflect technical and conforming changes which clarify definitions, delete outdated references no longer applicable and update provisions to current practice.

The Commission reached consensus that having five ballot items was preferable to combining all of the proposed revisions into a single ballot measure and thus only one vote. Ultimately, the final decision regarding the details of a referendum will be made by the Town Council as the appointing authority for the Charter Revision Commission. Should the Town Council seek additional information or Charter recommendations, the Commission stands ready to receive the Town Council's requests and feedback. Following the Town Council's resolution and vote on its recommendations to the Charter Revision Commission on June 15, 2016, the Commission has been engaged in further review and is now prepared to issue this Final Report.

Appreciation

The Commission would like to thank **all** of the Town officials, management and current and former members of the Town Council, boards, commissions and committees who provided invaluable input into data research, analysis and issue considerations undertaken by the Commission.

We are sincerely grateful to the First Selectman, Board of Selectmen, Town Council, Board of Finance and Board of Education, the Town Clerk, Town Treasurer and the Audit Committee Chair for their unwavering support for the broad perspective and independence of the Charter Revision Commission.

We would also like to express our kind thanks Karen Birck for her administrative services with respect to the Commission minutes and postings and to Ira Bloom and Peter Gelderman, attorneys at Berchem, Moses & Devlin for their counsel throughout the Charter Revision process.

Most especially, we are greatly appreciative of the input and ongoing constructive dialogue and debate from our community regarding the current status of, and recommended revisions to, the Town Charter.

Section 1: Major Considerations, Revisions and Additions

The Charter Revision Commission researched, discussed and ultimately voted or reached consensus on 20 Articles and over 160 provisions in the Charter. Provided below is a synopsis of the major issues – organized by Article number – and the Commission’s recommendations.

Article	Provision	Current Charter	Commission Proposal
Article III – The First Selectman and the Board of Selectmen No Referendum Ballot Vote Required	i. Term Limits	No term limits	No change
	ii. Term of Office	Two years per term	No change
	iii. Number of Selectmen on Board	Three selectmen, including First Selectman	No change
	iv. Votes for losing candidates in First Selectman’s race may be counted for Selectmen’s race	No mention in Charter, subject to General Statutes	No change

Article IV – Town Council	Term Limits	No term limits	No change
	v. Term of Office	Four years per term	No change
	vi. Number of votes elector may cast at each election for Town Council members	No more than four members to serve for the same term.	Provide that voters may vote for up to six candidates for Town Council for the six seats available. All political party nominations shall be made in accordance with statutory requirements of the State of CT. Minority representation requirements of General Statutes shall apply. See §C4-3 in redlined Charter.
	Proposed Referendum Ballot Vote #1		

Article	Provision	Current Charter	Commission Proposal
Article V – Board of Finance, Financial Procedures, Taxes, Audit Committee	viii. Term Limits	No term limits	No change
	Term of Office	Four years per term	No change
	ix. Appointed or elected members of Board of Finance	Eight regular members and three alternate members are appointed	No change
	x. Qualifications of members	Regular and alternate members shall be electors and taxpayers	Regular and alternate members shall be electors. Requirement to be taxpayers is eliminated. See §C5-1 in redlined Charter.
	Proposed Referendum Ballot Vote #2		
	xii. Officers and organization	The First Selectman shall be an ex officio member of the Board of Finance and its Chairman and shall have no vote except in the case of a tie.	The First Selectman shall be an ex officio member of the Board of Finance and shall have no vote except in the case of a tie. The Board shall annually elect a Chairman. The First Selectman shall not serve as Chairman or Secretary. See §C5-3 in redlined Charter.
	Proposed Referendum Ballot Vote #3		

	<p>xiii. Addition of Audit Committee provision – which codifies existing establishment as covered by Town Ordinance, Ch. 62</p> <p>Proposed Referendum Ballot Vote #4 – combined with other additional boards, commissions and committees.</p>	Not in current Charter	Add Audit Committee in Article V Title; Composition and qualification of members; Appointment and terms of office; Organization, officers, Records and quorums; and Powers and duties. See §C5-26 through §C5-29 in redlined Charter.
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Article	Provision	Current Charter	Commission Proposal
Article IX – Health and Human Services Commission	<p>xiv. Addition of Health and Human Services Commission article – which codifies existing establishment as covered by Town Ordinance, Chapter 28.</p> <p>Proposed Referendum Ballot Vote #4 – combined with other additional boards, commissions and committees.</p>	Not in current Charter	Add Health and Human Services Commission Composition and qualification of members; Appointment and terms of office; Organization, officers, Records and quorums; and Powers and duties. See §C9-1 through §C9-4 in redlined Charter.

<p>Article X – Inland Wetlands Commission</p>	<p>xv. Addition of Inland Wetlands Commission article – which codifies existing establishment as defined by Town Ordinance, Chapter 33A-3.</p> <p>Proposed Referendum Ballot Vote #4 – combined with other additional boards, commissions and committees.</p>	<p>Not in current Charter</p>	<p>Add Inland Wetlands Commission Composition and qualification of members; Appointment and terms of office; Organization, officers, records and quorums; Powers and duties; Inland Wetlands Regulations to remain in effect; Alternate members. See §C101 through §C10-6 in redlined Charter.</p>
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Article	Provision	Current Charter	Commission Proposal
<p>Article XI – Conservation Commission</p>	<p>xvi. Addition of Conservation Commission article – which codifies existing establishment as defined by Town Ordinance, Chapter 11A</p> <p>Proposed Referendum Ballot Vote #4 – combined with other additional boards, commissions and committees.</p>	<p>Not in current Charter</p>	<p>Add Conservation Commission Composition and qualification of members; Appointment and terms of office; Organization, officers, Records and quorums; and Powers and duties. See §C11-1 through §C11-4 in redlined Charter.</p>
<p>Article XIV – Town Employees and Personnel Advisory Board</p>	<p>xvii. Revise Personnel Advisory Board to rename to Ethics Board; increase size to five members and add additional powers and duties. Expected to be consistent with proposed Town Ordinance</p> <p>Proposed Referendum Ballot Vote #4 – combined with other additional boards, commissions and committees.</p>	<p>Personnel Advisory Board addresses employee grievances and renders advisory opinions and interpretations as to conflicts of interest. Currently at three members</p>	<p>Amend Personnel Advisory Board and rename to Ethics Board; increase membership from three to five members; appointed by Selectmen and confirmed by Town Council; powers and duties to include review and recommend modifications to Code of Ethics and Ethics Board Ordinance (new); receive, review and address complaints of alleged violations (new); hear nonunion employee (excludes BOE) grievance appeals (exists); and render advisory opinions regarding Code of Ethics (exists). See §C14-1 through §C14-8 in redlined Charter.</p>

Article	Provision	Current Charter	Commission Proposal
Article XVIII – Town Attorney	xviii. Addition of Town Attorney article Proposed Referendum Ballot Vote #4 – combined with other additional boards, commissions and committees.	Not in current Charter	Add article of Town Attorney who shall be an attorney at law; appointed by the Board of Selectmen; shall be the legal advisor for the Town. See §C18-1 in redlined Charter.
Article XIX – Town Clerk No Referendum Ballot Vote Required	xix. Term Limits xx. Term of office xxi. Appointed or elected	No term limits Two years, prescribed by the General Statutes The Town Clerk is elected	No change No change No change
Articles II, V, X and XVII – Town Treasurer No Referendum Ballot Vote Required	xxii. Term Limits xxiii. Term of office xxiv. Appointed or elected	No term limits Two years The Town Treasurer is elected	No change No change No change

Section 2 – Minor Revisions, Clarifications, References and Definitions Note that provisions not listed under each article indicate that no changes are proposed.

Article	Provision	Proposed Revision, Addition or Deletion
Article I – General Provisions	§C1-2 §C1-3 §C1-4	Several definitions are clarified including as to grammar or gender. The definitions of “Mailed” and “Taxpayer(s)” were deleted as no longer reflected in Charter. Added definition of General Statutes. Redefine “Publish” to provide for publication in any media consistent with the General Statutes of the State of Connecticut. The Statute presently requires newspaper publication, and this change allows for the use of widespread dissemination by electronic means to Town residents , if and when allowed by State statutes.
Article II – Town Officers and Membership of the Town Council, Boards, Commissions and Committees	§C2-1 §C2-2 §C2-3 §C2-11 §C2-14	Reference to the Agent of the Town Deposit fund was deleted. A sentence defining the powers and duties of the Town Treasurer was added. Reference to the election of the Registrars of Voters on even-numbered years was added. Specific Minority Representation Statute reference was added. Delete the phrase “by resolution”. Capitalized Town Code of Ethics
Article III – The First Selectmen and Board of Selectmen	§C3-1 §C3-2 §C3-8 §C3-11	Clarify that the first selectman is the “chief” administrative officer (also §C1-2). Changed “state statutes” to General Statutes Deleted reference to “stenographic” Replace “Town Health Officer” with “Director of Health.”
Article IV – The Town Council		No minor revisions proposed

Article	Provision	Proposed Revision, Addition or Deletion
Article V – Board of Finance, Financial Procedures, Taxes, Audit Committee	Title	Retitled to include the Audit Committee.
	§C5-1	Modify the provision relating to the prohibition against certain state government service.
	§C5-2	Reinforce that Board of Finance members are subject to Town Council confirmation by seven members of the Town Council.
	§C5-7	Clarify that Board of Finance Chairman shall preside and vote when present.
	§C5-5	Clarifies quorum represents five members
	§C5-7	Delete reference to consultation with the Planning and Zoning Commission.
	§C5-8	Clarify that only library employees hired before January 1, 2011 are covered by the Town Pension Plan.
	§C5-10	Delete the words “in full” from the description of what must be published by the Board of Finance in its budget recommendations. Require Board of Finance to specify source of funds for certain appropriations.
	§C5-12	Clarify that the prohibition on engaging in business in the town is limited to situations that could create a conflict of interest under the Town Code of Ethics.
	§C5-19	Delete the modifying phrase “Revision of 1958” referring to the Connecticut General Statutes.
§C5-21	Replace the \$20,000 limit with a reference to the limits set by the General Statutes.	
§C5-33		
Article VI – Assessor; Assessing Procedures; Board of Assessment Appeals	§C6-1	Clarifies that the Assessor shall not hold office or engage in business that could create a conflict of interest.
	§C6-7	Conforming change to the publication language as defined in §C1-2
Article VII – Board of Education	§ C7-1	Delete the phrase “as constituted at the time this Charter shall take effect” as unnecessary
Article VIII – Fire Commission	§C8-4	Modernize text to conform to current conditions and practices
Article IX – Health and Human Services Commission	§C9-1 to §C9-4	No further revisions proposed

Article X – Inland Wetlands Commission	§C10-1 to §C10-6	No further revisions proposed
Article XI – Conservation Commission	§C11-1 to §C11-4	No further revisions proposed

Article	Provision	Proposed Revision, Addition or Deletion
Article XII – Parks and Recreation Commission	Title §C12-3 §C12-4 §C12-9	Re-titled to be Parks (plural) and Recreation Commission Provide for election of a Chairman pro tempore when the Chairman is absent. Modify powers and duties to indicate the Commission works in conjunction with the Town Recreation Department, and evaluates the maintenance of parks, rather than supervising it. Include a reference to working with nonprofit groups for the improvement of Town park property.
Article XIII – Parking Commission	§C13-4 §C13-5	Provide for election of a Chairman pro tempore when the Chairman is absent. Delete the word “surplus” in item (4) and add a duty to hear parking citation appeals if authorized by ordinance.
Article XIV – Town Employees and Personnel Advisory Board	§C14-1 to §C14-8	No further revisions proposed
Article XV – Police Commission	§C15-1 to §C15-5	No minor revisions proposed
Article XVI – Planning and Zoning Commission	§ C16-1 § C16-3	Remove reference that allows First Selectman to break a tie vote. Provide for election of a Chairman pro tempore when the Chairman is absent.
Article XVII – Public Works Department	§C17-3	Clarify that the Town Engineer reports to the Director of Public Works.
Article XVIII – Town Attorney	§C18-1	No further revisions proposed
Article XIX – Town Clerk	§C19-2	Clarify that the Town Council sets the Town Clerk’s salary pursuant to the General Statutes.
Article XX – Zoning Board of Appeals	§C20-1 to §C20-5	No minor revisions proposed
Article XXI – Miscellaneous Provisions	§C21-10 §C21-2,4,6,9,11	Adds a provision that the Town Council shall consider Periodic Charter Review no less frequently than every 10 years. Indicate the new effective date of the Charter and amend dates to change from 2005 to 2016.

Appendix

Exhibit I: Individuals and Groups Providing Input to Study Group Teams and Full Commission

The Commission is grateful to all individuals and groups who provided their input and perspective on the Town Charter. It should be noted that a limited number of individuals had no comments regarding the Charter, when asked.

Abramowitz, Roy	Resident
Aguirre-Ross, Cristina	Town Council and former Park and Recreation Commission
Annunziato, Lewis	Former Chair Town Council
Appel, Sangeeta	Board of Education
Baldwin, Colleen	Board of Finance
Bedula, Alison	Former Board of Education
Benko, Steve	Director of Recreation
Blauvelt, George	Board of Finance
Boeschstein, Steve	Board of Finance
Bond, Lyn	Director of Lapham Community Center
Brooks, Andrew	Town Treasurer
Budnick, Neil	Board of Finance
Caldarella, Sebastian	Assessor
Campbell, Ken	Town Council
Campbell, Sally	Chair Park and Recreation Commission
Carlson, Dionna	Chair Board of Education
Carroll, Amy	Board of Finance
Charneski, Jennifer	Director of the Budget
Cody, George	Registrar of Voters
Cody, Mary Davis	Former Board of Finance
Corbet, Kathleen	Town Council and former Board of Finance
Cronin, Tom	Board of Education
Devereaux, Kit	Former Town Council and former Board of Finance
DeWaele, Mark	Former Chair Town Council

DiPanni, Rosanna	Tax Collector
Dunn, Judy	Chair Health & Human Services Commission
Eielson, Jen	Director Environmental Health
Emergency Medical Services Commission	Emergency Medical Services Commission
Emert, John	Former Town Council and Board of Finance
Engel, John	Town Council
Englund, Sven	Town Council and former Fire Commission
Ethridge, Greg	Resident
Foley, Paul	Police Commission and former Town Council
Goodman, Gene	Former Board of Education
Goodwin, John	Chair P&Z Commission
Gress, Scott	Former Board of Education
Hamill, Bob	Former Town Council
Hayes, Brendan	Board of Education
Himmel, Jane	Former DTC Chair
Hobbs, Hazel	Board of Education
Hobbs, Scott	Chair Housing Authority
Holland, Kathleen	Director of Inland Wetlands & Watercourses
Horan, Robert	Tree Warden
Horner, Jack	Chair Fire Commission
Howe, John	Director of Parks
Hussey, Chris	Former Town Council
Hutchins, Cameron	Chair Conservation Commission
Jones, Beth	Selectman
Jones, Cheryl	Director of Human Resources
Kaiser, Chris	Director of Information Technology
Kanter, John	Board of Finance
Karl, Steve	Town Council
Kenin, Christa	Town Council
Kleppin, Steve	Town Planner/Sr. Enforcement Officer

Kucharczyk, Jim	Town Council, former Board of Finance and Education
Lauver, Heather	Member Conservation Commission
League of Women Voters	Various Members
LeBris, Chris	Board of Finance
Luizzi, Bryan	Superintendent of Schools
Mallozzi, Rob	First Selectman
McDonald, Carol	Director Health & Human Services
Moynihan, Kevin	Town Council
Murphy, Tucker	Former Town Council and former Board of Education
Naughton, Maria	Board of Education
Neville, Judy	Board of Finance and former First Selectman
New Canaan Advertiser	Participants in Friday Coffee Hour
Norton, Dawn	Chief Financial Officer
Nowacki, Michael	Resident
O'Dea, Tom	CT State Representative and former Town Council
Paladino, Joe	Town Council
Parking Commission	Parking Commission
Parrett, Bill	Chair Audit Committee
Pastore, Mike	Director of Public Works
Police Commission	Police Commission
Rashin, Penny	Board of Education
Richardson, Jennifer	Board of Education
Richey, Keith	Chair of Parking Commission
Schulte, Tom	Board of Finance
Sessions, Bill	Chair Personnel Advisory Board
Sheffield, John	Board of Finance
Smith, Kerry	Fire Commission
Spangler, Robert	Board of Finance
Spring, Terry Cody	Resident
Stadler, Tom	Administrative Officer

Stephanek, Dan	Chair Inland Wetlands Commission
Sweitzer, Susan	Conservation Commission
Tesluk, Tom	Chair Utilities Commission
Walbert, Bill	Chair Town Council
Walker, Jeb	Former First Selectman
Weber, Claudia	Town Clerk
West, Sheri	Board of Education
Williams, Nick	Selectman
Williams, Roger	Former Town Council
Yanicelli, Carroll	Chair Zoning Board of Appeals

Exhibit II – Redlined Version of Proposed Charter follows.

DRAFT OF PROPOSED CHARTER

UPDATED JULY 12, 2016

Chapter 1

CHARTER

[HISTORY: Approved by the Charter Revision Commission of the Town of New Canaan ~~7-12-2016-272005~~; approved by the Town Council ~~x-xx-20167-13-2005~~; approved by the electors 11-~~8xx-201605~~, effective 11-~~xx9-201605~~. Amendments noted where applicable.]

Article I

General Provisions §

C1-1 Title.

This instrument, amending the Charter of the Town of New Canaan, shall be known as the "Charter." §

C1-2 Definitions.

In the interpretation of the Charter, the words and phrases set forth in this section shall be construed and defined, unless otherwise clearly qualified by their context, as follows:

BYLAW, BYLAWS

Rule or rules for the government of officers, boards, commissions or committees of the Town.

ELECTOR

A resident of the Town of New Canaan qualified by law to vote in a Town election.

FIRST SELECTMAN

The chief executive and chief administrative officer of the Town elected to said office in accordance with the state statutes.

GENERAL STATUTES

The Connecticut General Statutes, as amended.

GRAND LIST

The list of the assessed values of taxable property in the Town ~~of New Canaan~~, and including the list of the assessed values of taxable property in the sewer taxing district.

HIGHWAY

Any public road, street, way, etc., including unimproved portions within the limits of the right-of-way.

~~MAILED~~

~~The deposit in the United States post office in the Town, or in any official United States postal box in the Town, of the matter to be mailed, enclosed in a postpaid envelope addressed to the last known post office address of the addressee~~

OFFICE OF TRUST OR EMOLUMENT

Any appointed or elected office for which an oath of office is administered or a salary, wages, or fees are paid, including Town employees and Town officers described in § C2-1.

ORDINANCE, ORDINANCES

Rule or rules and regulations or local laws enacted by the Town's legislative body and affecting or regulating the general public within the Town.

PUBLISH, PUBLISHED or PUBLICATION

~~Publication in a newspaper having a substantial circulation in the Town, provided that legal notices shall be published at least once in a newspaper published in the Town, if there be such a newspaper. Publication shall be consistent with the governing General Statutes, as amended from time to time. If required by the General Statutes, publication shall be in a newspaper having a substantial circulation in the Town. If not required by the General Statutes, the Town may enact an ordinance providing for publication by any legal means, or in any legal manner, that provides for widespread dissemination by electronic means to Town residents. accessibility, including, but not limited to, publication on the Town website.~~

SELECTMEN

The Board of Selectmen of the Town, consisting of three elected members and including the First Selectman.

SEWER TAXING DISTRICT

That real property in the Town so situated that it is served or is capable of being served by the sewerage system of the Town, the boundaries of which have been established or delineated by the Town.

~~TAXPAYER, TAXPAYERS~~

~~When used to describe a qualification for public office, the owner or owners of real property assessed therefor upon the last completed Grand List or the husband or wife legal spouse of such owner of real property.~~

TOWN

The Town of New Canaan, Connecticut.

TOWN COUNCIL

The legislative body of the Town having the legislative powers provided in the Charter or the General Statutes.

TOWN SEAL

The common seal of the Town.

WARNING

A statement prescribed by the Charter or by the General Statutes giving notice of the date, hour, place, as well as the purpose of any event, meeting or public hearing of the Town Council or of any official, board, commission or committee of the Town.

§ C1 3 General powers of Town.

The Town shall retain and may exercise every power and privilege possessed by it at the time this Charter shall take effect and all powers and privileges granted to towns by the General Statutes not inconsistent herewith. The enumeration hereinafter of specific powers shall not be construed as limiting the powers heretofore possessed or herein confirmed and granted. The Town shall have the power:

- (1) To lay out, establish, accept, maintain or discontinue public streets, highways and other public places, establish the boundaries and fix the grades thereof, and to adopt and enforce rules and regulations governing the opening of such streets, highways and public places for the purpose of laying water mains, electric conduits, sewers and gas mains or for making any connections therewith or for any other purpose.
- (2) To establish sidewalks, determine the width and materials thereof and to fix grades therefor and to establish building and curblines.
- (3) To provide for the lighting of streets, highways and other public places.
- (4) To adopt and enforce police regulations concerning traffic upon and other use of the streets, highways and other public places.
- (5) To establish and maintain a system or systems of public sewerage and to adopt and enforce rules and regulations governing the operation and use thereof; to establish and maintain a public system or systems for the collection and disposal, or either of them, of garbage and refuse and to adopt and enforce rules and regulations governing the operation and use of any such system and the collection and disposal of garbage and refuse by individuals, firms or corporations.
- (6) To provide and maintain a system of public water supply and distribution for domestic, business and industrial use, and for fire protection.
- (7) To establish and maintain a police force; to establish and provide for and maintain an adequate system of fire protection and to adopt and enforce rules and regulations governing the same.
- (8) To establish a retirement and pension system or systems for members of the police force and fire department, and to provide for a retirement payment or pension to any paid or salaried officer or employee of the Town upon his or her retirement.
- (9) To adopt and enforce rules and regulations governing the design, construction and use of buildings and all electrical, gas, heating and plumbing installations.
- (10) To adopt and enforce sanitary rules and regulations.
- (11) To take private property for public use upon paying just compensation therefor.
- (12) To levy, assess and collect taxes to pay the Town debt, defray its lawful expenses and to promote its general welfare.
- (13) To make and collect assessments upon property receiving the benefit of special improvements and to award damages in proper cases by reason of any public improvement, provided such

assessments or awards of damage shall be levied or awarded equally upon all property similarly situated, benefited or affected.

- (14) To lay and collect a sewer tax upon all property receiving the benefit of any public sewer, whether such property is connected therewith or not, provided such tax shall be levied equally upon all property similarly situated or benefited, such tax to be so computed and laid as to provide a revenue sufficient to meet the cost of maintaining the public sewerage system or systems and to pay the interest on all outstanding sewer or filtration bonds heretofore issued or hereafter issued by the Town to meet sinking fund requirements sufficient to pay the principal of such bonds at their maturity, provided the Town may, in the manner hereinafter prescribed, provide for the payment of the interest and principal of such bonds or any part thereof in the general tax levy upon the property of the entire Town.
- (15) To establish separate or special taxing districts, define their purposes and fix and alter their boundaries as hereinafter provided.
- (16) To borrow money and give security therefor, subject to the restrictions and limitations imposed by law.
- (17) To make and enforce all bylaws and ordinances, not inconsistent with law, which may be necessary or proper to carry into execution the foregoing powers or any of them and all other powers which may be hereafter vested in the Town.

§ C1-4 Additional boards, commissions or agencies.

The Town Council shall have the authority to establish, by ordinance, additional boards, commissions, ~~or~~ agencies which are required by the General Statutes, or which are specifically allowed by the General Statutes, or which the Town Council deems advisable or necessary to carry out any municipal powers, duties or responsibilities under the General Statutes. All such officers, departments, boards, commissions ~~or~~ agencies shall be elected, appointed and organized in the manner provided by the General Statutes, except as otherwise provided by the Charter or by ordinances or resolutions adopted pursuant to the Charter. The Town Council may, by ordinance, alter the method of election, appointment or organization of any or all such additional boards, commissions or agencies, including combining or separating the duties of each, unless specifically prohibited from making such alteration by the state Constitution or the General Statutes.

Article II

Town Officers and Membership of the Town Council, Boards, Commissions and Committees §

C2-1 Town officers.

The Town officers shall be three Selectmen, a Treasurer ~~and Agent of the Town Deposit Fund~~, two Registrars of Voters, a Town Clerk and 12 members of the Town Council, all of whom shall be elected at the biennial Town elections, together with an Assessor, a Tax Collector and the members of each of the various Town boards, commissions and committees of the Town. Provisions in this Charter prohibiting any Town officer from holding any other office of trust or emolument shall not be construed to prohibit service on committees of the Town government or on charter revision commissions or other extraordinary, ad-hoc commissions.

The Treasurer shall have and exercise the powers and duties conferred and imposed by law on town treasurers. The Treasurer shall exercise the functions of the agent of public funds.

§ C2-2 Date of biennial elections.

The biennial elections of the Town of New Canaan shall be held on the first Tuesday following the first Monday of November in the odd-numbered years, except that the election of Registrars of Voters shall be held in the even-numbered years.

§ C2-3 Minority representation.

There shall be a minority representation on all boards, commissions, committees or similar bodies, whether elective or appointive, in accordance with the General Statutes ~~§9-167a~~ § C2-4 Certain Town officers required to be electors of the Town.

Every elected Town officer, member of the Town Council and every member of any other board or commission shall be an elector of the Town, and if for any reason such person ceases to be an elector of the Town, he or she shall thereupon cease to hold office or to be such member and such office or membership shall be deemed vacant. Members of appointed committees need not be electors or residents of the Town.

§ C2-5 Manner of election of officers and appointment of board members.

This Charter shall not alter the manner of election nor the date thereof, nor the term of office of any elected officer of the Town, nor the method of appointment or term of office of any member of the Town Council or of any Town board, commission or committee, whether or not such manner of election, date thereof, term of office or method of appointment was established under any previous Charter or by any bylaw or ordinance of the Town unless the same shall be changed by the provisions of this Charter.

§ C2-6 Oath of office required.

Each elected or appointed officer or member of the Town Council or member of any board, commission or committee shall, before entering upon the performance of the duties as such officer or member, take the oath of office prescribed by law and file the same with the Town Clerk.

§ C2-7 Continuation in office of officers, Town Council members and board members.

Each duly qualified Town officer, member of the Town Council and member of other boards, commissions or committees of the Town in office on the effective date of this Charter shall continue in office until the expiration of the term for which he or she was elected or appointed and until his or her successor shall be appointed or elected and shall have qualified.

§ C2-8 Removal from office.

Any appointed officers or members of any appointed board, commission or committee may be removed for cause prior to the expiration of their respective terms by unanimous vote of the Board of Selectmen.

§ C2-9 Failure to attend meetings.

Failure of an appointed member to attend three successive meetings of his or her respective board, commission or committee, without adequate excuse, shall be a cause for removal by unanimous vote of the Board of Selectmen.

§ C2-10 Action by adjourned meetings to be effective.

Any action which might have been taken at any meeting of the Board of Selectmen, the Town Council or of any board, commission or committee on the date for which such meeting was duly called may be taken with the same force and effect at any adjourned meeting thereof.

§ C2 11 Requirements for meetings of boards, commissions and committees.

Each board, commission or committee shall hold such regular meetings as it shall, ~~by resolution,~~ determine and may hold such other meetings as are called by its Chairman or by its Secretary on the written request of any two members thereof. Notice for all regular, special, or emergency meetings shall be provided in accordance with the Freedom of Information Act.

§ C2-12 Procedure where lack of quorum.

Whenever any meeting of the Board of Selectmen, the Town Council or of a board, commission or committee shall have been duly called and no quorum shall be present, the First Selectman, in the case of the Board of Selectmen and the Chairman or Chairman pro tempore of the Town Council or of such board, commission or committee in other cases, may adjourn the meeting in accordance with the Freedom of Information Act. Unless otherwise provided by this Charter or General Statute, a majority of a board, commission or committee shall constitute a quorum.

§ C2-13 Time requirements for performance.

Whenever, by mistake or inadvertence, the Town Council, an officer, board, commission or committee shall omit to perform any act at or within a time required by this Charter, such act shall be performed as soon thereafter as may be practicable and such action so taken shall have the same force and effect as if performed at or within the time required by this Charter.

§ C2-14 Code of ~~E~~ethics for Town officers and employees, members of the Town Council, boards, commissions and committees.

There shall be an ordinance establishing a ~~Town Code of Ethicseode of ethies~~ enacted by the Town Council setting forth standards of ethical conduct of all Town officers and employees, members of the Town Council and members of boards, commissions and committees of the Town.

Article III

The First Selectman and the Board of Selectmen §

C3-1 The First Selectman.

There shall be a First Selectman who shall be the chief executive and ~~chief~~ administrative officer and shall enforce the bylaws and ordinances of the Town and the laws of the state and shall have such powers and perform such duties as are not inconsistent with this Charter and as are imposed upon the office by the Charter, bylaws and the ordinances of the Town and the laws of the state.

§ C3-2 The Board of Selectmen.

There shall be a Board of Selectmen which shall have, retain and exercise the powers heretofore possessed by it, not inconsistent with this Charter or the ~~General Statutesstate statutes~~, and, in addition thereto, it shall have such powers and perform such duties as the ordinances, bylaws or the law may prescribe.

§ C3-3 Duty to carry out provisions of Charter.

The Board of Selectmen shall do every act and perform every duty necessary to give effect to this Charter unless such act or duty is required of or delegated to some other officer, board, commission or committee or reserved to the Town Council for action thereon.

§ C3-4 Power to make certain appointments and fill certain vacancies.

The Board of Selectmen shall, at such times as are herein designated or as are designated by the bylaws or ordinances, appoint the required number of duly qualified persons to fill the membership of all boards, commissions or committees whose members are not elected. The Board of Selectmen shall fill for the unexpired portion of the terms, all vacancies occurring in offices, boards, commissions or committees to which the Board of Selectmen has the power of appointment; provided, however, that between the first Tuesday after the first Monday in November in odd-numbered years and the second Tuesday following the day of the municipal election in the odd-numbered years, the Board of Selectmen shall appoint no person to fill a vacancy on any board, commission or committee whose members are not elected, nor shall they fill the unexpired portions of terms where there are vacancies which have occurred or are occurring in offices, boards, commissions or committees as to which the Board of Selectmen has the power of appointment. Appointments to the Board of Finance are subject to confirmation by the Town Council as specified in § C4-8 and § C5-2.

§ C3-5 Power to fill vacancies in elective positions and manner of filling the same.

If a vacancy shall occur from any cause in any elective office or in the membership of any elective board, commission or committee, except the Town Council, the Board of Selectmen or the Board of Education, such vacancy shall be filled for the unexpired term at the next succeeding biennial Town election or at a special election held on the date of the next regular state election, whichever shall first occur; provided, however, that until such election such vacancy shall be filled by the Board of Selectmen. If any such vacancy shall occur between the first Tuesday after the first Monday in November in odd-numbered years, being the day of the municipal election, and the second Tuesday following the day of the municipal election in the odd-numbered years, such vacancies shall be filled only by the Board of Selectmen taking office on or after the second Tuesday following the day of the municipal election.

§ C3-6 Duties of purchasing agent for Town.

Except in the case of Board of Education, the Selectmen shall be the agency for the purchase of all goods and the contracting of all services required by the Town Council or by any elected or appointed board, commission, committee, officer and department of the Town and by any volunteer fire company receiving Town aid and all contracts for the purchase of such goods or services shall be awarded by the Selectmen in accordance with the sums appropriated for such purposes by the Town. Any specialized goods or services shall be purchased or contracted for in accordance with specifications relative thereto approved by the Town Council or by the board, commission, committee, officer, department or volunteer fire company making the requisition therefor.

§ C3-7 Authority to act as purchasing agent for Board of Education.

The Selectmen shall have the authority to act as purchasing agent for the Board of Education, but only to the extent and for the periods voted by the Board of Education, provided that the cost of all goods or services requisitioned by the Board of Education shall be charged against the appropriations under the control of the Board of Education.

§ C3-8 Secretarial assistance.

It shall be the duty of the Selectmen to furnish the Town Council and each board, commission, committee or department of the Town, except the Board of Education, upon request, with such ~~stenographic~~ assistance as may be required to provide complete and adequate minutes and to record the vote of the members upon all questions.

§ C3 9 Acceptance of public highways.

The Selectmen are empowered, without action by the Town Council, to accept as a public highway any street or highway situated in the Town which has been improved in accordance with the law and in accordance with any rule, regulation, bylaw or ordinance of the Town or of any board, commission or committee of the Town.

§ C3-10 Acceptance of road and drainage deeds.

The Selectmen are empowered, without action by the Town Council, to accept deeds to areas to be devoted to public highway purposes, to execute and deliver deeds to areas no longer needed for public highway purposes, to accept grants or easements on behalf of the Town for stormwater and public sanitary sewer lines and to release any such easements no longer needed for public purposes.

§ C3-11 Death, resignation or disability of members of Board of Selectmen.

A. Death or resignation. Upon the death of a member of the Board of Selectmen or upon the written resignation of a member of the Board of Selectmen directed to the Town Clerk, the Town Clerk shall notify the remaining members of the Board of Selectmen and the Chairman of the Town Council by certified mail that a vacancy exists on the Board of Selectmen.

B. Self-determination of disability by a member. If a member of the Board of Selectmen, a regular member or the First Selectman suffers a disability which such member believes would prevent him or her from serving on that Board, such member shall give written notice by certified mail to the Town Clerk stating the nature of the disability which causes the inability to serve. Upon receipt of such notice, the Town Clerk shall mail copies of the same by certified mail to the other members of the Board of Selectmen and to the Chairman of the Town Council, and shall declare a vacancy because of the inability of the member to serve. Such inability shall continue until terminated by such member of the Board by written notice that the member no longer is under any disability, such notice to be delivered by certified mail to the Town Clerk, who shall mail by certified mail such notice to the other members of the Board and to the Chairman of the Town Council, whereupon the inability to serve shall be declared to have ended by the other members of the Board and the Chairman of the Town Council.

C. Determination of disability by committee. If a member of the Board of Selectmen suffers a disability which causes an inability to serve and such member fails or cannot give written notice to the Town Clerk of such inability, the Chairman of the Town Council and the remaining members of the Board of Selectmen shall meet and shall determine, by majority vote, if an inability to serve exists. If an inability is found by a majority vote, the vote shall be certified to the Director of Health, who shall designate two qualified physicians to serve with the ~~Town Health Officer~~ Director of Health as a Committee to verify the inability of such Board member to serve. Within 30 days after a verification by the Committee of inability to serve, the Director of Health shall file with the Town Clerk a written report by the Committee containing a finding as to the question of the inability of the Board member to serve. Such finding shall be binding on the Board of Selectmen, including the disabled member unless overruled by a court of competent jurisdiction, and such finding shall continue in full force and effect until notice in

writing of the determination by a majority of the Committee as to the termination of such inability shall have been filed with the Town Clerk.

Replacement. Within 15 days after the receipt by the other members of the Board of Selectmen and the Chairman of the Town Council of a notice of inability to serve, either from an individual Selectman through the Town Clerk, or from the Committee through the Town Clerk or in the event of notice of the death or of the resignation of a member of the Board, the remaining members of the Board of Selectmen and the Chairman of the Town Council shall meet on the call of the Chairman of the Town Council and shall appoint by a majority vote an individual to serve on the Board, either as a replacement of a regular member or as the replacement of the First Selectman, to serve until the inability ends or for the remaining portion of the term or until a special election is held, as the case may be. If the member being replaced is a member of a political party, then the replacement must be a member of the same party. If the member to be replaced is unaffiliated, the member may be replaced by an unaffiliated voter or a member of any political party. The new member shall hold office until the next municipal or state election or until a special election, if called, and shall have the same powers and duties as the replaced member.

§ C3-12 Special election to fill vacancies on Board.

Any appointment by the remaining members of the Board of Selectmen and the Chairman of the Town Council shall be subject to a special election called upon petition signed by not less than 5% of the electors of the Town as determined by the last completed registry list filed in the office of the Town Clerk not later than 15 days after such appointment. Following the filing with the Town Clerk, an election shall be held not later than 15 days after the filing of the petition. All such special elections shall be held in accordance with the requirements and regulations of the General Statutes. Replacement members elected by special election shall hold office until the next municipal election and shall have the same powers and duties as the replaced member.

Article IV

The Town Council

§ C4-1 Powers and duties.

The Town Council shall be the legislative body of the Town and shall have all of the legislative powers provided in this Charter or the General Statutes.

§ C4-2 Membership.

The Town Council shall consist of 12 members, who shall be electors of the Town and shall be elected at large and, upon qualification, shall take office immediately after their election. The First Selectman, ex officio, shall also be a member of the Town Council but shall vote only in case of a tie.

§ C4-3 Election and terms of office; political affiliations.

At each biennial Town election, six members of the Town Council shall be elected for a term of four years. At any election of members of the Town Council, ~~not more than four members of the same political party shall be elected for the same term, and~~ no elector shall vote for more than ~~six (6)~~four members to serve for the same term. All nominations for membership on the Town Council shall be made in accordance with the statutory requirements of the State of Connecticut. The minority representation requirements of General Statutes §9-167a shall apply.

§ C4-4 Vacancies.

Any vacancy on the Town Council shall be filled for the unexpired term at the next succeeding biennial Town election or at a special election held on the date of the next regular state election, whichever shall first occur; provided, however, that until such election such vacancy shall be filled by the Town Council.

§ C4-5 Compensation.

With the exception of the First Selectman, the members of the Town Council shall serve without compensation and shall hold no other office of trust or emolument in the Town government. Service on committees of the Town government is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics.

§ C4-6 Organization.

The Town Clerk shall call an organization meeting of the Town Council within two weeks following each election at which members are elected to the Town Council, and at such meeting the newly elected members shall be sworn in and a Chairman, a Vice Chairman, a Secretary and any other officer or officers determined by the Town Council shall be elected from the membership, and thereafter the Town Council shall exercise its powers and duties. The Chairman shall, when present, preside at all meetings of the Town Council, and in the absence of the Chairman, the Vice Chairman shall preside. In the absence of both the Chairman and the Vice Chairman, the Town Council shall choose one of its members to act as Chairman pro tempore. The person presiding shall retain his or her vote as a member of the Town Council.

§ C4-7 Meetings.

The Town Council shall meet in a public place at least once every two months and at other times upon the call of the Chairman of the Town Council or of the Board of Selectmen. The Town Council shall also meet within 21 days after receipt of a petition signed by at least 50 electors of the Town and setting forth a matter which may be considered by the Town Council. All meetings shall be open to the public, except for executive sessions in accordance with the Freedom of Information Act. At any open meeting, any elector may, with the permission of the Town Council, be heard by the Town Council.

§ C4-8 Quorum; action by Town Council.

A quorum for a meeting of the Town Council shall be seven members, exclusive of the First Selectman, and the affirmative vote of seven members of the Town Council shall be required for the passage of any appropriation or the passage, amendment, suspension or repeal of any bylaw or ordinance, or for the confirmation of any appointment to the Board of Finance.

§ C4-9 Records.

A record of all actions taken by the Town Council and of the vote of each member thereon shall be filed by the Secretary in the office of the Town Clerk as a public record.

§ C4-10 Notices required for action on appropriations, ordinances and bylaws.

No appropriation shall be passed by the Town Council and no bylaw or ordinance shall be passed, amended, suspended or repealed by the Town Council except after a warning published once a week for two successive weeks, together with posting of the warning of the meeting of the Town Council which is to act upon the appropriation, bylaw or ordinance.

§ C4-11 Manner of making bylaws and ordinances.

The Town Council shall make the bylaws and ordinances in the following manner: The full text of each proposed bylaw or ordinance shall be published ~~at least~~ once a week for two successive weeks, together with a notice of public hearing thereon to be held by the Town Council showing the time and place thereof. After such hearing the Town Council may enact such proposed bylaw or ordinance, together with any amendments thereto which it may make, and shall forthwith file the same as so enacted with the Town Clerk for public record in a book kept by the Town Clerk for that purpose. Any such bylaw or ordinance enacted as proposed and published, without amendment, shall become effective eight days after such filing with the Town Clerk and eight days after publication in summary form, whichever event shall last occur, unless a notice of intent to petition for a referendum is filed under § C4-14; but if enacted with one or more amendments, the Town Council shall forthwith publish at least once each such amendment with its related context, together with a notice in summary form that such bylaw or ordinance as enacted with amendment will become effective eight days after publication of such and eight days after such filing with the Town Clerk, whichever event shall last occur, unless a notice of intent to petition for referendum is filed under § C4-14. The Town Clerk shall note the date of publication and filing on the record of such bylaw or ordinance in the Town Clerk's office.

§ C4-12 Method of approving appropriations.

The Town Council shall pass no appropriation not recommended by the Board of Finance, but may approve, disapprove or reduce but not increase the amount of any appropriation recommended by that Board.

§ C4-13 Requirements for filing and publication of Town Council actions.

Each affirmative or negative legislative action taken by the Town Council which relates to any appropriation or bond issue, or to any ordinance or bylaw, shall be filed in the office of the Town Clerk promptly after such action has been taken and shall be published promptly in summary form at least once.

§ C4-14 Effective date of legislative action.

Each affirmative legislative action taken by the Town Council which relates to any appropriation or bond issue, or to any ordinance or bylaw, shall become effective eight days after publication of such action unless a notice of intent to file a petition for referendum has been filed in the office of the Town Clerk within seven days after the publication of such action.

§ C4-15 Legislative action subject to referendum.

Each affirmative or negative legislative action taken by the Town Council which relates to any appropriation or bond issue, or to any ordinance or bylaw, is subject to referendum.

§ C4-16 Procedure and rules for referendum on legislative action.

1. Notice of intent to petition. Notice of intent to petition for referendum on a legislative action subject to referendum shall be signed by at least 50 electors of the Town and shall be filed in the office of the Town Clerk within seven days after the publication of such legislative action.
2. Petition for referendum. A petition for referendum on a legislative action subject to referendum shall be signed by not less than 5% of the electors of the Town as determined by the last completed registry list, and shall be filed in the office of the Town Clerk not later than 30 days after the publication of such legislative action.

3. Date of referendum. Following the filing with the Town Clerk of a petition for referendum, a referendum shall be held not later than 30 days after the filing of such petition. The date of the referendum shall be set by the Town Council.
4. Number of votes required for repeal or overrule by referendum. An affirmative action of the Town Council shall not be repealed, nor a negative action overruled, unless the number of votes in favor of repeal or overrule shall be a majority of those voting and equal to at least 15% of the number~~s~~ of electors of the Town as determined by the last completed registry list.
5. Effect of a referendum.
 - a) If a referendum repeals or overrules an action taken by the Town Council which relates to any appropriation or bond issue recommended by the Board of Finance, such recommendations shall be returned to the Board of Finance for reconsideration.
 - b) If a referendum repeals an affirmative action taken by the Town Council which relates to any ordinance or bylaw, such action shall be nullified forthwith.
 - c) If a referendum overrules a negative action taken by the Town Council which relates to any ordinance or bylaw, such action shall be returned to the Town Council for reconsideration.

Article V

Board of Finance, Financial Procedures, ~~and~~ Taxes, Audit Committee

§ C5-1 Composition of Board of Finance; qualifications of members.

There shall be a Board of Finance of eight regular members, and three alternate members, who shall be electors ~~and taxpayers~~ of the Town. They shall hold no other office of trust or emolument in the Town or State governments ~~or state governments~~. Service on committees of the Town or State governments is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics. No member thereof shall receive compensation for services as such, but the necessary expenses of the Board, when funds have been appropriated therefor by the Town Council, shall be paid by the Treasurer. There shall be minority representation on the Board and on the panel of alternates in accordance with § 9-167a of the General Statutes.

§ C5-2 Appointment and term of office of members of Board of Finance.

The Selectmen shall annually in November after election day appoint, subject to confirmation by an affirmative vote of seven (7) members of the Town Council, two members of the Board of Finance, who, after qualification, shall hold office for a term of four years from the 15th day of November and until their successors have been appointed and shall have qualified. The Selectmen shall ~~appoint~~, in the oddnumbered years on or promptly after the first day of December, subject to confirmation by an affirmative vote of seven (7) members of the Town Council, the three alternate members of the Board of Finance, who shall hold office for a term of two years from the first day of December until their successors have been appointed and shall have qualified. No appointment to the Board of Finance to fill a vacancy shall be effective unless confirmed by an affirmative vote of seven (7) members of the Town Council. No appointment to the Board of Finance, for a full term or to fill a vacancy, shall be effective unless confirmed by an affirmative vote of seven members of the Town Council.

§ C5-3 Officers and organization.

In addition to the eight regular members of the Board of Finance, the First Selectman shall be an ex officio member of the Board of Finance ~~and but not its Chairman~~ and shall have no vote except in the case of a tie. On or promptly after the 15th day of November each year, the Board of Finance shall meet at the call of the First Selectman to choose one of its regular members to be Chairman and one of its regular members to be Secretary. The First Selectman shall not serve as Chairman or Secretary. The Chairman, when present, shall preside at all meetings of the Board and shall have a vote as a member thereof. to choose one of its regular members to be Secretary.

§ C5-4 Powers and duties of officers and alternates.

The Chairman shall preside and vote, when present, , ~~when present, preside~~ at all meetings of the Board of Finance. In the absence of the Chairman, the Board shall choose one of its regular members Chairman pro tempore who shall preside and votenot thereby lose his or her vote. The Secretary shall file in the office of the Town Clerk a full and detailed record of all proceedings, acts and resolutions of the Board, including the votes of each member on all actions taken, and such record shall be a public record.

The alternate members of the Board of Finance, when seated as provided herein, shall have all the powers and duties of regular members of the Board of Finance. Alternate members shall have no vote, and shall not count towards a quorum or for other purposes, unless seated for a regular member. In the event of the absence of a regular member from a meeting of the Board, or if a regular member is disqualified, such absent or disqualified member shall designate an alternate to act in his or her place. In the absence of such designation, the Board of Finance, by majority vote of those members present and voting, shall designate and seat an alternate or alternates.

§ C5-5 Quorum.

At all meetings of the Board of Finance, five members ~~, exclusive of the Chairman,~~ shall be a quorum and the concurrence of five votes shall be necessary for the transaction of business, except that when only five members ~~, exclusive of the Chairman,~~ are present, the concurrence of four votes shall be sufficient for the transaction of business.

§ C5-6 Requests for annual appropriations.

The Town Council, all officers, department heads, boards, commissions and committees of the Town and the New Canaan Library shall annually not later than the third Tuesday preceding the first Tuesday in February submit to the Selectmen, in a form prescribed by the Board of Finance, itemized estimates of their respective requests for appropriations to cover such expenses, together with statements in detail of their respective expenditures for similar purposes for the preceding fiscal year and such other information as may from time to time be required by the Board of Finance. The Selectmen shall review such estimates or requests, including the preliminary budget estimates submitted by the Board of Education, and shall compile a recommended budget which shall be submitted to the Board of Finance for its consideration not later than the first Tuesday of February in each year. The Board of Education shall submit its preliminary budget estimates to the Board of Selectmen, for its review and comment, not later than the third Tuesday preceding the first Tuesday in February, and shall compile and submit its recommended budget directly to the Board of Finance, with a copy to the Board of Selectmen, not later than the first Tuesday in February in each year.

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7 Requests for capital expenditures.

All officers, department heads, boards, commissions and committees shall submit annually to the Selectmen, with the estimates of their respective expenses for the ensuing fiscal year and in a form prescribed by the Board of Finance, an outline of the estimated capital expenditures of such office, board, commission or committee during the next five fiscal years. The Selectmen shall consider such outlines and, ~~after consultation with the Planning and Zoning Commission,~~ shall submit to the Board of Finance, not later than two weeks after the first Tuesday of February, a recommended budget of such capital expenditures, including such recommendation as they desire as to the creation of a reserve therefor in the Town budget for the ensuing fiscal year.

§ C5-8 Pension and retirement systems and insurance.

The Board of Finance may recommend to the Town Council the establishment of a system of retirement payments or pensions for officers or employees of the Town, including employees of the New Canaan Library employed prior to January 1, 2011, in consideration of years of service, age or disability, and may recommend the amount and duration of such payments or pensions. The Town Council, after publication once a week for two successive weeks, together with a simultaneous posting of a warning of the meeting of the Town Council which is to act upon the recommendation of the Board of Finance, may approve or reject any such recommendation, but may not increase the amount or duration of such retirement payments or pensions or change the beneficiaries thereof. The Board of Finance, in its annual recommendation for appropriations to cover Town expenditures for each fiscal year, may likewise include provision for group insurance covering officers or employees of the Town. Any existing system of retirement payments or pensions shall remain in effect until modified under the provisions of this section.

§ C5-9 Board of Finance budget recommendations and public hearing.

The Board of Finance, after receipt of the recommended budget from the Board of Selectmen and after obtaining any further information which it may require, shall prepare tentative budget recommendations. The Board of Finance shall cause such recommendations to be published at least once, together with a notice fixing the time of a public hearing which shall be held not later than the sixth Tuesday following the first Tuesday of February; and the place where such hearing shall be held by the Board of Finance upon requests for appropriations, to hear all persons, including members of the Board of Finance, who may wish to be heard in respect to any such recommendations or who may wish the Board of Finance to recommend any other appropriation or any other matter within the power of the Board of Finance.

After such public hearing, the Board of Finance forthwith shall hold a meeting or meetings to consider the estimates and requests so presented. The Board of Finance shall thereupon prepare and present its recommendations to the Board of Selectmen, for submission to the Town Council, for appropriations to cover Town expenditures for the ensuing fiscal year. Such recommendations may also include appropriations to pay any part of the Town debt or to provide a fund for any public improvement or any other matter within the power of the Board of Finance and to provide a contingent fund for expenses of the Town not otherwise provided for, which contingent fund, when appropriated by the Town Council, shall be subject to disbursement by the Board of Finance. Nothing in this section shall be construed to be a limitation upon the Board of Finance in the disbursement of the whole or any part of the Town contingent fund.

All such recommendations for appropriations shall be classified under proper headings and shall be accompanied by an estimate, made by the Board of Finance, of the amount of revenue the Town will receive during such fiscal year from all sources, except that of taxation, and an itemized list of the debts

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and obligations of the Town as of the date of the meeting or meetings following the public hearing of the Board of Finance and a detailed statement showing the amount of increase or decrease of the proposed appropriation as compared to the last previous appropriation made by the Town Council for like purpose. Such recommendations shall include the amount of any unexpended balances or surplus to be applied against appropriations and a reserve for uncollectible taxes; provided, however, that if the Town Council shall reduce the proposed appropriations so recommended and published by an amount exceeding 5%, then in that event, the amount of unexpended balances or surplus to be applied shall be reconsidered by the Board of Finance for final action.

§ C5-10 Annual budget meeting.

The recommendations for appropriations so prepared by the Board of Finance shall be delivered to the Selectmen not later than the seventh Tuesday following the first Tuesday of February in each year in the form of a written report signed by the Chairman of the Board of Finance and a majority of its members. The Selectmen shall forthwith cause to be published once a week for two successive weeks a notice of a meeting of the Town Council to act upon such recommendations, stating the time and place thereof. The first of such notices shall include the publication ~~in full~~ of the recommendations of the Board of Finance. Such meeting of the Town Council shall be held not later than 11 weeks after the first Tuesday of February in each year.

§ C5-11 Town Council action upon annual appropriations and other recommendations.

The Town Council shall take action upon each of the proposed appropriations so recommended and published. It may approve, disapprove or reduce but may not increase the amount of such appropriations or any of them or the amount of any unexpended balances or surplus to be applied or any reserve for any uncollectible taxes; and no appropriation shall be made for any purpose not recommended and published as hereinbefore provided. If a recommendation of the Board of Finance pertains to some matter other than a money appropriation, then the Town Council shall act thereon in such case as provided in this Charter. § C5-12 Action upon special appropriations.

Whenever the Board of Selectmen or the First Selectman requests a special appropriation, or whenever a special appropriation, in the opinion of the Board of Finance, shall be necessary for any purpose, the Board of Finance shall deliver a recommendation to the Selectmen and the Selectmen shall present the recommendation to a meeting of the Town Council or may present the recommendation of the Board of Finance to a meeting called for that purpose, whereupon the Selectmen shall forthwith cause to be published once a week for two successive weeks a notice of a meeting of the Town Council to consider and act upon the recommendation of the Board of Finance for such special appropriation, which notice shall state the time and place thereof. The Board of Finance ~~shall~~ ~~may~~ also include in its recommendation that such special appropriation shall be paid from moneys in the Town treasury not otherwise appropriated or by the levying of a special tax. If and when such special appropriation shall be made by the Town Council and the levying of a special tax to pay such special appropriation shall be approved by the Town Council, the Board of Finance shall lay a special tax upon the grand list last completed and fix the date or dates upon which such special tax shall become due and payable and shall thereupon issue a warrant to the Tax Collector to receive and collect the same in the manner provided by the General Statutes for the collection of taxes.

13 Bond issues.

The Board of Finance may recommend the issuance of the bonds of the Town, in the form and subject to the limitations required by law, for any public purpose and the Board of Finance shall deliver a

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recommendation to the Selectmen as to such bond issue, and the Selectmen shall forthwith cause to be published once a week for two successive weeks a notice of a meeting of the Town Council to consider and act upon such recommendation of the Board of Finance stating the time and place thereof. Such recommendation and the notice shall contain a full and complete statement of the purpose or purposes for which bonds are to be issued and the amount and general terms thereof. The Town Council may approve, disapprove or reduce the amount of such proposed bond issue, but may not increase the same nor change the terms thereof. Such bonds, if and as approved by the Town Council, shall be executed and signed by the First Selectman and the Town Treasurer and the Town Clerk shall affix thereto the seal of the Town and attest to the same.

§ C5-14 Special taxes for special improvements.

In cases where special taxes shall be levied to provide funds for special improvements, the Board of Finance may, after holding its public hearing duly warned by publication at least once, at which all persons whose property may be affected shall be heard, designate what property shall be subject to special assessments for special benefits and the amount thereof and the date or dates upon which such special assessments shall become due and payable, and shall thereupon issue a warrant to the Tax Collector to receive and collect the same on the date or dates so fixed for such payment in accordance with the manner provided in the General Statutes for the collection of taxes. All such special assessments shall be borne equally by all property similarly situated, benefited or affected.

§ C5-15 Sewer taxing district.

There shall be a sewer taxing district in the Town. The Board of Finance shall in the annual request for appropriations recommend to the Town Council the method by which moneys shall be raised that are necessary to maintain and operate the public sewerage system or systems and to pay the interest and principal of all sewer and filtration bonds heretofore issued by the Town and outstanding at the time this Charter shall take effect or which may hereafter be issued. Unless otherwise provided by ordinance, the Board of Finance by resolution may from time to time include in the existing sewer taxing district additional areas of the Town.

§ C5-16 Assessments for sewer improvements or extensions.

The Board of Finance, in laying any special assessment in connection with the extension or improvement of the sewage disposal system in the Town, is authorized to proceed in accordance with the General Statutes, but no assessment or charge for the extension of the sewage disposal system into unsewered areas shall be less than 100% of the cost thereof, except under circumstances found by the Board of Finance to be unusual and extraordinary or to involve undue hardship.

§ C5-17 Procedure for abolishing sewer taxing district.

The Town Council may vote to abolish the sewer taxing district and thereafter all charges for operation and maintenance of the public sewage disposal system and for the payment of interest and amortization of all sewer and filtration bonds shall be included in the annual request for appropriations made by the Board of Finance to the Town Council. In the event of the adoption of such action by the Town Council, the Town Council and the Town Clerk shall certify such action to the State Commissioner of Revenue Services, the Office of Policy and Management, and to the Secretary of the State.

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18 Procedure for establishing special tax districts.

The Board of Finance may recommend the establishment of special tax districts by delivery of a recommendation to the Selectmen, and the Selectmen shall forthwith cause to be published once a week for two successive weeks a notice of a meeting of the Town Council to consider and act upon the recommendation of the Board of Finance, stating the time and place thereof. The recommendation shall set forth the purposes and conditions governing such special tax districts and shall fix the boundaries thereof. No such district shall be established unless the recommendations of the Board of Finance shall be approved by the Town Council and unless a majority of the electors resident in such proposed district and the owners of real property located therein have consented thereto by written ballot cast at a special election called for such purpose in each of the proposed districts. If the Town Council approves such recommendations, it shall fix the date, time and place or places of such special elections and provide the usual facilities for holding the same, and the Board of Finance, together with the Town Council, shall make an appropriation to cover the necessary expenses thereof.

§ C5-19 Tax Collector to be appointed by Selectmen.

The Tax Collector shall be appointed by the Board of Selectmen and shall serve at the pleasure of the Selectmen. The Tax Collector shall have such powers and perform such duties, under the direction of the Board of Selectmen, as may be prescribed by the General Statutes. The Tax Collector shall not hold any other office in the Town government or engage in any business in the Town that could create a conflict of interest as defined in the Town's Code of Ethics. Service on committees of the Town government is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics.

§ C5-20 Tax warrant.

The Board of Finance shall issue a warrant to the Tax Collector to receive and collect any regular or special tax laid under the provisions of this Charter, which warrant shall specify the grand list upon which such tax is laid and the date or dates when it shall become due and payable. Such warrant shall be signed by the Chairman of the Board of Finance and a majority thereof. The Town Clerk shall affix thereto the Town seal and attest to the same.

§ C5-21 Payment of taxes.

The Board of Finance, in fixing the dates as to when taxes shall become due and payable, may provide that the taxes on personal property or taxes on real property, or both, shall become due and payable in one or more installments. The provisions of the General Statutes ~~of Connecticut, Revision of 1958,~~ as now or hereafter amended, shall be applicable to delinquent regular taxes or to delinquent special taxes laid under the provisions of this Charter.

§ C5-22 Liens on property for taxes.

The liens on property for taxes annually laid by the Town of New Canaan on any grand list shall date from the first day of July next preceding the completion of the lists upon which such taxes shall be laid.

§ C5-23 Lien fees.

Lien fees collected by and paid to the Tax Collector of the Town in accordance with the provisions of the General Statutes shall be credited to the general fund thereof.

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24 Water rates.

The Board of Finance, upon recommendation of the Director of Public Works, shall have power to establish equitable rates, and from time to time revise such rates, for the use of any system of public water supply authorized by the Town Council, to be paid by the owner of each lot or building receiving the benefits thereof, provided such rates shall be so computed as to provide revenue sufficient to meet the cost of maintaining and operating such system and to pay the cost of interest and amortization on all outstanding water supply bonds hereafter issued by the Town. Such rates shall be collected in the manner provided by the General Statutes for the collection of taxes.

§ C5-25 Payment of judgments against Town.

The Board of Finance shall make an appropriation sufficient to pay any judgment rendered against the Town by a court of competent jurisdiction when, in the opinion of the Board of Finance, all reasonable legal defenses or remedies have been invoked. The moneys necessary to pay such appropriation may be withdrawn for that purpose from funds in the Town treasury not otherwise appropriated, if the same be sufficient. Should the money in the Town treasury available for such purpose be insufficient, the Board of Finance may, by resolution, authorize the Treasurer to borrow the amount necessary. The sum so borrowed shall be included by the Board in the next tax levy upon the grand list of the Town last completed and the Board of Finance shall fix the rate thereof in an amount sufficient to provide the moneys necessary to pay such judgment with the interest due thereon and fix the date or dates when such tax shall be due and payable. The Board shall thereupon issue its warrant, in the form prescribed in § C520 hereof, to the Tax Collector to receive and collect the same.

§C5-26 Audit Committee, composition – and qualification of members.

There shall be an Audit Committee of five members who shall be electors of the Town. The members shall serve without compensation and shall hold no other office of trust or emolument in the Town government nor serve on any other committees of the Town government. No member may accept any consulting, advisory or other compensatory fee from the Town, nor shall a member have had any material financial relationship with the Town in the three years prior to appointment to the Committee. Additional qualifications are defined by Town Ordinance, as amended.

§C5-27 Appointment and terms of -office.

The Board of Selectmen shall appoint members of the Audit Committee, subject to confirmation by an affirmative vote of seven- members of the Town Council, for a term of three years to begin on December 1st each year, with two members to be appointed the first year-year, two members to be appointed the second year, and one member to be appointed the third year. Members may serve for no more than three successive three-year terms or part thereof.

Each member, after qualification, shall hold office from their initial appointment and until a successor has been appointed and shall have qualified. In the event of a vacancy due to death, resignation or removal, within 60 days of such vacancy the Selectmen will appoint a successor member of the Committee. There shall be minority representation on the Committee in accordance with § 9-167a of the General Statutes. §C5-28 Organization, officers, records and quorums.

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On or promptly after the first day of December in each year the Audit Committee shall meet at the call of the First Selectman to choose one of its members to be Chairman and one of its members to be Secretary. The Chairman shall, when present, preside at all meetings of the Committee and shall have a vote as a member thereof. In the absence of the Chairman or Secretary, as the case may be, the Committee shall choose one of its members Chairman pro tempore or one of its members Secretary pro tempore. Three members shall be a quorum for the transaction of business at any meeting.

The Secretary shall file in the office of the Town Clerk agendas and minutes of all meetings of the Committee, including the votes of each member on all actions taken.

The Committee shall prepare and send an annual report of its activities to the Town Bodies within sixty days after filing of the financial statements with the State Office of Policy and Management.

C5-29 Powers and duties.

Subject to Town Ordinance, as amended, the purpose of the Audit Committee is to assist the Town Bodies (Board of Selectmen, Town Council, Board of Finance and Board of Education) in fulfilling the Town Bodies' respective oversight responsibilities relating to:

A. the integrity of the Town's financial statements, financial reporting processes and systems of internal accounting and controls;

B. the annual independent audit of the Town's financial statements, the engagement of the independent auditors and the evaluation of the independent auditors' qualifications, independence and performance; C. compliance with legal and regulatory requirements that could materially impact the Town's financial statements;

D. the evaluation of enterprise risk issues;

E. the engagement of the internal audit resources and ensuring the adequacy and completeness of an internal audit annual plan and related resources, receiving the related reports, and evaluating the internal auditor(s) qualifications, independence and performance; and

F. overseeing the Town's plan for corrective action which should include appropriate and timely followup measures.

In performing the Committee's duties, members may reasonably rely upon management to prepare financial statements in accordance with applicable standards and to maintain an effective system of internal controls that provide reasonable assurances regarding the reliability of financial reporting.

§ C5-~~3026~~ Recipients of Town funds required to keep records for auditing purposes.

Any person, group or organization receiving funds from the Town of New Canaan to be disbursed for public purposes shall keep records of the method and manner in which such funds received from the Town are expended, shall submit to the Board of Selectmen annual reports in a form prescribed by that Board, setting forth the details of the expenditures of such funds, and shall submit such records for audit by the Town Auditors.

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~~3127~~ System of accounting.

The Town shall maintain a system of accounting for keeping records to show amounts of current and past taxes and all types of liabilities of each taxpaying entity and the collections, adjustments, charges and abatements. The Town shall maintain its financial records in accordance with Generally Accepted Accounting Principles (GAAP) and in compliance with the Government Accounting Standards Board (GASB). The Town Finance Department shall maintain sound internal controls, including appropriate separation of duties. The Town shall annually hire an independent accounting firm to audit the financial books of the Town, and require the firm to submit a formal audit report to the Town Council, Board of Finance, and the Connecticut Office of Policy and Management to ensure that the Town is in compliance with the provisions of the General Statutes.

§ C5-~~3228~~ Transfer of unexpended balances.

A. The Board of Finance may, by resolution, transfer unexpended balances from one appropriation to another, but no amount appropriated for any purpose, whether general or special, shall be used or appropriated for other purposes without the approval of the Board of Finance, expressed by resolution thereof. 5 Unexpended cash balances remaining at the end of any fiscal year may, by resolution of the Board of Finance, be either transferred to a surplus account or subtracted from the amount the Town Council has authorized to be raised by taxation for the ensuing fiscal year.

B. All uncommitted appropriations for capital improvements may, at the end of any fiscal year, with the approval of the Board of Finance, be continued and set up as a reserve for the same purposes and may be committed by the Board of Finance for the same capital improvements for one fiscal year after the expiration of the fiscal year for which such appropriations were originally made.

§ C5-~~3329~~ Expenditures exceeding appropriations.

Neither the Town Council nor any officer, board, commission or committee shall expend any money or enter into any contract for any purpose by which the Town shall become liable for any sum which, with any contract then in force, shall exceed the sum appropriated by the Town for such purpose, except in cases of necessity connected with the repair of public buildings, sewers, sewage disposal plants, highways and bridges and with public welfare, and then not to exceed the amount provided by § 7-348 of the General Statutes. Should any emergency arise whereby more money is needed for any department or service of the Town government than has been appropriated, the Selectmen shall notify the Board of Finance of such fact and the Chairman of said Board of Finance shall thereupon call a special meeting thereof to consider an additional appropriation. The Board of Finance may make the necessary appropriation therefor if it shall not exceed the ~~amount provided in §7-348 of the General Statutes~~ ~~sum of \$20,000~~, but not more than one such appropriation shall be made during any one fiscal year. In case no funds shall be available to meet such additional appropriations, the Town may, with the consent of the Board of Finance, given by resolution, borrow the amount necessary, and the sum so borrowed shall be included by the Board of Finance in the next regular tax levy upon the Town. If any sum greater than ~~the amount provided in §7-348~~ ~~\$20,000~~ shall be necessary, the Board of Finance shall proceed under and in accordance with the provisions of § C5-12 relating to special appropriations. Nothing in this section shall be construed to be a limitation upon the Town in issuing bonds as herein provided or expending the proceeds therefrom in accordance with the vote of the Town Council. Nothing in this section shall be construed to be a limitation upon the Board of Finance in the disbursement of the whole or any part of the Town contingent fund. In the event of budget category shortfalls in any department other than the Board

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of Education, the Chief Financial Officer, with the approval of the Board of Finance, may make line item transfers, provided the total budget shall not be increased thereby.

§ C5 ~~34~~ ~~30~~ Penalty for exceeding appropriation.

Should the Town Council or any officer or officers or any board, commission or committee expend or cause to be expended any money of the Town or enter into any contract in violation of § C5-29, he, she, they or the members, jointly and severally, of such board, commission or committee or of the Town Council shall be liable in a civil action in the name of the Town and the amount so drawn from the treasury or for which the Town is made liable under such contract shall be liquidated damages in such action against such officer or officers or members of such board, commission or committee or the Town Council, but this section shall not be construed as preventing the Town from pursuing any other remedy which might be provided by law.

Article VI

Assessor; Assessing Procedures; Board of Assessment Appeals §

C6-1 Assessor.

There shall be one Assessor, who shall be appointed by the Board of Selectmen and who shall serve at the pleasure of the Selectmen. The Assessor shall have such powers and perform such duties, under the direction of the Board of Selectmen, as may be prescribed by the General Statutes. The Assessor shall not hold any other office in the Town government or engage in any business in the Town that could create a conflict of interest as defined in the Town's Code of Ethics.

§ C6-2 Requirements for filing real estate lists.

All persons required to file with the Assessor of the Town of New Canaan lists of property subject to taxation shall not include real estate in such lists, except as follows: Any record owner of real estate situated in the Town, to which real estate any new construction, improvement or interior or exterior alterations exceeding \$50 in value have been added and for which no building permit has been obtained from the Town of New Canaan, or from which real estate any building has been wholly or partially razed or removed during the 12 months next preceding the first day of October, and for which no permit has been obtained from the Town of New Canaan, shall be required to prepare, swear to and sign and file a list of such real estate with said Assessor on or before the first business day of November.

§ C6-3 Requirements for filing personal property lists.

All persons required by the General Statutes to file lists of personal property with the Assessor of the Town shall on or before the first business day of November prepare, swear to and file such lists with said Assessor valued as of the first day of October.

§ C6-4 Penalty for failure to file required lists.

The addition of 25% to taxpayers' lists provided by the General Statutes for failure to file such lists, or for omitting property from such lists, shall apply only to such property for which lists are required to be filed under the provisions of §§ C6-2 and C6-3 hereof.

§ C6-5 Assessment day; lodging of grand list.

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The assessment day of the Town of New Canaan shall be October 1 of each year. The Grand List, when completed, shall be lodged with the Assessor's office on or before January 31.

§ C6 6 Board of Assessment Appeals.

There shall be a Board of Assessment Appeals of three members who shall be elected for two-year terms at each biennial Town election. The Board of Assessment Appeals shall have all the powers and duties prescribed by the General Statutes.

§ C6-7 Board of Assessment Appeals meeting dates.

The Board of Assessment Appeals shall meet at least three times during the month of March and at least once in the month of September annually, provided that any meeting in the month of September shall be for the sole purpose of hearing appeals related to the assessment of motor vehicles, and shall give notice of the time and place of such meetings by posting it at least 10 days before the first meeting in each such month in the office of the Town Clerk, and publishing it ~~in a newspaper~~ in accordance with the General Statutes and §C1-2 hereof. Such meetings shall be held on business days, which may be Saturdays, the last not later than the last business day of each such month, on or before which date such Board shall complete the duties imposed upon it. No appeal from the doings of the Assessor shall be heard or entertained by the Board unless presented to it at one of its meetings during the month of March, or during the month of September in the case of an appeal related to motor vehicle assessment.

§ C6-8 General Statutes to prevail.

In the event that the General Statutes are amended to change the name of the Board of Assessment Appeals or its times for meeting, or to change any other provisions in this article relating to assessing procedures, the General Statutes as amended shall prevail and override the provisions of this article.

Article VII

Board of Education

§ C7-1 Membership, powers and duties.

The Board of Education, consisting of nine members ~~as constituted at the time this Charter shall take effect~~, shall continue to exercise all of the powers and perform all of the duties conferred or imposed upon Boards of Education in towns by the General Statutes. The members of the Board of Education shall be electors of the Town.

§ C7-2 Election of members.

Members of the Board of Education shall be elected for a term of four years, with four members elected at one biennial municipal election and five members elected at the next biennial municipal election. At each such election any elector may vote for the total number of members of the Board of Education to be elected at such election, and each political party shall have the right to nominate as many persons as there are vacancies on the Board, provided there shall be minority representation on the Board of Education in accordance with § 9-167a of the General Statutes. All elections and nominations to the membership of the Board shall be made in accordance with the statutory requirements of the State of Connecticut.

§ C7-3 (Reserved)

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§ C7 4 Vacancies.

If a vacancy occurs in the office of any member of the Board of Education, it may be filled by the remaining members of the Board until the next regular biennial municipal election, at which election a successor shall be elected for the unexpired portion of the term, and the official ballot shall specify the vacancy to be filled. If the Board of Education fails to fill any vacancy which occurs on the Board within 90 days after the vacancy occurs, the Board of Selectmen may fill such vacancy until the next biennial municipal election. Article VIII

Fire Commission

§ C8-1 Establishment of Fire Commission.

There shall be a Fire Commission composed of three members, who shall be electors of the Town. The members shall serve without compensation and shall hold no other office of trust or emolument in the Town government. Service on committees of the Town government is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics.

§ C8-2 Appointment and terms of office.

The Selectmen shall annually on or promptly after the first day of December appoint one member of the Fire Commission who, after qualification, shall hold office for a term of three years from the first day of December until a successor has been appointed and shall have qualified. As long as there shall be a volunteer fire company in the Town of New Canaan ~~receiving Town aid~~, one of the members of the Commission shall be an inactive member, in good standing, of such a volunteer fire company, in order to foster and recognize the volunteer component of the department. There shall be minority representation on the Commission in accordance with § 9-167a of the General Statutes.

§ C8-3 Organization, officers, records and quorum.

On or promptly after the first day of December of each year, the Commission shall meet at the call of the First Selectman to choose one of its members to be Chairman and one of its members to be Secretary. The Chairman shall, when present, preside at all meetings of the Commission and shall have a vote as a member thereof. The Secretary shall file in the office of the Town Clerk a record of all proceedings, acts and resolutions of the Commission, including the votes of each member on all actions taken, and such record shall be a public record. Two members shall be a quorum for the transaction of business at any meeting.

§ C8-4 Powers and duties.

The Fire Commission shall supervise the management of the fire department of the Town to ensure adequate fire protection and rescue response, and shall exercise powers and perform duties with respect thereto as follows:

- A. Appoint a Fire Chief, ~~whether paid or volunteer~~, subject to the approval of the Board of Selectmen. ~~If a volunteer is fully qualified for the position and has been elected by the volunteer fire company, the Fire Commission shall appoint such person. In the event that the Selectmen do not approve a candidate appointed by the Fire Commission, then the matter shall be returned to the Fire Commission for reconsideration and further consultation with the volunteer fire company.~~ If ~~When~~ a paid Chief is duly appointed and employed, the Commission shall supervise the Chief in all the duties and responsibilities of the office, including dismissal; ~~and, in the case of a paid Chief~~, the Chief's salary, compensation, benefits, and increases shall be established with

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the consultation and approval of the Selectmen. In the event of a vacancy in the position of Chief, ~~the~~ Assistant Chief shall be Acting Chief in order to maintain the chain of command and leadership responsibilities of the department pending the appointment of a permanent Chief.

B. As to volunteer fire companies established in the Town, the Commission shall:

(1) ~~Consult with each such company and furnish annually to the Selectmen an itemized estimate of the operating and capital budgets that the Commission recommends be appropriated for the support and maintenance during the ensuing fiscal year of each such company, together with an itemized statement of the expenditures for similar purposes during the preceding fiscal year. Ensure that the Town provides volunteer firefighters, as per Occupational Safety and Health Administration (OSHA) regulations, with required personal protective equipment.~~

(2) Recognize volunteers as members in accordance with the constitution and bylaws of the volunteer fire company.

(3) ~~Consult with the Chief of each such company regarding rules and regulations, approved by the companies, for the proper governance of all personnel serving with the companies and paid by the Town. Direct the volunteer fire company to follow all rules and regulations and standard operating procedures of the fire department. Modification of these rules and regulations shall be in consultation with the volunteer officers.~~ The volunteer fire company shall be responsible for discipline of any volunteers who have violated its rules and regulations or for conduct found to be detrimental to the public welfare.

(4) ~~Consult with the Chief of each such company and thereafter adopt rules and regulations, approved by the companies, for governing their members so that the Town will be assured of adequate fire protection.~~

(5) Provide that copies of all rules and regulations referred to ~~herein in Subsections (3) and (4) hereof~~ shall be delivered to all persons affected thereby.

C. As to the paid Fire Department established in the Town, the Commission shall:

(1) Employ and appoint career officers and fire fighters and other paid personnel of the Fire Department as may be necessary for the adequate protection of the Town. Consult with the Chief to solicit names of qualified candidates for each paid position for service with the Fire Department. Persons so employed shall be paid by the Town.

(2) Implement changes in the classification and compensation of employees of the Fire Department, in accordance with any collective bargaining agreements, after consultation with the Board of Selectmen.

(3) Review and approve rules and regulations regarding career personnel, for the proper governance of the Fire Department, in accordance with contract and regulatory obligations, ~~after consultation with the Selectmen.~~

(4) Remove or suspend without payment of wages any employee of the Fire Department for violation of any such rules and regulations or for conduct found by the Commission to be detrimental to the public welfare but only after a hearing by the Commission upon written charges delivered to the accused person a reasonable time before such hearing, at which hearing such person may be represented by counsel; provided such actions may be taken only in accordance with collective bargaining agreements and regulatory obligations.

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D. As to general fire protection and prevention, the Commission shall:

- (1) From time to time prepare and submit to the Selectmen proposed rules and regulations for governing and abating fire hazards in public and private buildings and in all other places in the Town and recommend their adoption by the Town Council as a bylaw or ordinance of the Town.
- (2) Appoint, subject to the approval of the Board of Selectmen, a Fire Marshal, ~~whether paid or volunteer~~, who shall possess the powers and perform the duties imposed upon such officer by law or by ordinance of the Town.

Article IX

Health and Human Services Commission

§ C9 -1 Composition and qualification of members.

There shall be a Health and Human Services Commission of nine members. The members shall be electors of the Town, and the First Selectman shall be a member ex officio but shall vote only in case of a tie. With the exception of the First Selectman, the members shall serve without compensation and shall hold no other office of trust or emolument in the Town government. Service on committees of the Town government is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics.

§ C9-2 Appointment and terms of office.

The Selectmen shall annually on or promptly after the first day in December appoint three members of the Commission, all of whom, after qualification, shall hold office for a term of three years from the first day of December until their successors have been appointed and have qualified.

§ C9-3 Organization, officers, records and quorum.

On or promptly after the first of December in each year, the Commission shall meet at the call of the First Selectman to choose one of its members to be Chairman and one of its members to be Secretary. The Chairman shall, when present, preside at all meetings of the Commission and shall vote as a member thereof. The Secretary shall file in the office of the Town Clerk a full and detailed record of all proceedings, acts and resolutions of the Commission, as required by the Freedom of Information Act, including the votes of each member on all actions taken, and such record shall be a public record; provided, however, that the names of needy persons and confidential matters relating to their domestic, financial or other private affairs, and the votes of the members of the Commission in specific instances granting or refusing welfare, shall not be a public record. The concurrence of a majority of the Commission shall be necessary for the transaction of business.

§ C9-4 Powers and duties.

The Health and Human Services Commission shall have the following general duties and responsibilities in serving Town needs in the areas of human services, aging services, youth services and assigned public health services:

The Commission shall possess and exercise all of the powers and duties relating to the public's general welfare as described above, imposed upon boards of selectmen or municipalities by the Town of New

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Canaan, General Statutes of Connecticut or the United States Code, as well as those powers and duties that may be imposed on it by ordinances of the Town.

Article X

Inland Wetlands Commission

§ C10 -1 Composition and qualification of members.

There shall be an Inland Wetlands Commission of- seven regular members and three (3) alternate members who shall be electors of the Town. Ex-officio members may be provided as in the Town ordinance. The members shall serve without compensation and shall hold no other office of trust or emolument in the Town government. Service on committees of the Town government is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town Code of Ethics.

§ C10 -2 Appointment and terms of office.

The Selectmen shall annually on or promptly after the first day of December appoint three or four regular members of the Inland Wetlands Commission, who, after qualification, shall hold office for a term of - two years from the first day of December and until reappointed or their successors have been appointed and shall have qualified. On or promptly after the first day of December in the odd-numbered years, the Selectmen shall appoint the remaining regular members, who, after qualification, shall hold office for a term of two years from the first day of December and until reappointed or their successors have been appointed and shall have qualified.

§ C10 -3 Organization, officers, records and quorums.

On or promptly after the first day of December the members of the Inland Wetlands Commission~~WC~~ shall meet at the call of the First Selectman to choose one of its regular members to be Chairman and one of its regular members to be Secretary.

§ C10 -4 Alternate members.

In the event of the absence of a regular member from a meeting of the Inland Wetlands Commission or if a regular member shall disqualify himself or herself or be disqualified under the provisions of the General Statutes or the Town Code of Ethics, the Chairman shall designate and seat an alternate member from the panel of alternates.

§ C10 -54 Powers and duties.

The Inland Wetlands Commission shall have all the powers and duties and be subject to the restrictions and limitations of inland wetland commissions as established under the General Statutes and as provided in the Town ordinance, as from time to time amended.

Article XI

Conservation Commission

§C11-1 Composition; compensation; qualification of members.

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There shall be a Conservation Commission of five members who shall be electors of the Town. The members shall serve without compensation and shall hold no other office of trust or emolument in the Town government. Service on committees of the Town government is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics. There shall be minority representation on the Commission in accordance with Section 9-167a of the Connecticut General Statutes.

§C11-2 Appointment; terms of office.

On or promptly after the first day of December in even-numbered years, the Selectmen shall appoint two members of the Commission, who, after qualification, shall hold office for a term of two years from the first day of December and until their successors have been appointed and shall have qualified. On or promptly after the first day of December in odd-numbered years, the Selectmen shall appoint three members of the Commission, who, after qualification, shall hold office for a term of two years from the first day of December and until their successors have been appointed and shall have qualified.

§C11-3 Organization; official records and quorum.

On or promptly after the first day of December, the Commission shall meet at the call of the First Selectman to choose one of its members to be Chairman and one to be Secretary. The Chairman shall, when present, preside at all meetings of the Commission, and shall vote as a member thereof. The Secretary shall file in the office of the Town Clerk a full and detailed record of all proceedings, acts, and resolutions of the Commission, including the votes of each member on all actions taken, and such record shall be a public record. Three members shall constitute a quorum, and the concurrence of two votes shall be necessary for the transaction of business.

§C11-4 Powers and duties.

The Commission shall have all of the powers, duties and responsibilities as specified in the ordinances of the Town.

Article ~~XIIX~~

Parks and Recreation Commission

§ ~~C1219~~-1 Composition and qualification of members.

There shall be a Parks and Recreation Commission of no fewer than seven and no more than 11 members, as determined by resolution of the Board of Selectmen. The members shall be electors of the Town. The members shall serve without compensation and shall hold no other office of trust or emolument in the Town government. Service on committees of the Town government is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics.

§ ~~CE1219~~-2 Appointment and terms of office.

The Selectmen shall on or promptly after the first day of December in each year appoint 1/3 of the members of the Parks and Recreation Commission for a term of three years, all of whom, after qualification, shall hold office from the first day of December and until their successors have been appointed and have qualified. If 1/3 of the total membership is not a whole number, then the Selectmen shall divide the membership as equally as may be into three appointment classes, and the members of the classes shall be appointed on a three-year rotation. There shall be minority representation on the Commission in accordance with § 9-167a of the General Statutes.

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1219-3 Organization, officers, records and quorum.

On or promptly after the first day of December in each year, the Parks and Recreation Commission shall meet at the call of the First Selectman to choose one of its members to be Chairman and one of its members to be Secretary. The Chairman, when present, shall preside at all meetings of the Commission and shall have a vote as a member thereof. In the absence of the Chairman, the Board shall choose one of its members Chairman pro tempore. The Secretary shall file in the office of the Town Clerk a full and detailed record of all proceedings, acts and resolutions of the Commission, including the votes of each member on all actions taken, and such record shall be a public record. A majority of the total members shall constitute a quorum and the concurrence of a majority of those present shall be necessary for the transaction of business.

§ C 1219-4 Powers and duties.

The Commission shall exercise powers and perform duties as follows:

- A. Recommend to the Selectmen for adoption by the Town Council such bylaws or ordinances relating to public recreation and the use of parks and other recreational facilities as, in its opinion, shall be proper.
- B. Consider and make recommendations to the Selectmen as to the acceptance of donations or devises of property to the Town for park or recreational purposes.
- C. Consider and recommend to the Planning and Zoning Commission acquisition of parks and other recreational facilities.
- D. In conjunction with the Town Recreation Department, Organize, direct, control, equip, foster and promote recreational programs and activities in public parks, streets, public buildings or elsewhere in the Town except those recreational programs and activities under the jurisdiction of the Board of Education or those recreational programs and activities that may from time to time be delegated to any other board, commission, committee or authority of the Town by the Charter or by any bylaw or ordinance adopted by the Town Council.
- E. Prioritize, plan and supervise-Evaluate the maintenance and care of parks, utilizing the resources of the park maintenance staff of the Department of Public Works, within the annual budget allocation provided to the Commission by the Town, or as may be more specifically provided by ordinance.
- F. On or promptly after the first day of November in each year, the Commission shall submit an Annual Report to the Board of Selectmen and the Town Council, which report shall include the following sections:
 - (1) RECREATION: describing activities for the past year, and new goals and projects, pertaining to the recreational programs and facilities;
 - (2) PARKS: describing activities for the past year, and the current condition of the parks, park maintenance needs and short-term plans, and capital projects and long-range planning.

1219-5 Method of acquisition of park property.

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The Selectmen, upon recommendation of or after consultation with the Parks and Recreation Commission and the Planning and Zoning Commission, may consider the acceptance of gifts, donations or devises of land or other property for park or recreational purposes and recommend to the Town Council the acceptance or rejection thereof. Should the Selectmen, after consultation with the Parks and Recreation Commission find it necessary or advisable to acquire land or facilities or both for park and recreational purposes or for the improvement of park property, they shall make a report relative thereto to the Board of Finance, together with a request for a special appropriation. When an appropriation for such acquisition or improvement shall have been made by the Town Council, the Selectmen shall have exclusive charge of the disbursement of such appropriation in substantial accord with the purpose for which such appropriation was made. If the carrying out of any such recommendation makes necessary the condemnation of land, the Town is authorized to take such land within the limits of the Town by condemnation for the purpose of such public use.

§ ~~C1219~~-6 Park bylaws, permits and use by nonprofit groups.

The Selectmen may, upon recommendation of or after consultation with the Parks and Recreation Commission, recommend to the Town Council the adoption of bylaws and ordinances governing the use of public parks, may prescribe a system for the issuance of permits for the use of all Town-owned land used for park purposes, including public amusements, games, picnics and other purposes to which such areas might be devoted, and may enter into agreements with nonprofit groups or agencies for the use and/or improvement of Town property devoted to park or recreational purposes.

Article XIII

Parking Commission

§ ~~C13210~~-1 Composition; qualification of members.

There shall be a Parking Commission of five members who shall be electors of the Town, together with the First Selectman as an ex officio member, who shall vote only in the case of a tie. With the exception of the First Selectman, the members shall serve without compensation and shall hold no other office of trust or emolument in the Town government. Service on committees of the Town government is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics.

§ ~~C13210~~-2 (Reserved)

§ ~~C13210~~-3 Appointment and terms of office.

The Selectmen shall on or promptly after the first day of December in each year appoint the necessary number of members of the Parking Commission to fill the vacancies occurring by reason of the expiration of the term of office of any member. Such appointment shall be for a term of three years from the first day of December and until their successors have been appointed and shall have qualified. There shall be minority representation on the Commission in accordance with § 9-167a of the General Statutes.

~~13210~~-4 Organization, officers, records and quorum.

On or promptly after the first day of December in each year, the Parking Commission shall meet at the call of the First Selectman to choose one of its appointed members to be Chairman and one of its appointed members to be Secretary. The Chairman shall, when present, preside at all meetings of the Commission and shall have a vote as a member thereof. In the absence of the Chairman, the Board shall choose one of its members Chairman pro tempore. The Secretary shall file in the office of the Town Clerk

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a full and detailed record of all proceedings, acts and resolutions of the Commission, including the vote of each member on all actions taken, and such record shall be a public record. Three members shall be a quorum for the transaction of business at any meeting.

§ C ~~13210~~-5 Powers and duties.

The Parking Commission shall:

- (1) Recommend to the Board of Selectmen such policies, rules and procedures as may be applicable to the maintenance and operation of all public off-street parking facilities owned or controlled by the Town.
- (2) Recommend to the Board of Selectmen the acquisition of land and other property necessary for or incidental to the establishment, maintenance and operation of public off-street parking facilities by purchase, lease or condemnation.
- (3) Consider offers of gifts or devises of land or money to be used for purposes of this article and recommend to the Board of Selectmen acceptance or rejection thereof.
- (4) Recommend to the Board of Selectmen the establishment of such fees and such rules as may be appropriate for the parking of vehicles on public off-street parking facilities owned or controlled by the Town, and make similar recommendations to the Police Commission for the parking of vehicles on any public street. Such fees shall be collected under the direction of the Board of Selectmen and shall be turned over by the Board of Selectmen to the Town Treasurer for deposit in the Town General Fund ~~Surplus~~, unless the use or disposition of such fees are subject to the terms and provisions of a bond indenture relating to the issuance of revenue bonds.
- (5) Recommend to the Board of Selectmen the installation of parking meters on public off-street parking facilities owned or controlled by the Town, and on public streets. No contract requiring the expenditure of money for the purchase or installation thereof shall be submitted to the Town Council by the Board of Selectmen unless accompanied by a recommendation by the Board of Finance.
- (6) The Parking Commission shall prepare and submit to the Board of Selectmen and to the Planning and Zoning Commission plans for the provision of public off-street parking facilities, which plans shall be completed on or before the 15th day of November next after the Parking Commission's appointment. Annually thereafter, the Parking Commission shall update such plans and submit the same to the Board of Selectmen and to the Planning and Zoning Commission on or before the 15th day of November.
- (7) Consider and recommend to the Police Commission such rules and regulations as it deems advisable for improvement of traffic circulation and parking within the Town of New Canaan.
- (8) Hear parking citation appeals if authorized by ordinance.

~~13210~~-6 Annual appropriations.

The Board of Selectmen shall prepare annually an itemized estimate of expenses for the maintenance or operation of public off-street parking facilities for the ensuing fiscal year and of expenses of the Parking Commission, including such professional assistance to the Commission as may be approved by the Board of Selectmen, and shall submit such estimate and its request for an appropriation to cover such expenses

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to the Board of Finance and expend such appropriation, all in accordance with the applicable provisions of the Town Charter. The Board of Selectmen shall present to the Board of Finance promptly after the effective date of this article an estimate of expenses for the remainder of the fiscal year and a request for an appropriation therefor.

§ ~~C13210~~-7 Existing contracts continued.

Nothing in this article shall be constructed to abrogate or render invalid any existing contract to which the Town or the Board of Selectmen as the Parking Commission were parties and which relate to leases or to the duties or functions to be performed by the Town, and all such leases and contracts shall be carried out on behalf of the Town by the Board of Selectmen.

Article ~~XIV~~

Town Employees and ~~Ethics Board~~~~Personnel Advisory Board~~ §

~~C14311~~-1 Personnel under jurisdiction of Selectmen.

The appointment and dismissal of all employees of the Town, except those who are elected or are under the jurisdiction of the Board of Education, the Fire Commission, or the Police Commission, shall be made by the Selectmen. All appointments shall be made on the basis of merit and after examination as to fitness. Before the appointment or dismissal of any paid employee, the Selectmen shall consult with the board, commission, committee, officer, department or individual to whom the services of such employee are to be or have been rendered.

§ ~~C14311~~-2 Classification and compensation plan.

The Selectmen shall review and revise or establish when necessary a plan of classification and compensation for all Town employees whose appointment or dismissal is under the jurisdiction of the Selectmen or of the Fire Commission or Police Commission.

§ ~~C14311~~-3 Ordinance establishing classification and compensation plan and merit system.

The Board of Selectmen shall recommend to the Town Council the enactment of any bylaws or ordinances necessary to give effect to any classification or compensation plan or plans or any changes therein. Any ordinance so adopted by the Town Council shall provide a merit system of personnel administration.

§ ~~C14311~~-4 Code of ~~E~~ethics for Town employees ~~and officials.~~

There shall be an ordinance establishing a ~~C~~ode of ~~E~~ethics enacted by the Town Council setting forth standards of ethical conduct for all town officials, including members of boards and commissions, whether such town officials and members are elected, appointed, regular or alternate, and all employees of the Town, and for all employees of the Board of Education, and of the Police Commission, whether paid or unpaid.

~~14311~~-5 ~~Ethics Board~~~~Personnel Advisory Board~~.

There shall be an ~~Ethics Board~~ ~~Personnel Advisory Board~~ of ~~five (5) three~~ members who shall be electors of the Town. The members shall serve without compensation and shall hold no other office of trust or emolument in the Town government. Service on committees of the Town government is not prohibited

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by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics.

§ ~~C14311~~-6 Appointment and term of office.

On or promptly after the first day of December, 2016, the Selectmen shall appoint, subject to confirmation by an affirmative vote of seven members of the Town Council, two members of the Ethics Board to serve a term of three years, two additional members of the Ethics Board to serve a term of two years, and one member to serve a term of one year. On or promptly after the first day of December, 2017, the Selectmen shall appoint, subject to confirmation by an affirmative vote of seven members of the Town Council, one member of the Ethics Board to serve a term of three years. Thereafter, on a three year cycle, ~~t~~The Selectmen shall appoint, annually on or promptly after the first day of December, ~~appoint~~subject to confirmation by an affirmative vote of seven members of the Town Council, ~~one~~ members of the ~~Ethics Board~~Personnel Advisory Board for a term of three years, with two members to be appointed the first year, two members to be appointed the second year, and one member to be appointed the third year. Each member ~~who~~, after qualification, shall hold office from their initial appointment~~the first day of December~~ and until a successor has been appointed and shall have qualified. In the event of a vacancy due to death, resignation, or removal, within sixty (60) days of such vacancy the Selectmen shall appoint, subject to confirmation by an affirmative vote of seven (7) members of the Town Council, a successor member of the Committee. There shall be minority representation on the Board in accordance with § 9-167a of the General Statutes.

§ ~~C14311~~-7 Organization, officers, records and quorum.

On or promptly after the first day of December in each year the ~~Ethics Board~~Personnel Advisory Board shall meet at the call of the First Selectman to choose one of its members to be Chairman and one of its members to be Secretary. The Chairman shall, when present, preside at all meetings of the Board and shall have a vote as a member thereof. The Secretary shall file in the office of the Town Clerk a full and detailed record of all proceedings, acts and resolutions of the Board, including the votes of each member on all actions taken, and such record shall be a public record. ~~Three~~Two members shall be a quorum for the transaction of business at any meeting.

§ ~~C14311~~-8 Powers and duties.

The Ethics Board shall operate in accordance with the Town Ethics Board Ordinance and pursuant to Section 7-148h of the Connecticut General Statutes, and it shall have the following general powers and duties:

- a) Review and recommend modifications, if any, to the Town Code of Ethics and the Town Ethics Board Ordinance for adoption by the Town Council;
- b) Receive, review, and address, in accordance with the Town Ethics Board Ordinance, its own rules and regulations and Section 7-148h of the Connecticut General Statutes, written ~~any~~ complaints of alleged violations of the Town Code of Ethics by a Town officer, member of the Town Council, an official, member of a board, commission or committee, or any

employee of the Town, including an official or employee of the Board of Education. All written complaints must be submitted to the Town Attorney for recording and prompt notification to the Ethics Board.

c) Hear appeals of complaints from any employee aggrieved as to the status or condition of employment, except employees governed by the Board of Education and collective bargaining agreements, after such employee follows the grievance procedures provided by the Town of New Canaan Employee Handbook.

d) Render advisory opinions and interpretations as to conflicts of interest arising under the Town Code of Ethics for all Town officers, members of the Town Council, and for all officials, members of boards, commissions and committees, and all employees of the Town, including officials and employees of the Board of Education. It shall be the duty of the Personnel Advisory Board to hear complaints from any employee aggrieved as to the status or condition of employment, except employees of the Board of Education and Police Commission. The Board shall also render advisory opinions and interpretations as to conflicts of interest arising under the Code of Ethics for all Town officers, members of the Town Council, and for all officials, members of boards, commissions and committees, and all employees of the Town, including officials and employees of the Board of Education and of the Police Commission. The Board shall issue written reports to the Selectmen containing findings of fact and recommendations upon complaints or requests for opinions and interpretations.

Article XIV~~XVII~~

Police Commission

§ C15412-1 Composition and qualification of members.

There shall be a Police Commission of three members who shall be electors of the Town. The members shall serve without compensation and shall hold no other office of trust or emolument in the Town government. Service on committees of the Town government is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics.

§ C15412-2 Appointment and term of office.

The Selectmen shall annually on or promptly after the first day of December appoint one member of the Police Commission who, after qualification, shall hold office for a term of three years from the first day of December and until a successor has been appointed and shall have qualified. There shall be minority representation on the Commission in accordance with § 9-167a of the General Statutes.

§ C15412-3 Organization, officers, records and quorum.

On or promptly after the first day of December in each year, the Police Commission shall meet at the call of the First Selectman to choose one of its members to be Chairman and one of its members to be Secretary. The Chairman shall, when present, preside at all meetings of the Commission and shall have a vote as a member thereof. The Secretary shall file in the office of the Town Clerk a record of all proceedings, acts and resolutions of the Commission, including the votes of each member on all actions taken, and such record shall be a public record. Two members shall be a quorum for the transaction of business at any meeting.

15412-4 Powers and duties.

The Police Commission shall manage and supervise the police force of the Town and shall exercise powers and perform duties with respect thereto as follows:

- A. Employ and appoint a Chief of Police, subordinate police officers and other persons as regular or special members of the police force as may be necessary for the adequate protection of the Town.
- B. Recommend to the Selectmen changes in the classification and compensation of police officers and members of the police force.
- C. Make rules and regulations, after consultation with the Selectmen, for the proper government of the police force, copies of which shall be delivered to each officer and member of the force.
- D. Remove, suspend or fine any officer or member of the police force for violation of any such rules and regulations or for conduct found by the Commission to be detrimental to the public welfare but only after a hearing by the Commission upon written charges delivered to the accused person a reasonable time before such hearing, at which hearing such person may be represented by counsel.

§ C15412-5 Traffic regulations.

The Police Commission may make and from time to time change rules for the regulation of traffic on streets, highways and other public places under the jurisdiction of the Police Commission, not inconsistent with the ordinances of the Town or the law, and may fix a penalty for violation thereof. Upon adoption by the Police Commission, such rules shall not be effective until 10 days after their publication. Such rules may be altered, amended, suspended or repealed in the same manner as they may be adopted. All existing traffic regulations shall remain in effect until altered, amended, suspended or repealed in accordance with the provisions hereof. In formulating any such rules, the Police Commission shall consider recommendations from the Parking Commission, the Board of Selectmen, and the Town Council.

Article XVIXIII

Planning and Zoning Commission

§ C16513-1 Composition and qualification of members.

There shall be a Town Planning and Zoning Commission of nine regular members and three alternate members who shall be electors of the Town, together with the First Selectman and the Town Engineer as ex officio members. The First Selectman and the Town Engineer shall have no vote, ~~and the First Selectman shall vote only in the case of a tie.~~ With the exception of the First Selectman and the Town Engineer, the members shall serve without compensation and shall hold no other office of trust or emolument in the Town government. Service on committees of the Town government is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics.

16513-2 Appointment and terms of office.

The Selectmen shall annually on or promptly after the first day of December appoint three regular members of the Town Planning and Zoning Commission, who, after qualification, shall hold office for a term of three years from the first day of December and until their successors have been appointed and shall have qualified. On or promptly after the first day of December in the odd-numbered years, the

Selectmen shall appoint the three alternate members, who, after qualification, shall hold office for a term of two years from the first day of December and until their successors have been appointed and shall have qualified. There shall be minority representation on the Commission and on the panel of alternates in accordance with § 9-167a of the General Statutes.

§ C~~16513~~-3 Organization, officers, records and quorums.

On or promptly after the first day of December the members of the Commission shall meet at the call of the First Selectman to choose one of its regular members to be Chairman and one of its regular members to be Secretary. The Chairman shall, when present, preside at all meetings of the Commission. In the absence of the Chairman, the Board shall choose one of its members Chairman pro tempore. The Secretary shall keep a record of the acts and resolutions of the Commission, including the vote of each member upon any issue before it, and file such record in the office of the Town Clerk. A quorum shall consist of five members, and the concurrence of four votes, except as otherwise provided in § C13-6 hereof, shall be necessary for the transaction of business.

§ C~~16513~~-4 Powers and duties.

The Town Planning and Zoning Commission shall have all the powers and duties and be subject to the restrictions and limitations of zoning commissions as established under the General Statutes, as from time to time amended, and of municipal planning commissions established under the General Statutes, as from time to time amended.

§ C~~16513~~-5 Town planning and zoning rules and regulations and plan of conservation and development to remain in effect.

The zoning regulations and the boundaries of zoning districts heretofore enacted, together with all planning rules and regulations and any plan of conservation and development heretofore enacted or adopted, are validated and shall remain in full force and effect until modified, repealed, amended or superseded.

§ C~~16513~~-6 Procedure for holding public hearings.

For the purpose of holding public hearings as required under the General Statutes and as required under the planning and zoning rules and regulations now or hereinafter in force in the Town of New Canaan, the Chairman may appoint committees of no less than five appointed members, among whom may be included the Chairman. One member of the committee shall be designated as Secretary. Unless provided otherwise by statute, action on matters which have been subject to a public hearing shall be taken by a majority vote of the entire Commission at a regular or special meeting thereof, except that in the event of a protest being filed in accordance with the General Statutes concerning a proposed amendment, change or repeal of zone regulations or zone boundaries, a vote of 3/4 of the entire Commission shall be required for the adoption of such amendment, change or repeal.

~~16513~~-7 Alternate members.

In the event of the absence of a regular member from a meeting of the Commission or if a regular member shall disqualify himself or herself or be disqualified under the provisions of the General Statutes or the Town's Code of Ethics, the Chairman shall designate and seat an alternate from the panel of alternates, but in designating and seating such alternate, the Chairman shall choose alternates in rotation so that the alternates chosen by the Chairman shall be seated as nearly an equal number of times as is possible. The alternate members, when seated as provided herein, shall have all the powers and duties of regular

members of the Commission. Alternate members shall have no vote, and shall not count towards a quorum or for vote ratios or other purposes, unless seated for a regular member.

~~Article XIV~~

~~(Reserved)~~

Article ~~XVIIIV~~ Public

Works Department

§ ~~C17615~~-1 Powers and duties.

There shall be a Department of Public Works which shall have administrative powers and duties as are set forth in this Charter.

§ ~~C17615~~-2 Appointment and term of office of Director of Public Works.

There shall be a Director of Public Works who shall be appointed by the Selectmen to serve for an indefinite term at the pleasure of the Selectmen and who shall be responsible to the Board of Selectmen. The Director of Public Works shall possess practical and technical qualifications for the duties of the office and shall not engage in any other business or hold any other office, public or private, for which a salary or emolument is paid.

§ ~~C17615~~-3 Appointment and term of office of Town Engineer.

There shall be a Town Engineer who shall be appointed by the Selectmen and shall report to the Director of Public Works, to serve for an indefinite term at the pleasure of the Board of Selectmen. The Town Engineer shall be a professional engineer registered in Connecticut, and shall not engage in any other business or hold any other office, public or private, for which a salary or emolument is paid.

§ ~~C17615~~-4 Duties and powers of Director of Public Works and Town Engineer.

The Director of Public Works shall supervise the Department of Public Works and have charge and control of all buildings, materials, apparatus and other equipment of the department or to which the functions of the department relate. The Director of Public Works and the Town Engineer shall be the chief technical advisors of the Town and of the Town Council and of all boards, commissions, committees and officers, except the Board of Education, concerning the physical matters of the Town and the design and construction of its physical plant as provided for in this Charter. The Director of Public Works, with the Town Engineer, shall furnish at the request of the Town Council or of any board, commission, committee or officer of the Town such technical advice as is reasonably required relating to any function of the Town or of its government and shall perform such other reasonable and related duties as the Board of Selectmen may direct. The Town Engineer shall be in charge of and shall make or superintend the making of all surveys, maps, plans, drawings, bids and estimates thereon relating to the work of the Town or any of its departments, boards, commissions, committees or officers except the Board of Education. The Town Engineer shall have custody of all maps of the Town not entrusted by ordinances, bylaws or otherwise to any other department, commission, committee or officer thereof and shall prepare with and upon direction of the Planning and Zoning Commission all maps or other records showing highways, building and veranda lines, street profiles and plans, profiles of storm and sanitary sewers, planning and zoning districts and planning maps of the Town which involve engineering.

§ ~~C17615~~-5 Streets and highways.

Except as otherwise provided by ordinance, the Department of Public Works shall have full control of the inspection and the construction, reconstruction, care, maintenance, altering, paving, repairing, draining, cleaning and snow clearance of all public places and of all streets, highways, sidewalks and curbs, and of the installation and maintenance of public lighting, street signs and guideposts.

§ ~~C17615~~-6 Public buildings, works and improvements.

The Department of Public Works shall have full control of the inspection and the construction, reconstruction, care, repair and maintenance of all public buildings, public works and public improvements except school buildings and grounds.

§ ~~C17615~~-7 The maintenance of public grounds, including parks.

The Department of Public Works shall be in charge of the work involved in the maintenance, care and improvement of, and construction required in connection with, all real property of the Town, including public cemeteries, parks, playgrounds, recreational areas and other areas not specifically designated for a particular Town use, except recreational facilities or areas for which responsibility for maintenance, care or improvement is delegated to any other board, commission, committee or authority by the charter or by any bylaw or ordinance adopted by the Town Council. The Department of Public Works shall not undertake any new construction in park, playground or recreational area except that for which funds have been appropriated and then only after consultation with the Parks and Recreation Commission.

§ ~~C17615~~-8 Equipment.

The Department of Public Works shall have full control of the care, repair and maintenance of all equipment, including automotive equipment, used in the Department of Public Works or in any other department of the Town, except school, police and fire equipment.

§ ~~C17615~~-9 Sewer and water systems; refuse disposal.

The Department of Public Works shall have full control of the construction, reconstruction, establishment, re-planning, restoration, enlargement, improvement, removal, care, repair and maintenance of all public sewage-disposal systems, public refuse-disposal systems and public water-supply systems in the Town.

§ ~~C17615~~-10 School property.

The Department of Public Works may maintain and care for school buildings or grounds and may undertake engineering work and supervision on behalf of the Board of Education, but only if and to the extent and for the periods voted by the Board of Education, provided that the costs thereof are charged against the Board of Education's appropriations.

Article XVIII

Town Attorney

§ C187-1 There shall be a Town Attorney, appointed by the Board of Selectmen, who shall be an attorney at law admitted to practice in the State of Connecticut, and who shall be the legal advisor for the Town and all departments, boards, commissions and officers of the Town relating to their official duties. The Town Attorney shall issue written opinions on questions of law; shall approve and/or prepare forms of contracts and other instruments to which the Town is a party; shall attend as required meetings of boards and commissions; shall appear for and defend the Town against claims against the Town, boards,

commissions, and officers; shall prepare and file legal actions on behalf of the Town as directed; and shall defend, appeal, compromise or settle legal actions brought by or against the Town, its officers, boards or commissions with the approval of the requisite officer, board or commission. If required, the Town Attorney shall be responsible for the management of any outside counsel, including review of all correspondence, pleadings and bills rendered by such outside counsel. The Board of Selectmen may appoint Assistant Town Attorneys as may be necessary.

Article ~~XIXVIII~~XVI

Town Clerk

§ ~~C19816~~-1 Term of office and duties.

There shall be an elected Town Clerk whose term of office shall be that prescribed by the General Statutes and whose powers and duties will be those prescribed by the General Statutes and this Charter.

§ ~~C19816~~-2 Town Clerk and Assistant Town Clerks to be paid by the Town.

The Town Clerk and any Assistant Town Clerks shall be paid an annual compensation by the Town for the performance of their duties and such compensation shall be in lieu of all fees and other compensation.

The Town Clerk's salary shall be set by the Town Council pursuant to the General Statutes. Neither the Town Clerk nor any Assistant Town Clerk shall receive any additional compensation for acting as registrar or assistant registrar of births, marriages and deaths. The Town Clerk and Assistant Town Clerks shall not hold any other office in the Town government or engage in any business in the Town that could create a conflict of interest as defined in the Town's Code of Ethics. Service on committees of the Town government is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics.

§ ~~C19816~~-3 Disposition of Town Clerk fees.

The fees or compensation now or hereafter provided by the General Statutes to be paid to Town clerks shall be collected by the Town Clerk. All moneys collected by the Town Clerk in accordance with such statutes and with the bylaws or ordinances of the Town, except such as the Town Clerk shall be required by law to transmit directly to an agency of the State of Connecticut, shall be deposited by the Town Clerk with the Treasurer of the Town at least once each month. At the time of making each such deposit, the Town Clerk shall file with the Treasurer a full statement of such receipts so deposited and of the receipts forwarded directly to any state agency, and the Town Clerk shall also keep a record of the receipts of the office.

§ ~~C19816~~-4 (Reserved)

Article ~~XIXXVII~~XVII

Zoning Board of Appeals

§ ~~C201917~~-1 Composition and qualification of members.

There shall be a Zoning Board of Appeals composed of five regular members, together with a panel of three alternate members, all of whom shall be electors of the Town. The alternate members and the regular members of the Zoning Board of Appeals shall be subject to the provisions of the General Statutes and the law relating to the disqualification of members of zoning authorities. The members of the Zoning Board of Appeals and of the panel of alternates shall serve without compensation and shall hold no other

office of trust or emolument in the Town government. Service on committees of the Town government is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics.

§ ~~C201917~~-2 Appointment of members and alternates; terms of office.

The Selectmen shall, annually on or promptly after the first day of December, appoint the number of members of the Zoning Board of Appeals and of the panel of alternates to the Zoning Board of Appeals necessary to fill the vacancies occurring by reason of the expiration of the term of office of any such member or alternate. Such appointments shall be for a term of two years from the first day of December and until their successors have been appointed and have qualified. There shall be minority representation on the Board and on the panel of alternates in accordance with § 9-167a of the General Statutes.

§ ~~C201917~~-3 Organization, officers and records.

On or promptly after the first day of December in each year, the Zoning Board of Appeals shall meet at the call of the First Selectman to choose one of its regular members to be Chairman and one of its regular members to be Secretary. The Chairman shall, when present, preside at all meetings of the Board; in the absence or disqualification of the Chairman, the Secretary shall assume all of the duties of the Chairman. The Secretary shall keep a record of the acts and resolutions of the Board, including the vote of each member upon any issue before it, and file such record in the office of the Town Clerk.

§ ~~C201917~~-4 Seating of alternates of Zoning Board of Appeals.

In the absence of a regular member at a meeting of the Board, the Chairman of the Zoning Board of Appeals shall seat an alternate designated by an absentee regular member from the panel of alternates provided for under § C17-1 hereof. In the absence of such designation by an absentee regular member, or if a regular member shall recuse himself or herself or be disqualified under the provisions of the General Statutes relating to disqualifications of members of zoning authorities or by law, the Chairman shall designate and seat an alternate from the panel of alternates, but in designating and seating such alternate, the Chairman shall choose alternates in rotation so that the alternates chosen by the Chairman shall be seated as nearly an equal number of times as is possible. The minutes of the meeting shall record the availability of any alternate who cannot be seated in rotation by the Chairman. Alternate members shall have no vote unless seated for a regular member.

§ ~~C201917~~-5 Powers and duties.

The Zoning Board of Appeals and the members of the panel of alternates when seated shall have all the powers and duties set forth in the General Statutes relating to Zoning Boards of Appeals and the voting on any issue or matter before it shall be in accordance with the provisions of the General Statutes.

Article ~~XXIXVIII~~

Miscellaneous Provisions

§ ~~C21018~~-1 Language of the Charter.

For the purpose of this Charter, unless the context clearly indicates otherwise: words used in the present tense include the future tense; words in the singular number include the plural number and words used in the plural number include the singular; words used in the masculine include the feminine and neuter; the word "shall" is mandatory and the word "may" is permissive; where applicable, the word "person" shall mean individuals, companies, corporations, public or private, societies and associations.

§ ~~C21018~~-2 Validity.

Should any article, section or provision of this Charter be held invalid or unlawful by a court of competent jurisdiction, such holding shall not affect the validity of the remainder of this Charter nor the context in which said article, section or provision thereof so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the article, section or provision to which such ruling shall directly apply. If any article, section or provision of the Charter shall be held invalid or unlawful by a court of competent jurisdiction, then the article, section or provision of the Charter of the Town in effect on November 8, 20~~1605~~, pertinent to or dealing with the same subject matter shall be considered to have remained in full force and effect and shall be in full force and effect.

§ ~~C21018~~-3 Captions.

The captions in this Charter are for convenience only and are not to be construed as part of this Charter and shall not be construed as defining or limiting in any way the scope or intent of the provisions hereof.

§ ~~C20118~~-4 Continuation of existing contracts.

Nothing herein contained shall be construed to abrogate or render invalid any existing contract or contracts to which the Town is a party existing as of November 8, 20~~1605~~, and all such contracts shall be carried out ~~on~~ in behalf of the Town.

§ ~~C21018~~-5 Continuation of ordinances and bylaws.

All bylaws and ordinances of the Town, not inconsistent herewith, in force at the time this Charter shall take effect shall continue in force until the same shall be repealed or amended in the manner prescribed in this Charter.

§ ~~C21018~~-6 Continuation of appropriations and Town funds.

All appropriations approved and in force and all funds, including special reserve funds in the name of the Town as of November 8, 20~~1605~~, shall remain in full force and effect.

§ ~~C21018~~-7 Authority to adopt codification of ordinances and bylaws by reference.

The Town of New Canaan is authorized to adopt a codification of, and codifying amendments to, those ordinances and by laws by the adoption of an ordinance under § C4-11 hereof stating in substance that the Code of Ordinances and Bylaws is adopted, and the requirements under said § C4-11 for publication in full of said codification of and codifying amendments to the ordinances and bylaws shall be deemed satisfied by filing two copies thereof in the office of the Town Clerk at least eight days before the effective date of the ordinance adopting the same.

§ ~~C21018~~-8 Library Board.

Pursuant to the provisions of Special Acts of 1947, No. 434, P605, the library directors of the Town of New Canaan shall not be elected by the electors of the Town or be appointed by any officer or officers of the Town.

§ ~~C21018~~-9 Special Legislation amendments to be approved.

No Special Legislation enacted after November 9, 20~~1605~~, under the provisions of Article 10 of the Constitution of the State of Connecticut relating to or affecting the Town of New Canaan shall be valid or

| effective unless the same is approved at a meeting of the Town Council duly warned and held for that purpose within 60 days after the passage of such Special Legislation.

§ -C210-10 Periodic Charter Review

On or before November 8, 2026, and at least every ten (10) years thereafter, the Town Council shall consider and act upon a resolution calling for the establishment of a Charter Revision Commission to review and, if necessary, amend the Charter. The process of initiating the Charter Revision Commission shall be governed by§7-188 of the General Statutes.

§ C21018-110 Effective date.

This Charter shall become effective November 9, 2016~~November 9, 2005~~.

Exhibit III – Town Council Resolution on the CRC Draft Report

June 15, 2016

RESOLVED, in accordance with Chapter 99 of the Connecticut General Statutes, having fully considered the Draft Report of the Charter Revision Commission dated April 19, 2016, the Town Council hereby makes the following recommendations for modifications to the Charter, subject to the Council's final action with respect to any recommendations for changes to the Charter in the Final Report to be submitted by the Commission:

- 1) Addition of the Conservation Commission, currently authorized by Chapter 11A of the Code of Ordinances, to the Charter as a Charter-authorized commission.
- 2) Various wording modifications to Article VIII, Fire Commission, as recommended by the Fire Commission at a Special Meeting on April 18, 2016 to modernize the text to conform to current conditions and practices, as transmitted in a document from the Fire Chief to the Chairman of the Town Council on April 19, 2016.
- 3) Revise the definition of PUBLISH, PUBLISHED or PUBLICATION to read as follows:
"Publication shall be consistent with the governing General Statutes. If required by the General Statutes, publication shall be in a newspaper having a substantial circulation in the Town. If not required by the General Statutes, the Town may enact an ordinance providing for publication by any legal means, or in any legal manner, that provides for widespread dissemination by electronic means to Town residents."

TOWN OF NEW CANAAN CHARTER REVISION-BALLOT QUESTIONS (2016)

State of Connecticut
Official Ballot

New Canaan
Connecticut

State Election

November 8, 2016

Congressional District 4 - Senatorial District 26
Assembly District 125
Voting District 2

VOTE ON THE QUESTION(S)	<input type="radio"/> YES <input type="radio"/> NO 1. Shall the current Charter be changed to allow electors to vote for up to six Town Council members, which is typically the number of vacancies, instead of the current limit of four during each biennial election?						<input type="radio"/> YES <input type="radio"/> NO 2. Shall the current Charter be changed so that members of the Board of Finance will no longer be required to be real estate taxpayers, in order to be consistent with the requirements for the Town Council and other boards, commissions and committees?						
	OFFICE →	1 Presidential Electors for Vote for One	2 United States Senator Vote for One	3 Representative in Congress Vote for One	4 State Senator Vote for One	5 State Representative Vote for One	6 Registrar of Voters Vote for One	<input type="radio"/> YES <input type="radio"/> NO 3. Shall the current Charter be changed so that the First Selectman, although remaining an ex officio member of the Board of Finance, will no longer serve as Chairman of the Board of Finance, and the Board of Finance will choose its Chairman from its regular members?					
DEMOCRATIC PARTY		<input type="radio"/> 1A Clinton and Kaine	<input type="radio"/> 2A Richard Blumenthal	<input type="radio"/> 3A Jim Himes	<input type="radio"/> 4A Carolanne Curry	5A	<input type="radio"/> 6A George F. Cody	<input type="radio"/> YES <input type="radio"/> NO 4. Shall the current Charter be changed by adding articles and provisions including the Audit Committee, Conservation Commission, Health and Human Services Commission, Inland Wetlands Commission, Ethics Board and Town Attorney? <input type="radio"/> YES <input type="radio"/> NO 5. Shall the current Charter be changed to make a series of technical and conforming changes which clarify definitions, delete outdated references no longer applicable and update provisions to current practice?					
REPUBLICAN PARTY		<input type="radio"/> 1B Trump and Pence	<input type="radio"/> 2B Dan Carter	<input type="radio"/> 3B John Shaban	<input type="radio"/> 4B Toni Boucher	<input type="radio"/> 5B	6B						
WORKING FAMILIES PARTY		1C	<input type="radio"/> 2C Richard Blumenthal	3C	4C	5C	6C						
INDEPENDENT PARTY		1D	2D	<input type="radio"/> 3D John Shaban	4D	5D	6D						
LIBERTARIAN PARTY		<input type="radio"/> 1E Johnson and Weld	<input type="radio"/> 2E Richard Lion	3E	4E	5E	6E						
GREEN PARTY		<input type="radio"/> 1F Stein and Baraka	<input type="radio"/> 2F Jeffery Russell	3F	4F	<input type="radio"/> 5F Hector L. Lopez	6F						
WRITE-IN VOTES		<input type="radio"/> 1G	<input type="radio"/> 2G	<input type="radio"/> 3G	<input type="radio"/> 4G	<input type="radio"/> 5G	<input type="radio"/> 6G						

TOWN OF BETHEL: CHARTER REVISION COMMISSION FINAL REPORT (2019)



Town of Bethel Charter Revision Commission

Clifford J. Hurgin Municipal Center 1 School Street, Bethel, Connecticut 06801

December 23, 2019

Board of Selectmen
Clifford J. Hurgin Municipal Center
1 School Street
Bethel, CT 06801

First Selectman Knickerbocker, Selectman Straiton, and Szatkowski,

The Charter Revision Commission herewith submits its Final Report in compliance with Chapter 99 of the Connecticut General Statutes §7-187 et seq. Our Final Report consists of this letter responding to the twelve proposed modifications of October 3, 2018, joint meeting of the Board of Selectman and Charter Revision Committee and Legal Counsel's twenty-one proposed amendments to the Town of Bethel Charter last revised and adopted on November 4, 2014 (enclosed herewith). The Commission's Final Report Narrative, Tracking Document and Legal Counsel's Summary of Charter Changes provided to you on November 5, 2019, as part of our Draft Report remain part of our Final Report with the addition of three new revisions, XIX, XX, XXI following the public hearing on December 18, 2019.

Changes adopted by the Charter Revision Committee:

- I. Allow the use of purchasing cooperatives
 - Status: Unanimous Commission Approval; Language Drafted
 - Section Revised: C8-13C4(i)

- II. Prohibition on BOF serving on other boards
 - Status: Unanimous Commission Approval; Language Drafted
 - Section Revised: C2-5

III. Raise Referendum trigger for capital utility projects to \$2M

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: C6-8

IV. Change PUC to a seven-member board

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: C7-11

V. Remove references to water & sewer from Public Works Department/ clarify duties

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: C8-9

VI. Change references to “Comptroller” to “Finance Director”

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: Table of Contents; C8-1, C8-13 A., C8-13 B (1), (2), C8-13 C. (1), (3) (4ii), D, E, F & G

VII. Terms in office/ Technical change from his by adding or her

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: C3-2

VIII. Change “Data Processing Department” to “Information Technology Department”

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: C8-13 E

IX. Allow for meetings to be held at CJH Center or town-owned building accessible to the public

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: C11-11

X. References to Newspaper Publication – Added “or another medium consistent with the requirements of the Connecticut General Statutes.”

- Status: Unanimous Commission Approval; Language Drafted
- Sections Revised: C4-4 B., D., C4-5 A., C8-13 C-4ii, C10-2 G., & C10-4 A.

XI. Add section covering resignations and removals of appointed board members

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: C7-1 & Formerly Reserved C7-5

- XII. Correct proceeding with preceding
- Status: Unanimous Commission Approval; Language Drafted
 - Section Revised: C10-9
- XIII. Add “Just Right” to non-binding advisory question
- Status: Unanimous Commission Approval; Language Drafted
 - Section Revised: C6-3 B (3)
- XIV. Add that the BOF shall hold a public hearing “not less than seven days or more than” 14 days before Annual Town Budget Meeting
- Status: Unanimous Commission Approval; Language Drafted
 - Section Revised: C10-2 E
- XV. Add new section for Department of Public Utilities and the Director of Public Utilities
- Status: Unanimous Commission Approval; Language Drafted
 - Section Revised: Added to the Table of Contents; C8-1; New Section C8-14
- XVI. Have complete construction plans prior to Referendum
- Status: Unanimous Commission Approval; Language Drafted
 - Section Revised: New Section C6-8 B
- XVII. Change Director of Civil Preparedness to Emergency Management Director
- Status: Unanimous Commission Approval; Language Drafted
 - Section Revised: Change TOC; C8-5
- XVIII. Add Overlapping Terms to BOE & Insurance & Pension Commission
- Status: Unanimous Commission Approval; Language Drafted
 - Section Revised: C3-6, C7-15
- XIX. Town Budget Meeting Held During the First 14 Days of April
- Status: Unanimous Commission Approval; Language Drafted
 - Section Revised: C6-3 A. (1)
- XX. Budget Referendum Held 10 to 15 Business Days After Budget Meeting
- Status: Approved by Commission, 1 Abstention; Language Drafted
 - Section Revised: C6-3 B. (1)
- XXI. Special Referendum by Petition Held 10 to 15 Business Days After Certification • Approved by Commission, 1 Abstention; Language Drafted

- Section Revised: C6-5 E.

Please do not hesitate to contact myself me or Nicholas Vitti, Counsel to the Commission, should you have any questions or concerns.

Respectfully,

A handwritten signature in blue ink, appearing to read "Nick Hoffman", with a long, sweeping horizontal flourish extending to the right.

Nick Hoffman, Chairman
Charter Revision Commission

Town of Bethel
Charter Revision Commission
Clifford J. Hurgin Municipal Center
1 School Street, Bethel, Connecticut, 06801



Final Report of the
Charter Revision Commission to the Board of Selectmen
December 23, 2019

Nick Hoffman, Chairman
Melanie O'Brien, Vice Chairman
Joyce Hess, Secretary
John Lennon
Sharon Straiton
Patrick Perrefort
Theresa Letellier

Attorney Nicholas Vitti, Counsel
Dionne Craig, Recording Secretary

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**Section I Report of the Commission:
Proposed Charter Revisions approved by the Commission**

Natural numbers CRC tracking / Roman numerals attorney tracking

- 1 / I. Allow the use of purchasing cooperatives
- 2 / II. Prohibition of Board of Finance members serving on other boards
- 3 / III. Raise Referendum trigger for capital utility projects to \$2M
- 4 / IV. Change PUC to a seven-member board
- 5 / IX. Allow for meetings to be held at CJH Center or town-owned building accessible to the public
- 6 / X. References to Newspaper Publication – Added “or another medium consistent with the requirements of the Connecticut General Statutes.”
- 7 / XI. Add section covering resignations and removals of appointed board members
- 8 / XIII. Add “Just Right” to non-binding advisory question
- 9 / XIV. Add that the BOF shall hold a public hearing “not less than seven days or more than” fourteen days before Annual Town Budget Meeting
- 10 / XV. Add new section for Department of Public Utilities and the Director of Public Utilities 11/
XVI. Shovel Ready Projects. Have complete construction plans prior to the Referendum.
- 12 / XIX. Town Budget Meeting Held During the First fourteen days of April. (Added 12/18/2019)
- 13/ XX. Budget referendum held ten to fifteen business days after the budget meeting. (Added 12/18/2019)
- 14 / XXI. Special referendum by petition held ten to fifteen business days after certification. (Added 12/18/2019) **Technical Changes**
- 15 / V. Remove references to water & sewer from Public Works Department/ clarify duties
- 16 / VI. Change references to “Comptroller” to “Finance Director.”
- 17 / VII. Terms in office/ Technical change from his by adding or her
- 18 / VIII. Change “Data Processing Department” to “Information Technology Department”
- 19 / XII. Correct proceeding with preceding
- 20 / XVII. Change Director of Civil Preparedness to Emergency Management Director
- 21 / XVIII. Add Overlapping Terms to Board of Education and Insurance and Pension Commission

Section II Failed revisions proposed by the Board of Selectman

Section III Charter Revision Commission Tracking Document

Section IV Summary of Recommended Charter Changes

Section V Ballot Structure and Observations

Section VI Counsel’s Recommended Text Changes to the Town of Bethel Charter

Section I – Report of the Commission

Introduction

The Connecticut General Statutes, Section 7-188, require each municipality in the State to review its Charter every five years. The Town of Bethel Charter, Paragraph C11-7, requires that the Board of Selectmen review the Town’s Charter at least once every five (5) years and appoint a Charter Revision Commission to assist in that process. The Connecticut General Statutes also specify the Board of Selectmen as to the “Appointing Authority.” Accordingly, the Town of Bethel Board of Selectmen appointed and convened a Charter Revision Commission at a Special Meeting on October 3, 2018.

At the Special Meeting, the Board of Selectmen appointed Joyce Hess, Nick Hoffman, John Lennon, Theresa Letellier, Melanie O’Brien, Sharon Straiton, Patrick Perrefort (alphabetical order) to serve as Commissioners.

The Board of Selectmen charged the Commission with evaluating and recommending specific potential changes to the Charter:

Also, at the Special Meeting, the Commission elected officers to oversee the efforts. The elected officers are:

Chairman: Nicholas Hoffman
Vice-Chairman: Melanie O’Brien
Secretary: Joyce Hess

Attorney Nicholas Vitti serves as Legal Counsel to the Commission
Dionne Craig serves the Commission as Recording Secretary.

The Commission, as required by the above referenced State Statute, held a Public Hearing on November 14, 2018 early in its deliberations, and added a second Public Hearing on September 25, 2019 late in the process to garner more input from the public.

The following paragraphs (1 – 18) represent the Commission’s recommended Charter revisions. When necessary, each section attempts to capture the essence of the Commission’s discussion, rationale, and logic for its decision in favor of the proposed revision.

- 1. Allow the use of purchasing cooperatives**
 - Section Revised: C8-13C4(i)

- Proposed by: Theresa D. Yonsky, Director of Fiscal Services for the Bethel Public Schools.
- Vote: Yes: 7 No: 0

Revision applies to both the Board of Education and the Town of Bethel. This revision allows the use of purchasing cooperatives as an available option in order to lower costs.

Connecticut Department of Administrative Services definition of Cooperative Contracting:

Cooperative Purchasing involves sharing procurement contracts between governments or within a government. Through cooperative purchasing arrangements, the dollars spent (purchases) increases, and this increased spend helps to leverage the organization’s ability to obtain deeper discounts and achieve greater savings.

2. Prohibition on Town employees serving on the Board of Assessment Appeals & prohibition Board of Finance members serving on other boards and commissions

- Section Revised: C2-5
- Proposed by: Board of Selectmen
- Vote: Yes: 7 No: 0

This change adds the Board of Assessment Appeals to the list of boards and commissions to which town of Bethel employees are prohibited from serving on. The existing list includes the Board of Finance, Planning and Zoning Commission, Zoning Board of Appeals and Inland Wetlands Commission. Additionally, the revision prohibits members of the Board of Finance from serving on any other elected or appointed board or commission.

3. Raise Referendum trigger for capital utility projects to two million dollars

- Section Revised: C6-8
- Proposed by: Board of Selectmen
- Vote: Yes: 7 No: 0

This revision is specific to **capital utility projects not funded by tax revenue**. Improvements to the public water utility system often exceed the current one million dollar threshold triggering a town-wide referendum in compliance with section C6-8. This revision empowers the Public Utilities Commission to make the necessary system upgrades mandated by state law and avoid the potential for fines for noncompliance.

4. Change Public Utilities Commission (PUC) to a seven-member board

- Section Revised: C7-11
- Proposed by: Board of Selectmen
- Vote: Yes: 7 No: 0

Presently the PUC consists of five members, the three selectmen, and two appointed members. This expansion of the commission to include four appointed members to bring professional expertise and oversight of the town-owned public utility systems.

5. Allow for meetings to be held at Clifford J Hurgin Municipal Center or town-owned building

accessible to the public

- Section Revised: C11-11
- Proposed: Board of Selectman
- Vote: Yes: 7 No: 0

The current charter only allows for meetings to be held at the Clifford J Hurgin Municipal Center. Revising this prohibition will enable meetings to take place at publically accessible town-owned buildings and offsite locations when necessary for boards and commissions to thoroughly perform their duties.

6. References to Newspaper Publication – Added “or another medium consistent with the requirements of the Connecticut General Statutes.”

- Sections Revised: C4-4 B., D., C4-5 A., C8-13 C-4ii, C10-2 G., & C10-4 A.
- Proposed: Board of Selectman
- Vote: Yes: 7 No: 0

A language adjustment to provide flexibility as to where public legal notifications can be published in the event state statutes change.

7. Add section covering resignations and removals of appointed board members

- Section Revised: C7-1 & Formerly Reserved C7-5
- Proposed: Board of Selectmen
- Vote: Yes: 7 No: 0

The revision clarifies the process and procedures associated with the resignation or removal of appointed members of boards or commissions.

8. Add “Just Right” to non-binding advisory question

- Section Revised: C6-3 B (3)
- Proposed: Board of Selectmen, amended Charter Revision Commission
- Vote: Yes: 7 No: 0

The original proposal was to eliminate the Non-Binding Advisory Question due to the belief that it does not provide appropriate guidance following a failed referendum. The commission amended the proposal to add “just right” to the two existing options.

9. The Board of Finance shall hold a public hearing “not less than 7 days or more than” 14 days before Annual Town Budget Meeting

- Section Revised: C10-2 E
- Proposed: First Selectmen Knickerbocker
- Vote: Yes: 7 No: 0

This revision provides greater flexibility to avoid scheduling conflicts for the public hearing in an adequately sized facility.

10. Add new section for Department of Public Utilities and the Director of Public Utilities

- Article Revised: Added to the Table of Contents; C8-1; New Section C8-14
- Proposed: First Selectman Knickerbocker
- Vote: Yes: 6 No: 0 (O'Brien absent)

It was necessary to establish a separate Public Utilities Department and credentials needed for the head of the department.

11. Shovel Ready Projects:

- Add new Section: C6-8B
- Proposed: Board of Selectmen
- Vote: Yes: 7 No: 0

Any capital construction project with a cost higher than one million dollars will require complete construction plans, blueprints, and all necessary engineering specifications before scheduling a referendum for final approval.

12 / XIX. Town Budget Meeting Held During the First fourteen days of April. (Added 12/18/2019)

- Section Revised: C6-3 A. (1)
- Proposed: Registrar of Voters: T Beeble, N Ryan
- Vote: Yes: 7 No: 0

13/ XX. Budget referendum held ten to fifteen business days after budget meeting. (Added 12/18/2019)

- Section Revised: C6-3 B. (1)
 - Proposed: Registrar of Voters: T Beeble, N Ryan
 - Vote: Yes: 6 No: 0 Abstention: 1 o **Yes:** Hess, Hoffman, Lennon, Letellier, Perrefort, Straiton o **Abstention:** O'Brien

14 / XXI. Special referendum by petition held ten to fifteen business days after certification. (Added 12/18/2019)

- Section Revised: C6-5 E.
- Proposed: Registrar of Voters: T Beeble, N Ryan
- Vote: Yes: 7 No: 0

Technical changes, updates, or revisions:

This section outlines the necessary corrections to parts of the charter that need to be updated, amended, or corrected.

15 / V. Remove references to water & sewer from Public Works Department/ clarify duties

- Section Revised: C8-9
- Proposed: Board of Selectmen
- Vote: Yes: 7 No: 0

16 / VI. Change references from “Comptroller” to “Finance Director”

- Section Revised: Table of Contents; C8-1, C8-13 A., C8-13 B (1), (2), C8-13 C. (1), (3) (4ii), D, E, F & G
- Proposed: Brad Heering
- Vote: Yes: 7 No: 0

17 / VII. Terms in office/ Technical change from “his” by adding “or her”

- Section Revised: C3-2
- Proposed: Board of Selectmen
- Vote: Yes: 7 No: 0

18 / VIII. Change “Data Processing Department” to “Information Technology Department”

- Section Revised: C8-13 E
- Proposed: Board of Selectman
- Vote: Yes: 7 No: 0

19 / XII. Correct proceeding with preceding

- Note: Upon further review, the **published** Charter (not the Word document) needs correction
- Section Revised: C10-9
- Proposed: Tim Beeble
- Vote: Yes: 7 No: 0

20 / XVII. Change Director of Civil Preparedness to Emergency Management Director

- Section revised: C8-5
- Proposed: Tom Galliford
- Vote: Yes: 7 No: 0

21 / XVIII. Add Overlapping Terms to Board of Education and Insurance & Pension Commission

- Section Revised: C3-6, C7-15
- Proposed: Tim Beeble
- Vote Yes: 7 No: 0

Section II: Failed revisions proposed by the Board of Selectman

C3-4 Board of Selectman: Increase the term from two to four years for the Board of Selectman.

Motion, Nicholas Hoffman: To keep the term for the board of selectmen to two years made

Second: John Lennon

Vote: Passed Yes: 4 No: 3.

Yes: Hess, Hoffman, Lennon, O’Brien

No: Letellier, Perrefort, Straiton

This issue was our most debated revision amongst the commissioners. Collectively the commission recognizes the responsibilities of the Board of Selectman have evolved dramatically since our form of government was adopted, particularly the role of First Selectmen.

Those who voted to keep the term at two years did not have a shared position against expanding the term to four years.

Arguments included:

- Lacking a recall provision, the ability to vote out a poor performing First Selectman sooner protected the town.
- Assessing our form of government and investigating other alternatives
- Competent First Selectman historically have won re-election
- When proposed at the last charter revision it failed

Those who voted against keeping the two-year term outlined the following reasons why a change was necessary.

- To effectively manage the town a longer-term would provide more stability
- All other boards and commissions are on a four-year cycle
- Allows for long term planning
- More time for governance and town oversight

C6-3B Non-Binding Advisory Question: Remove the non-binding advisory question from the ballot.

Motion, John Lennon: To keep the advisory questions too high / too low

Second: Nick Hoffman

Vote: Failed Yes 1 No 6

Yes: Lennon

No: Hess, Hoffman, O'Brien, Letellier, Perrefort, Straiton.

Commissioner Lennon introduced a new motion to add "Just Right" to the nonbinding advisory question; the motion passed unanimously.

C6-3C Failure to Adopt:

Motion, John Lennon: To not accept the recommendation from the Board of Selectman to add a Failure to Adopt Provision to the budget referendum.

Second: Joyce Hess

Vote: Passed Yes 5 No 0 Abstained 2

Yes: Lennon, Hess, Hoffman, O'Brien,

Perrefort **No:**

Abstained: Letellier, Straiton.

The discussion focused on negating the vote of the townspeople by adding this provision and allowing an approved budget to be modified.

Section III: Charter Revision Commission Tracking Document

Charter Revision Tracking Document December 23, 2019	
Tracking Document of items under consideration	Notes
C8-13C-4(i): This change would allow the use of purchasing cooperatives for the Board of Education, but appears to exclude "Town of Bethel inadvertently." Please correct to enable the town also to participate.	Moved for language review 7/10
C2-5 -Eligibility for Office – Broaden the prohibition on town employees serving on the BAA & prohibits BOF members from serving on another board or commission while in office;	Moved for language review 7/10
C6-8 -Raise the referendum trigger to \$2M for capital utility projects funded by user fees, grants and/or loans.	Moved for language review 7 /10
C7-11 -Change PUC to seven members, four appointed and the three BOS members;	Moved for language review 7 /10

C8-9 -Remove references to water & sewer from Public Works and add maintenance of roads/fleet vehicles & management of Town buildings;	Moved for language review 7/10
C8 -13: Change all refences to "Comptroller" to "Finance Director"	Brad Heering 01/25 /2019
C -3-2: Technical change to: ...his " <i>or her</i> "...	
C8-13 E. -Change Data Processing Department to Information Technology Department;	Moved for language review 7 /10
C11-11 -Allow for meetings to take place at the Municipal Center or a town-owned facility accessible to members of the public.	Note that I kept this language a broad as possible per the Commission's direction at the last meeting and made an exception for site inspection Moved for language review 7 /10
(Numerous Sections, i.e. C4-4 B., D., C4-5 A., C8-13 C-4ii, C10-2 G., & C10-4 A.) References to Newspaper publication Suggested language change: " <i>or another medium consistent with the requirements of the Connecticut General Statutes;</i> "	Moved for language review 7/10

C3-3 Vacancies and C7-1 Appointments by Board of Selectman	Moved for language review 7/10
C3-6, C7-9 A, C7-15: Add verbiage clarifying overlapping terms for these Boards and Commissions	T. Beeble 1/16/2019
C10-9: Correct "proceeding" with "preceding"	T. Beeble 1/16/2019

C7-1C: Make language consistent with Section C2-5A: Pertaining to elected officials moving out of town.	T. Beeble 1/16/2019
C8-5: change position name from "Director of Civil Preparedness" to "Emergency Management Director ."	Email from Tom Galliford August, 7th 2019
Referencing both Fire Departments in the Charter	Ordinance change not Charter issue
C3-4 Board of Selectmen: Increase term from two to four years for the Board of Selectmen	Initial BOS Charge
C6-3B(2): Non-binding Advisory Question	Keep, eliminate, expand?
C6-3A(1): Reconsider moving the Annual Town Meeting back to May from April.	Multiple community members for and against
C6-3C: Failure to Adopt provision for budget referendum neither budget is ratified BOE or Town until both pass.	Initial BOS Charge
C10-2E and C6-3A(1): Change "The Board of Finance shall hold (1) or more public hearings on the general town budget report	Proposed Dionne Craig 4/3/2019
<i>not less than (7) days or more than fourteen (14) days before the Annual</i> Town Budget Meeting."	
C8-9 Department of Public Works: Change "building management" to "building maintenance ."	First Selectman Knickerbocker 9 /4/2019

C8-9 New Department Needed: Add new section for "Department of Public Utilities" (DPU); remove language referencing Department of Public Works (DPW) which describes responsibilities for management of public water and sewer departments.	First Selectman Knickerbocker 9/4/2019
C8-9 New Position Needed: In conjunction with the item above, need to add "Director of Public Utilities" as a separate entity;	First Selectman Knickerbocker 9/4/2019
the DPW Director and the DPU should not be the same person.	
C8-9: Remove references to water and sewer functions (Utilities Department) add Roads, Grounds, Fleet Vehicles, Buildings, Drainage & Project Management	BOS and Town Planner Cavagna 5/8/19
Ballot Language: one item referendums to not follow STM time line if general election or referendum is in close proximity	Registrar of Voters Beeble / Ryan 5/8/2019
Shovel Ready Projects: Add a charter provision that all Capital projects greater than 1 million dollars have be required to have complete construction plans,	Initial BOS Charge
Town Budget Meeting Held During the First 14 Days of April:	Registrar of Voters: T. Beeble, N. Ryan 12/18/2019
Budget Referendum Held 10 to 15 Business Days After Budget Meeting	Registrar of Voters: T. Beeble, N. Ryan 12/18/2019
Special Referendum by Petition Held 10 to 15 Business Days After Certification	Registrar of Voters: T. Beeble, N. Ryan 12/18/2019

MEMORANDUM

To: Charter Revision Commission
From: Nicholas W. Vitti Jr., Esq.
Date: December 19, 2019
Re: Summary of Charter Changes to Date -Counsel's Draft Report

- I. Allow the use of purchasing cooperatives
 - Status: Unanimous Commission Approval; Language Drafted
 - Section Revised: C8-13C4(i)

- II. Prohibition on BOF serving on other boards
 - Status: Unanimous Commission Approval; Language Drafted
 - Section Revised: C2-5

- III. Raise Referendum trigger for capital utility projects to \$2M
 - Status: Unanimous Commission Approval; Language Drafted
 - Section Revised: C6-8

- IV. Change PUC to seven-member board
 - Status: Unanimous Commission Approval; Language Drafted
 - Section Revised: C7-11

- V. Remove references to water & sewer from Public Works Department/ clarify duties
 - Status: Unanimous Commission Approval; Language Drafted
 - Section Revised: C8-9

- VI. Change references to "Comptroller" to "Finance Director"
 - Status: Unanimous Commission Approval; Language Drafted

- Section Revised: Table of Contents; C8-1, C8-13 A., C8-13 B (1), (2), C8-13 C. (1), (3) (4ii), D, E, F & G

VII. Terms in office/ Technical change from his by adding or her

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: C3-2

VIII. Change “Data Processing Department” to “Information Technology Department”

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: C8-13 E

IX. Allow for meetings to be held at CJH Center or town-owned building accessible to public

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: C11-11

X. References to Newspaper Publication – Added “or another medium consistent with the requirements of the Connecticut General Statutes”

- Status: Unanimous Commission Approval; Language Drafted
- Sections Revised: C4-4 B., D., C4-5 A., C8-13 C-4ii, C10-2 G., & C10-4 A.

XI. Add section covering resignations and removals of appointed board members

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: C7-1 & Formerly Reserved C7-5

XII. Correct proceeding with preceding

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: C10-9

XIII. Add “Just Right” to non-binding advisory question

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: C6-3 B (3)

XIV. Add that the BOF shall hold a public hearing “not less than 7 days or more than” 14 days before

Annual Town Budget Meeting

- Status: Unanimous Commission Approval; Language Drafted

- Section Revised: C10-2 E
- XV. Add new section for Department of Public Utilities and the Director of Public Utilities
- Status: Unanimous Commission Approval; Language Drafted
 - Section Revised: Added to the Table of Contents; C8-1; New Section C8-14
- XVI. Have complete construction plans prior to Referendum
- Status: Unanimous Commission Approval; Language Drafted
 - Section Revised: New Section C6-8 B
- XVII. Change Director of Civil Preparedness to Emergency Management Director
- Status: Unanimous Commission Approval; Language Drafted
 - Section Revised: Change TOC; C8-5
- XVIII. Add Overlapping Terms to BOE & Insurance & Pension Commission
- Status: Unanimous Commission Approval; Language Drafted
 - Section Revised: C3-6, C7-15
- XIX. Town Budget Meeting Held During the First 14 Days of April
- Status: Unanimous Commission Approval; Language Drafted
 - Section Revised: C6-3 A. (1)
- XX. Budget Referendum Held 10 to 15 Business Days After Budget Meeting
- Status: Approved by Commission, 1 Abstention; Language Drafted
 - Section Revised: C6-3 B. (1)
- XXI. Special Referendum by Petition Held 10 to 15 Business Days After Certification •
Approved by Commission, 1 Abstention; Language Drafted
- Section Revised: C6-5 E.

Section V: Ballot Structure and Observations

The Charter Revision Commission suggests the following ballot structure for the proposed amendments.

We have identified four areas to organize the ballot they are Finance, Governance, Public Utility Commission, and Technical.

Finance:

- 1 / I: Allow the use of purchasing cooperatives
- 8 / XIII: Add “Just Right” to the non-binding advisory question
- 9 / XIV: Add that the BOF shall hold a public hearing “not less than seven days or more than” fourteen days before the Annual Town Budget Meeting
- 11 / XVI: Shovel Ready Projects
- 12 / XIX: Town Budget Meeting Held During the first fourteen days of April.
- 13 / XX: Budget referendum held ten to fifteen business days after the budget meeting.
- 14 / XXI: Special referendum by petition held ten to fifteen business days after certification.

Governance:

- 5 / IX: Allow for meetings to be held at the CJH Center or town-owned building accessible to the public
- 6 / X: References to Newspaper Publication - Add “or another medium consistent with the requirements of the Connecticut General Statutes.”
- 7 / XI: Add section covering resignations and removals of appointed board members
- 2 / II: Prohibition of Board of Finance members serving on other boards and commissions

Public Utilities Commission

- 3 / III: Raise Referendum trigger for capital utility projects to \$2M
- 4 / IV: Change Public Utilities Commission to a seven-member board
- 10 / XV: Add new section for Department of Public Utilities and the Director of Public Utilities

Technical

Items 15 through 21 (V, VI, VII, VIII, XII, XVII, XVIII)

Observations:

1. Through our deliberations and information presented to the committee, the theme of the benefits and burdens that the Town Meeting form of government has on the daily operations of the town were discussed. Despite the discussion, there wasn't a mechanism for the Charter Revision Commission to address such a broad question. The committee suggests the Board of Selectmen form an ad-hoc committee to investigate governance options for the Town of Bethel and potential adjustments to our form government. Recognizing if a change is warranted, it would have to take place through charter revision, forming this committee would allow for the time necessary to thoroughly research in advance of the next charter revision.
2. Communication and access to information was an issue brought up throughout the charter revision process. While not in the purview of our responsibilities to mandate specific communication regulations or practices, we felt it was appropriate to relay the concerns shared. The consensus was to outline a strategy to utilize modern technology to allow more access to the ongoings of town governance. Suggestions included the universal use of video at all meetings, advanced notice for town meeting dates, enhanced communication efforts.
3. In budget presentations and communication clearly outline the Board of Education expenses covered in the Town of Bethel budget.

TOWN OF CLINTON: CHANGES TO CHARTER (2018)

CHANGES TO CHARTER 2018

Board of Selectman (Basic) Charter

1. Section 3-1: Add: "No individual can hold more than one elected positions concurrently."
2. Section 3-4: Eliminate the Town Treasurer
3. Section 3-6: Change: Board of Finance shall consist of "six (6) members" to "seven (7) members"
4. Section 3-7: Change: Board of Finance alternates from "six (6) years" to "four (4) years"
5. Section 3-14: Add: "Board of Police Commissioners Alternates"
6. Section 3-14: Shall read: "The Board of Police Commissioners shall have two (2) alternate members, each of whom shall be elected for a term of four (4) years. The alternate members shall serve terms which overlap by two years."
7. Section 3-15: Add: "Registrar of Voters"
8. Section 3-15: Change: Registrar of Voters term from two (2) years to four (4) years
9. Section 4-4A: Change: convened to "adjourned"
10. Section 4-5: Add: Special Town Meeting required for "6. Land Swap Transactions"
11. Section 4-6A1: Add: any resolution appropriating an amount "over \$250,000"
12. Section 4-6A2: all other forms of financing equal to "three (3)" percent or more of current tax levy
13. Section 5-5A: Add: "Except during the time between the change of administration after an election."
14. Section 5-7D: Add: "except during the time between the change of administration after an election."

15. Section 7-1A: Add: "Except during the time between the change of administration after an election."
16. Section 7-2C: Add: "No one person may hold more than then one (1) elected and two (2) appointed positions simultaneously on Boards or Commissions excluding ad hoc and subcommittees."
17. Section 7-2D: Add: "No one person may hold more than three (3) appointed positions simultaneously on Boards or Commissions excluding ad hoc and subcommittees."
18. Section 7-6B: Add: "There will be no term limit restraints for board members."
19. Section 7-7B: Add: "and three (3) alternate members"
20. Section 8-5: Change: "Civil Preparedness Director" to "Emergency Management Director"
21. Section 8-12: Change: "The Planning and Zoning Commission" to "The Board of Selectmen" shall hire a Zoning Enforcement Officer...
22. Section 8-13: Add" "who shall be hired by the Board of Selectmen with approval of the Board of Police Commissioners,"
23. Section 8-15: Remove: Entire section for Medical Out Patient Transportation Service
24. Section 8-15B: Change: Section "7-148(6)" to "7-148(c)6"
25. Section 8-15c: Change: "Recommend an" to "Approve a recommended" annual budget and proposed capital improvements for the Department of Public Works "to be presented to" the Board of Selectmen and Board of Finance.
26. Section 8-16: Change: ..the Board of Finance and shall be "responsible for" the operation and administration of all finance related functions, "including the duties of the Treasurer," for the Town of Clinton.
27. Section 9-2C: Should read: "No person serving on an elective or appointive Board shall be an "employee supervised by that same" Board."
28. Section 9-3B: Should read: The classified service may include all officers and employees of the Town, except the following: all "elected" officers and "persons" appointed to fill vacancies in "elected offices;"
29. Section 10-3: Should read: "Section 10-3 Levying of Taxes"
30. Section 10-4E: Add: "Transfer of appropriations of amounts up to \$500 within in department can be done by Department Heads with the approval of the Finance Director."
31. Section 10-6E: Should read: "The Board of Selectmen shall have the discretionary authority to utilize state, federal, and/or other governmental cooperative purchasing agreements in lieu of obtaining sealed competitive bids, where the sum total shall not exceed one hundred thousand (\$100,000) dollars per commodity and/or piece of equipment, if to do so is in the Town's best interest."

TOWN OF CLINTON: REVISED CHARTER (EFFECTIVE 2019)



William Stanton Andrews Memorial Town Hall

TOWN OF CLINTON, CONNECTICUT

Town Charter Clinton, Connecticut

(Effective date ~~December 6,~~
~~2012~~ November 19,
2019)

TOWN CHARTER
CLINTON, CONNECTICUT

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CHAPTER 1 INCORPORATION AND GENERAL POWERS

Section 1-1 Incorporation

All the inhabitants dwelling within the territorial limits of the Town of Clinton, as heretofore constituted, shall continue to be a body politic and corporate under the name of "Town of Clinton," hereinafter called "the Town", and as such shall have perpetual succession and may hold and exercise all powers and privileges heretofore exercised by the Town and not inconsistent with the provisions of this chapter, the additional powers and privileges herein conferred upon towns under the general laws of the State of Connecticut.

Section 1-2 Rights and Obligations

All property, both real and personal, all rights of action and rights of every description and all securities and liens vested or inchoate in the Town as of the effective date of this Charter shall be continued in the Town. The Town shall continue to be liable for all debts and obligations of every kind to which the Town shall be liable on said date. Nothing therein shall be construed to

affect the right of Town to collect any assessment, charge, debt, or lien. If any contract has been entered into by the Town prior to the effective date of this Charter or any bond or undertaking has been given by or in favor of the Town which contains a provision that the same may be enforced by any Commission, Board, Department, Officer or Agency herein named, which is abolished by the provisions of this Charter, such contracts , bonds or undertakings shall be in full force and effect and the powers conferred and the duties imposed with the reference to the same upon any such Commission, Board, Department, Officer or Agency shall, except as otherwise provided in this Charter, thereafter be exercised and discharged by the ~~Board of Selectmen~~Town Council.

Section 1-3 General Grant of Powers

In addition to all powers granted to towns under the Constitution and General Statutes, as amended, or which may hereafter be conferred, the Town shall have all the powers specifically granted by this Charter all powers fairly implied in or incident to the powers expressly granted, all powers conferred by Section 7-194 of the General Statutes, as amended, and by special acts of the General Assembly not inconsistent with this Charter, and all other powers incident to the management of the property, government and affairs of the Town, including the power to enter into contracts with the United States Government or branch thereof, or any agency or political subdivision thereof, or any body politic or corporate not expressly forbidden by the Constitution and General Statutes of the State of Connecticut. The enumeration of particular powers in this and any other Chapter of this Charter shall not be construed as limiting the general grant of powers but shall be considered as an addition thereto.

CHAPTER 2 ELECTIONS

Section 2-1 State Elections

Nomination and election of state officers, Judge of Probate, Justices of the Peace and Registrars of Voters shall be conducted as prescribed by the General Statutes, as amended. The Registrar of Voters shall prepare lists of electors qualified to vote therefore in the manner prescribed in the Constitution and the General statutes, as amended.

Section 2-2 Town Officers

The election of Town officers listed in Chapter III of this Charter shall take place at the regular Town elections on the first Tuesday after the first Monday in November of each odd numbered year.

Section 2-3 Minority Representation; Elective, Appointive Officials

A. Minority representation on any elective or appointed board, commission, committee, or similar body of the Town, and alternate members, except the Board of Education, shall be as provided in this section. The maximum number on any such Board, Commission, Agency, Committee or similar body who may be members of the same political party shall be specified in the following table:

COLUMN I TOTAL MEMBERSHIP	COLUMN II MAXIMUM FROM ONE PARTY
3	2
4	3
5	3
6	4
7	4
8	5
9	5
More than 9	One more than one-half of the total membership.

B. Minority representation on the Board of Education shall be determined in accordance with Section 9-204a of the General Statutes, as amended.

Section 2-4 Eligibility For Office

No person shall be eligible for election to any Town office that is not at the time of election a bona fide resident elector of said Town, and any person ceasing to be a bona fide resident elector of said Town shall thereupon cease to hold elective office in the town.

Section 2-5 Breaking a Tie

When any regular or special Town election, primary election or referendum conducted pursuant to the provisions of this Charter results in a tie, after recount, an adjourned election shall be conducted in accordance with the provisions of Section 9-332 of the General Statutes, as amended, to determine who shall be elected.

CHAPTER III
ELECTIVE OFFICERS

Section 3-1 Powers and Duties; Terms of Office

Except as otherwise provided in this Charter, all elective Officers and members of Boards, and Commissions shall have the powers and duties prescribed for such Officers in the General Statutes, as amended. The terms of office of all elective Officers and members of Boards and commissions shall commence on the second Tuesday following the election. Elective Officers shall continue to hold such Office until their successors have been duly elected and qualified. No individual can hold more than one elected position concurrently.

Section 3-2 Vacancies

- A. The ~~Board of Selectmen~~Town Council shall fill, by appointment, a vacancy in any and all elective Town Offices, including the Board of Education ~~and Board of Finance~~, within thirty (30) days from the time that the office becomes vacant, said appointment to be for the unexpired portion of the term.
- B. When a person vacating an office shall have been elected as a member of a political party, such vacancy shall be filled by the appointment of a member of the same political party.
- C. A vacancy on the ~~Board of Selectmen~~Town Council shall be filled in accordance with the procedures set forth in Section 9-222 of the General Statutes encaptioned, "Filling of vacancy in office of first selectman or selectman. Petition for special election".

Section 3-3 Board of Selectmen

~~At each regular Town election there shall be elected a five (5) member Board of Selectmen consisting of a First Selectman and four (4) Selectmen.~~Council

~~The candidate for First Selectman receiving the highest number of votes for said office shall be declared elected First Selectman. The balance of the Board of Selectmen shall be seated from the candidates, including the unsuccessful candidate for the office of First Selectman, receiving the next four highest number of votes and in accordance with the minority representation stipulations of Section 2-3 of this Charter.~~

There shall be elected a Seven (7) member Town Council, each member will be elected for a term of Four (4) years. At the municipal election in November 2019, seven (7) members shall be elected and those four (4) candidates receiving the highest number of votes for Town Council in the election shall be elected to serve for terms of four (4) years, and the remaining three (3) elected candidates shall serve for an initial term of two (2) years subject to requirement of minority representation. Thereafter, at each regular municipal election, there shall be elected

candidates to fill those seats for which terms are expiring.

Section 3-4 Treasurers

The Treasurer shall be ~~elected at a regular town election~~ appointed by the Town Council for a term of two (2) years.

Section 3-5 Board of Education

The Board of Education shall consist of seven (7) members, each whom shall be elected for a term of four (4) years, as provided in Section 9-204a of the General Statutes, as amended; nominations by any political party of candidates may be equal to the number of members to be elected to each election, and electors may vote for the full number of such members to be elected. The members shall serve overlapping term. At each regular Town election there shall be elected sufficient members to succeed each member whose term shall expire.

Section 3-6 Board of Finance

~~The Board of Finance shall consist of six (6) members, each of whom shall be elected for a term of four (4) years. The members shall serve overlapping term. At each regular municipal election, there shall be elected three (3) members of said Board to replace those whose terms are expiring.~~

Section 3-7 Board of Finance Alternates

~~There shall be two (2) Boards of Finance Alternates who shall not be members of the same political party and who shall be elected for a term of six (6) years. Said alternate members shall have all the powers and duties set forth in the General Statutes, as amended, and as provided in this Charter.~~

Section 3-8 Board of Assessment Appeals

The Board of Assessment Appeals shall consist of three (3) members each whom shall be elected for a term of four (4) years. The members shall serve overlapping terms.

Section 3-~~9~~7 Board of Assessment Appeals Alternates

The Board of Assessment Appeals Alternates who shall not be members of the same political party shall consist of two (2) members, each of whom shall be elected for a term of four (4) years. The Alternate Members shall serve overlapping terms.

Section 3-~~10~~8 Zoning Board of Appeals

The Zoning Board of Appeals shall consist of five (5) members, each of whom shall be elected for a term of four (4) years. The members shall serve overlapping terms.

Section 3-~~119~~ Zoning Board of Appeals Alternates

The Zoning Board of Appeals Alternates shall consist of three (3) members, each of whom shall be elected for a term of four (4) years. The members shall serve overlapping terms.

Section 3-~~1210~~ Planning and Zoning Commission

The Planning and Zoning Commission shall consist of nine (9) members, each of whom shall be elected for a term of four (4) years. The members shall serve overlapping terms.

Section 3-~~1311~~ Planning and Zoning Alternates

The Planning and Zoning Commission Alternates shall consist of three (3) members each whom shall be elected for a term of four (4) years. The members shall serve overlapping terms.

Section 3-~~1412~~ Board of Police Commissioners

The Board of Police Commissioners shall consist of five (5) members, each of whom shall be elected for a term of four (4) years. The members shall serve overlapping terms.

Section 3-13 Registrars

The Registrars of Voters shall be elected at a regular town election for a term of four (4) years.

CHAPTER IV THE TOWN MEETING

Section 4-1 Composition; Legislative Powers, Town Meeting and ~~Board of Selectmen~~ Town Council

- A. The legislative powers of the Town shall be vested in the Town Meeting as provided by this Charter and in the ~~Board of Selectmen~~ Town Council as specified in Sections 5-4 through 5-7 of this Charter.
- B. The Town Meeting may be convened as the Annual Town Meeting or Special Town Meeting. The Annual Town Meeting shall be held on the last Monday in January. The Annual Budget Meeting shall be held no later than the first Wednesday in May. Special Town Meeting shall be called by the ~~Board of Selectmen~~ Town Council as provided in this Chapter and in the manner provided by the General Statutes, as amended.
- C. All persons eligible to vote in Town Meetings as prescribed in Section 7-6 of the General Statutes, as amended, shall be eligible to vote in Special Town Meetings called as provided in Section 4-8 of this Chapter.

Section 4-2 Procedure; Moderator

All Town Meetings shall be called to order by the First SelectmanTown Council Chairperson or a member of the Board-of-SelectmenTown Council. A Moderator shall be elected and all business conducted in the manner provided by the General Statutes, as amended, except as otherwise provided in this Charter. The Town Clerk shall serve as Clerk of all Meetings but, in case of an absence, the Meeting shall select an Acting Clerk.

Section 4-3 Annual Town Meeting

The Annual Town Meeting shall be for the purpose of receiving the Town Reports and shall consider such other business as the SelectmenTown Council state in the Call of the Meeting.

Section 4-4 Annual Budget Meeting

- A. The Annual Budget Meeting shall be convenedadjourned to referendum by machine or ballot vote. The call of the Annual Town Budget Meeting shall present as separate resolutions, the Town Government Budget and the Board of Education Budget to be voted upon in referendum pursuant to Section 4-4(B) of the Charter. Should the Annual Budget Meeting be adjourned prior to it being convened to referendum, said Meeting shall automatically reconvene in succeeding one (1) week intervals until its completion. The Budget Resolutions will be submitted to the persons qualified to vote in a town meeting which shall take place not less than seven (7) or more than fourteen (14) days thereafter, on a day to be set by the Annual Budget Meeting. At least five (5) days prior to such referendum the Board-of-SelectmenTown Council shall publish in a newspaper having general circulation in the town a notice of such referendum, setting forth the date on which, the hours (6a.m. - 8p.m.) during which, and the location at which the referendum will be held and the text of the questions as they will appear on the voting machine.
- B. The text shall provide for separate approval/disapproval of the Town Government Budget and the Board of Education budget as follows:

Yes / No /

-
1. In favor of the proposed Town Government Budget of the Town of Clinton for the fiscal year July 1, ___ to June 30, ___ in the amount of \$_____.

Yes / No /

2. In favor of the proposed Board of Education Budget of the Town of Clinton for the fiscal year July 1, ___ to June 30, ___ in the amount of \$_____ .

Should either budget section fail to be approved by a majority of those voting thereon, the ~~Board of Finance, the Board of Selectmen, Town Council~~ and/or the Board of Education shall forthwith revise estimated expenditures, without altering estimates of revenue except for omissions, clerical errors, or revisions of revenue to be received from the state, to arrive at revised spending levels and automatically submit the revised budget section(s) to referendum 14 days following the date the initial budget referendum was defeated. The ~~Board of Finance~~ Town Council shall hold at least one (1) public hearing upon five (5) days legal notice prior to submitting the revised budget section(s) for consideration. This process shall be repeated at two (2) week succeeding intervals until such time as the total budget is adopted.

- C. In the event said budget is not adopted by the third Wednesday in June, business shall be conducted in accordance with Section 7-405 and 12-123 of the General Statutes, as amended.

Section 4-5 Special Town Meeting Actions

- A. Special Town Meetings shall be required for approval by vote after recommendation by the ~~Board of Selectmen and the approval of the Board of Finance for~~ Town Council:
 1. Any resolution making an appropriation subject to provisions of Section 10-4 of this Charter;
 2. Any resolution authorizing the issuance of bonds or notes;
 3. The purchase of real estate;
 4. The sale of any real estate;
 5. Any real estate lease and/or lease with option which involves a term in excess of three(3) years;
 6. Land exchange Transactions
- B. Special Town Meetings may be called by the ~~Board of Selectmen~~ Town Council for:
 1. The rejection of any collective bargaining agreements negotiated by the Board of Education as provided in Chapter 166 of the General Statutes, as amended.
 2. Proposals for Town improvements disapproved by the Planning and Zoning Commission pursuant to the provisions of Section 8-24 of the General Statutes, as amended.

Section 4-6 Appropriations or Other Actions Requiring Referendum

- A. A referendum shall be required for:
 1. With the exception of the annual budget, any resolution appropriating an amount ~~equal to five (5) percent or more of the current tax levy~~ over \$300,000;
 2. Any resolution authorizing the issuance of bonds, notes, and all other forms of financing equal to ~~five (5)~~ three (3) percent or more of the current tax levy.

The ~~Board of Selectmen~~Town Council shall fix the time and place of all referendums. Notice of a referendum shall be given and each referendum shall be conducted as provided in Section 7-7 of the General Statutes, as amended.

B. With the exception of the annual budget, three hundred (300) persons qualified to vote in a Town Meeting may petition over their signatures for any item on the call of a Town Meeting to be voted on in referendum. The procedure shall be in accordance with Section 7-7 of the General Statutes, as amended. Refer to Section 4-4 A for annual budget referendum procedures. The provisions of Section 7-7 of the General Statutes, as amended, shall not apply to the adoption of the Town Budget.

C. All referendum voting will be by ballot or machine vote.

Section 4-7 Petition for Overrule

All ordinances, adopted by the ~~Board of Selectmen~~Town Council, except emergency ordinances, shall be subject to overrule by referendum. All resolutions or votes of the ~~Board of Selectmen~~Town Council, except those making appointments or removals or regulating exclusively the internal procedure of the ~~Board of Selectmen~~Town Council shall be subject to overrule by referendum. The procedure required is as follows:

A. After the publication of any ordinance or the making of such resolution or the taking of such vote, a petition, signed by not less than three hundred (300) voters must be filed with the Town Clerk requesting it be put to referendum. The effective date of such ordinance, resolution, or vote shall then be suspended. Said petition shall conform to the requirements of Section 7-9 and Section 7-9a of the General Statutes, as amended. Said petition shall contain the full text of the ordinance, resolution, or vote proposed to be repealed. The Town Clerk shall, within five (5) days after receipt of the last page of said petition, determine whether the petition and affidavits are sufficient as prescribed by law, and if so, certify said petition to the ~~Board of Selectmen~~Town Council.

B. The ~~Board of Selectmen~~Town Council shall fix the time and place of such referendum, which shall not be less than seven (7) days not more than fourteen (14) days after the certification of said petition. Notice thereof shall be given by publication in full of the ordinance, resolution, or vote, in the manner provided by law for the calling of a Town referendum.

C. Such ordinance, resolution, or vote shall be submitted to the voters qualified to vote in a Town Meeting for a "Yes" or "No" vote on the ballot or voting machine. The referendum shall be held in accordance with Section 7-7 of the General Statutes, as amended, and after the polls are closed, a Moderator appointed by the Registrars of Voters shall cause the vote to be counted and the ordinance, resolution or vote so referred shall take effect immediately unless a majority of those voting thereon shall have voted in favor of overrule.

Section 4-8 Petition for Special Town Meeting; Initiative

- A. One hundred (100) voters may, at any time, petition for the enactment of any proposed lawful ordinance or resolution on Town Meeting actions enumerated herein, by filing such petition, including the complete text of such ordinance or resolution with the Town Clerk. Said petition shall conform to the requirements contained in Section 4-7 of this Charter.
- B. Any such proposed ordinance or resolution shall be examined by the Town Counsel before being submitted to a Special Town Meeting. The Town Counsel may correct the form of such ordinance or resolution for the purpose of avoiding repetitions, illegalities and unconstitutional provisions, but may not materially change its meaning and effect.
- C. The ~~Board of Selectmen~~ Town Council shall hold one or more public hearings on such proposal prior to calling a Special Town Meeting, to be held not less than ten (10) days nor more than thirty (30) days from the date of such filing. Such ordinance, resolution or vote shall be submitted to the voters in the manner specified in Section 4-7 of this Charter.

CHAPTER V
BOARD OF SELECTMEN
TOWN COUNCIL

Section 5-1 Composition

~~There shall be a Board of Selectmen consisting of a First Selectman and four (4) Selectmen, all elected as provided in this Charter.~~

There shall be a Town Council consisting of a Chairperson, Vice Chairperson and (5) Council Members, all elected as provided in this Charter. The members of which shall initially be compensated at the rate of \$3000 for the Chairperson and \$1500 for the remaining members per annum, such level of compensation to be reviewed from time to time by said Council. Any increase or decrease by a vote of at least five (5) members of the Council voting in favor of such an increase or decrease only takes effect upon the election of the next Council. The Town Council may be reimbursed by the Town for actual expenses incurred in the performance of official duties.

Section 5-2 Meetings; Conduct of Meetings; Special Meetings

- A. At the first meeting following its election, the BoardCouncil shall designate ~~an Acting First Selectman to assume the duties of the First Selectman in the event of the absence or disability of the First Selectman.~~ a Chairperson and a Vice Chairperson. The ~~First Selectman~~Chairperson, when present, shall preside over the meeting of the ~~Board~~Town Council and shall have full voting power at such meeting.
- B. At its first meeting following the election, the BoardCouncil shall fix the schedule of its regular meeting dates and times. Such schedule shall be set by vote of the entire BoardCouncil. The BoardCouncil shall meet ~~once~~twice a ~~week~~month and at least one meeting a month shall be held during the evening hours.
- C. The BoardCouncil may call a special meeting whenever deemed necessary.
- D. All actions of the BoardCouncil shall require ~~three (3)~~four (4) affirmative votes.
- E. Minutes of each meeting shall be taken and shall include the attendance of each member on all items of business before the BoardCouncil ~~by a clerk.~~

Section 5-3 General Powers; Investigations

- A. The BoardCouncil shall have the powers and duties as are provided for Boards of Selectmen by the General Statutes, as amended, and this Charter, and may exercise any of the powers conferred on towns by Section 7-194 of the General Statutes, as amended.

- B. The ~~Board~~Council shall have the power to subpoena witnesses and documentation and to investigate any duty related actions of all Officers, Boards, Commissions and Agencies of the Town.

Section 5-4 Duties and Responsibilities

- A. The ~~Board of Selectmen~~Council shall direct ~~and~~, supervise ~~the affairs of the Town~~ and shall be responsible for coordinating the activities of the Officers, Departments, Boards, Commissions and Agents of the Town- to which the Council has power to appoint as outlined in this Charter.
- B. The ~~Board~~Council shall adopt such rules and regulations as are necessary for the conduct of the affairs of the Officers, Departments, Boards, Commissions, and Agencies of the Town to which the Council has power to oversee as outlined in this Charter.
- C. The ~~Board~~Council shall hold at least one joint meeting, one of which shall be held during the month of January of each year, with all Officers, Departments, Boards, Commissions, Agencies and Authorities to coordinate the planning and activities of Town functions and responsibilities.

Section 5-5 Power to Enact Ordinances

- A. The ~~Board of Selectmen~~Town Council shall have the legislative power to enact ordinances, not inconsistent with this Charter and the General Statutes, as amended, for the preservation of the good order, health, welfare, and safety of the Town and its inhabitants. No ordinances may be enacted by the Town Council during the period after the election of members of the Town Council and the date they take office after the election with the exception of ordinances to meet a declared emergency under Section 5-6 of this Charter.
- B. At least one public hearing shall be held by the ~~Board of Selectmen~~Town Council before the enactment of any proposed ordinance. Notice of a hearing shall be given in the form of a legal advertisement, by publication, not less than ten (10) days before the date of such hearing, of the full text of the proposed ordinance, in a newspaper having general circulation in the Town, a copy of which shall be on file in the Town Clerk's office.
- C. The ~~Board~~Town Council shall enact or deny the proposed ordinance within thirty (30) days after the public hearing.
- D. Each ordinance as enacted, and its effective date, shall promptly be published in the form of a legal advertisement in a newspaper having a general circulation in the Town. Every ordinance, after enactment, shall be recorded and filed by the Town Clerk in the Code of Ordinances.

- E. Every ordinance shall become effective on the thirtieth (30) day after publication unless a petition to overrule such ordinance has been filed in accordance with Section 4-7 of this Charter.

Section 5-6 Power to Enact Emergency Ordinances

On a declaration by the ~~Board of Selectmen~~Town Council that a State of Public Emergency exists endangering the lives, health or property of citizens, the ~~Board~~Council may enact ordinances to meet such emergency. No public hearing shall be required for emergency ordinances and such ordinances shall become effective immediately, and shall be published promptly in a newspaper having general circulation in the Town. Every emergency ordinance and amendments thereto shall automatically stand repealed at the termination of the sixtieth (60) day following enactment of said ordinance.

Section 5-7 Additional Powers

The ~~Board of Selectmen~~Town Council shall have the following powers and duties. The ~~Board~~Council:

- A. Shall ~~present a review the~~ proposed budget ~~for the Town with its recommendation to from~~ the ~~Board of Finance,~~Town Manager consistent with the provisions of Chapter X of this Charter;

~~Shall assemble, compile and publish the Annual Town Report for submission to the Annual Town Meeting;~~

~~Shall have the power to lease real property for no more than a three (3) year period;~~

- ~~B. Shall authorize the execution of contracts, leases, deeds, and other legal instruments by the~~
~~First Selectmen;~~

~~C.B. Shall approve or reject any collective bargaining agreement for the Town employees;~~ Shall with the advice of the Town Counsel, institute, prosecute, defend, or compromise any legal action or proceeding by or against the Town;

~~D.C. Shall call a Special Town Meeting to~~ recommend consider and act upon recommendations for the creation, consolidation, change or abolition of Offices, Boards, Commissions, or Agencies not otherwise provided for in this Charter;

~~E. Shall approve or reject any collective bargaining agreement for the Town employees; May, when requested by any Officer, Board, Commission, or Agency, and after approval by the Board of Finance, make special or supplemental appropriation in amounts subject to the provisions of Section 10-4 of this Charter. D.~~

E. Shall have the power to subpoena witnesses and documentation and to investigate any duty related actions of all Officers, Boards, Commissions and Agencies of the Town

F. Shall accept a public street or highway provided that the Town Engineer shall have certified that such street or highway has been completed and meets all standards and specifications established by ordinances and regulations relating to streets and highways, and may discontinue, a public street or highway;

G. Shall authorize the submission by the ~~First Selectman~~Town Manager of applications for Federal, State or Regional grants;

H. May incur indebtedness in the name of the Town and provide for the due execution of contracts and evidence of indebtedness issued by the Town;

I. May employ such staff with such powers, duties and responsibilities as they may deem necessary to carry out the duties and responsibilities of the ~~Board~~Council, consistent with the provisions of this Charter;

~~May contract for services and the use of facilities with the Federal Government or any agency thereof, the State of Connecticut, or any agency or political subdivision thereof;~~

~~J. May join with other towns to provide or obtain services or the use of facilities by means of interlocal agreements.~~

~~K.~~J. May call a Special Town Meeting for any proposal it deems of sufficient importance.

~~L. May enter into grant agreements, accept funds disbursed under said grant agreements and appropriate same for the use intended, subject, however, to:~~

- ~~(i) the approval of the Board of Finance and, if the grant exceeds \$15,000, Town Meeting as otherwise provided herein; and~~
- ~~(ii) any other Board or Commission, otherwise having jurisdiction pursuant to any State law or Charter provision due to the subject matter of said grant.~~

K. Shall have the authority to approve real property tax abatement agreements allowed under provisions of the Connecticut General Statutes

M.~~L.~~ In no circumstance shall the ~~Board of Selectman~~Town Council accept any grant or enter into any grant agreement that:

- (i) Obligates the Town or any agency thereof to expend funds in excess of the amount granted, unless and until such funds have been appropriated in accordance with the terms of this Charter; or
- (ii) Obligates the Town or any agency thereof to take any action that would otherwise require further approval by Town Meeting or any other Board or Commission.

Section 5-8 Relations to Town Manager's appointees

The Council and its members shall deal with the Town Manager's appointees and their subordinates solely through the Town Manager. Neither the Council nor any member thereof shall give orders to any of the subordinates of the Town Manager either publicly or privately. For purposes of investigation, the Council may call any employee or officer before a properly constituted meeting of the Council, provided that the Town Manager has been invited to attend.

CHAPTER VI FIRST SELECTMAN CHAIRPERSON OF THE TOWN COUNCIL

Section 6-1 General

- A. ~~The First Selectman shall serve full time and shall be the Chief Executive and Administrative Officer of the Town. The First Selectman shall have the powers, duties, and responsibilities conferred upon that Office by the General Statutes, as amended, and by this Charter.~~ Chairperson shall be the official head of the Town for all ceremonial or military purposes.
- B. ~~The First Selectman~~ Chairperson shall be a full voting and participating member of the ~~Board of Selectmen~~ Town Council and shall preside at all meetings of the ~~Board~~ Council.
- C. ~~The First Selectman~~ Chairperson or such other ~~Selectmen~~ Council member as he/she may appoint shall be an ex-officio member of all Boards, Commissions, Agencies, Committees and Authorities including the Board of Education ~~and the Board of Finance~~, but without the power to vote.

Section 6-2 Powers and Duties

- ~~A. The First Selectman shall execute or cause to be executed the ordinances, regulations, resolutions or policies voted by the Board of Selectmen of the Town Meeting, and shall guide the Board in the discharge of its duties and responsibilities.~~
- ~~B. The First Selectman shall be responsible for coordinating the administrative activities of the Officers, Boards, Commissions and Agencies of the Town.~~
- ~~C. The First Selectman shall be responsible for a continuous review of current and future needs of the Town, including the fiscal needs and budget requirements.~~

~~D. The First Selectman shall contract for all services and the purchases of supplies, equipment, and other commodities required by any Town agency except the Board of Education, under the competitive bidding provisions of this Charter.~~

~~E. The First Selectman shall be responsible for the administrative and personnel policies for the Town officers and employees as provided by this Charter and shall direct and supervise the performance of duties of said employees.~~

Section 6-3 Delegation of Duties

~~To assist in the proper administration of the Office, the First Selectman may assign and delegate duties to the Board of Selectmen and to Officers appointed by the First Selectman and/or the Board of Selectmen.~~

CHAPTER VII
APPOINTIVE BOARDS

Section 7-1 Appointments

- A. All appointments to Offices hereinafter stated shall be made by the ~~Board of Selectmen by a majority vote of the Board of Selectmen.~~ Town Council by a majority vote of the Town Council. No appointments may be made by the Town Council during the period after the election of members of the town council and the date they take office after the election..
- B. All appointees shall be bona fide resident electors of the Town and shall vacate their positions on ceasing to be bona fide resident electors of the Town. They shall be sworn before taking the Office and the Officer administering the oath shall record such fact in the Office of the Town Clerk.

Section 7-2 Terms of Office

- A. Except as otherwise provided in this Charter, the terms of office for all appointees on all appointive Boards and Commissions shall commence on the first (1st) day of July, the onset of Clinton's fiscal year.
- B. Vacancies shall be filled within sixty (60) days by the ~~Board of Selectmen~~ Town Council.
- C. No one person may hold more than one (1) elected and two (2) appointed positions simultaneously on Boards or Commissions excluding ad hoc committees and subcommittees.
- D. No one person may hold more than three (3) appointed positions simultaneously on Boards or Commissions excluding ad hoc committees and subcommittees.

Section 7-3 General Powers and Duties

Except as otherwise provided in this Charter; all appointees shall have all the powers and duties prescribed by law.

Section 7-4 Minority ~~Party~~ Representation

Minority ~~Party~~ Representation shall be as specified in Chapter II of this Charter.

Section 7-5 Two - Year Terms

- A. A municipal agent for the elderly shall be appointed who shall serve a two year term and shall have all the powers and duties prescribed by the General Statutes, as amended.

- B. The Shellfish Commission shall consist of seven (7) members, each of whom shall serve two (2) year overlapping terms. The members shall also be sworn in as Special Shellfish Constables for the same term and shall also have such powers and duties as are specified in Section 26-277 of the General statutes, as amended.
- C. The ~~Board of Selectmen~~ Town Council may appoint Special Constables each of whom shall serve a two (2) year term.
- D. The Local Veteran's Advisory Committee shall consist of three (3) members and one (1) alternate member, each of whom shall serve a two (2) year term. All members shall be veterans.
- E. The Conservation Commission shall consist of seven (7) members all appointed to serve overlapping terms. The Commission shall be organized and granted such powers as are permitted by the Connecticut General Statutes.

Section 7-6 Three - Year Terms

- A. The Water Pollution Control Commission shall consist of seven (7) members, all appointed to serve overlapping terms.
- B. The Clinton Human Services Advisory Board (consisting of Youth and Family Services and Social Services) shall consist of seven (7) bona fide resident elector members and one (1) non-voting youth member, all appointed to serve overlapping terms. The composition of the Board shall meet the requirements set forth in the Connecticut General Statutes (7-44), as amended. The bona fide resident elector members of the Clinton Human Services Advisory Board shall have the powers and duties set forth in the 1991 Town ordinance, as amended, that created the Bureau, in addition to providing the services set forth in the Connecticut General Statutes^{*, 7, 1}, as amended.
- C. The Design Review Board shall consist of five (5) members and two (2) alternate members, all appointed to serve overlapping terms.

Section 7-7 Four - Year Terms

- A. The Inland Wetlands Commission shall consist of seven (7) members and three (3) alternate members all appointed to serve overlapping terms.
- B. The Economic Development Commission shall consist of seven (7) members; and three (3) alternate members with no more than two (2) alternates from the same political party and all appointed to serve overlapping terms.

- C. The Harbor Management Commission shall consist of seven (7) members, all appointed to serve overlapping terms.
- D. The Park and Recreation Commission shall consist of seven (7) members, all appointed to serve overlapping terms.
- E. The Public Works Commission shall consist of five (5) members and two (2) alternate members all appointed to serve overlapping terms.
- F. The Fair Rent Commission shall consist of five (5) members, all appointed to serve overlapping terms.

~~Section 7-8 Five Year Terms~~

- G. ~~A.~~ The Historic District Commission shall consist of five (5) members and three (3) alternate members all appointed to serve overlapping terms.

~~B~~Section 7-8 Five Year Terms

- ~~A.~~ The Board of Ethics shall consist of five (5) members, all appointed to serve five (5) year overlapping terms. No member shall serve more than two (2) consecutive terms. Any member having served two (2) consecutive terms shall be ineligible for reappointment to the Board for a period to two (2) years.

CHAPTER VIII
ADMINISTRATIVE OFFICERS AND DEPARTMENTS

Section 8-1 Terms of Office; Qualifications; Powers and Duties

Appointments shall be made by the ~~Board of Selectmen~~Town Manager, Town Council or the ~~First Selectman~~Chairperson, as may be required by the General Statutes, as amended. Administrative Officers shall possess, upon appointment, such qualifications as may be required by law or by the ~~Board of Selectmen~~Town Council.

Section 8-2 ~~Assessor~~Town Manager

Section 8-2-1 Appointment; Qualifications; Term; Compensation

A. The Town Council shall appoint a Town Manager for a term not to exceed three (3) years. Prior to appointing the Town Manager, the Town Council shall appoint a search committee it deems qualified, to perform a search for qualified candidates. The Town Council may select and designate a search committee for a term not to exceed one (1) year.

(i) The Board of Selectmen seated and serving as of the date of the initial approval of this Charter, shall constitute a search committee to consider candidates for appointment as the initial Town Manager for the Town of Clinton. Such candidates shall have the qualifications set forth in this Charter. Upon election of the initial Town Council, pursuant to this Charter, candidates will be presented to the Council for selection of the initial Town Manager. The authorization contained in this subsection shall become effective upon passage of the Charter.

B. The Town Manager shall be appointed solely on the basis of executive and administrative qualifications, character, education, professional training, and experience. Specific qualifications such as a Master's Degree in Public Administration (MPA), Master's Degree in Business Administration (MBA) or related fields. The Town Manager need not be a resident of the Town or state at the time of appointment and may reside outside the Town while in office only with the approval of the Town Council.

C. The Town Manager shall serve a specified term not to exceed three (3) years pursuant to a contract between the Town Council and the Town Manager. There shall be no limitation on the number of times the Town Council may execute a new contract with any particular Town Manager. The contract shall make provisions for compensation, review procedures, its specific expiration date, and any other matters the Town Council deems appropriate and/or necessary.

D. The Town Council shall determine the compensation of the Town Manager. In addition to termination provided by Section 8-2-1(C) of this Charter and by any applicable contract provision, the Town Council shall have the power to suspend or remove the Town Manager, as provided herein.

E. Upon the suspension, removal, resignation, incapacity, or death of the Town Manager, the Council may appoint a Temporary Manager to serve at the pleasure of the Council for a period of not more than one hundred eighty (180) days. If, after one hundred eighty (180) days, the Council has not appointed a new Manager, it may appoint a Temporary Manager for a further period of up (180) days. The Temporary Town Manager shall have all the powers and duties of the Manager.

Section 8-3 Removal

- A. In addition to termination provided by Section 8-2-1 of this Charter and by any applicable contract provision, the Town Council shall have the power to suspend or remove Town Manager as provided herein.
- B. The Town Council may approve the suspension or removal of the Town Manager by a resolution approved by five (5) affirmative votes of the Town Council which resolution shall set forth the reasons for suspension or removal. A copy of such resolution shall be served upon the Manager by certified mail to the Manager last known address or by hand-delivery.
- C. Within fifteen (15) days of the resolution regarding the Town Manager's removal or suspension, the Town Manager shall reply to the resolution, in writing properly addressed to the Town Council, and the Town Manager may request a private hearing before the Town Council. If the Town Manager fails to timely respond, the Town Council's suspension or removal shall be deemed final.
- D. In the event of the Town Managers timely response the Town Council shall hold a hearing not earlier than ten (10) days and not later than fifteen (15) days after such hearing is requested.
- E. After the public hearing and after full consideration, the Town Council, by five (5) affirmative votes, may adopt a final resolution of suspension or removal. The decision of the Town Council shall be final.

Section 8-4 Powers and Duties of the Manager

The Town Manager shall serve full time and shall be the Chief Executive and Administrative Officer of the Town. The Town Manager shall have the powers, duties, and responsibilities conferred upon that Office by the General Statutes, as amended, and by this Charter.

The Town Manager shall be directly responsible to the Town Council for the administration of all departments, agencies and offices in charge of persons or boards appointed by the Town Manager and shall supervise and direct the same. He or she shall devote full time to the discharge of the duties of the office. The Town Manager shall see that all Policies set by the Town Council, along with the laws and ordinances governing the Town are faithfully executed; shall make reports to the Town Council and shall attend its meetings with full right of participation in its discussions but without a right to vote and may attend meetings of the Board of Education and other Town boards and commissions, but shall have no power to vote on any question under any circumstance; shall prepare and cause to be printed, as soon as possible after the close of the fiscal year, an annual Town report; shall require each board, commission and officer of the Town to submit a written quarterly progress report of their official activities to the Town Manager for submission to the Town Council; shall recommend to the Town Council such measures as he or she may deem necessary or expedient; shall keep the Town Council fully advised as to the financial condition of the Town; shall prepare and submit to the Town Council an annual budget; and shall exercise such other powers and perform such other duties as may be required of the Town Manager by ordinance or resolution of the Town Council not inconsistent with this Charter. The Town Manager may, with the approval of the Town Council, enter into contracts or agreements with the United States Government or any agency thereof, the State of Connecticut or any agency or political subdivision thereof, or any other body politic or corporate. The Town Manager may consolidate or combine offices, positions, departments or units under his or her jurisdiction, with approval of the Town Council. The Town Council shall not diminish by ordinance, vote or otherwise the powers and duties of the Town Manager, except those powers and duties imposed by the Town Council under the provisions of this section.

Section 8-5 Additional Duties and Responsibilities

- A. Shall assemble, compile and publish the Annual Town Report for submission to the Annual Town Meeting;
- B. Shall have the power to lease real property for no more than a three (3) year period;
- C. Shall authorize the execution of contracts, leases, deeds, and other legal instruments by the Chairperson of the Town Council, No such documents may be executed by the Town Council during the period after the election of members of the Town Council and the date they take office after the election.

- ~~C~~D. May contract for services and the use of facilities with the Federal Government or any agency thereof, the State of Connecticut, or any agency or political subdivision thereof;
- E. May join with other towns to provide or obtain services or the use of facilities by means of inter-local agreements.
- F. May enter into grant agreements, accept funds disbursed under said grant agreements and appropriate same for the use intended, subject, however, to:~~The Board of Selectmen~~
- a. the approval of the Town Council and, if the grant requires in kind or matching funds, Town Meeting as otherwise provided herein; and
 - b. any other Board or Commission, otherwise having jurisdiction of the subject matter of the grant pursuant to any State law or Charter provision due to the subject matter of said grant.
- G. Shall enforce or cause to be carried out the ordinances, regulations, resolutions or policies voted by the Town Council of the Town Meeting.
- H. Shall be responsible for coordinating the administrative activities of the Officers, Boards, Commissions and Agencies of the Town.
- I. Shall be responsible for a continuous review of current and future needs of the Town, including the fiscal needs and budget requirements.
- J. Shall contract for all services and the purchases of supplies, equipment, and other commodities required by any Town agency except the Board of Education, under the competitive bidding provisions of this Charter.
- K. Shall be responsible for the administrative and personnel policies for the Town officers and employees as provided by this Charter..
- L. May, when requested by any Officer, Board, Commission, or Agency, make special or supplemental appropriation in amounts subject to the provisions of Section 10-4 of this Charter. ;
- M. Be the personnel director for the town, and shall have the responsibility for developing job descriptions for all administrative officers, subject to the approval of the Town Council; and all advertising for, hiring, and dismissal of town employees, except for the Board of Education employees, shall be under the Town Manager's direct control, subject to the approval of the Town Council except as otherwise provided for in this Charter;

- N. Keep the Town Council fully advised as to the financial condition and all other matters affecting the welfare and future needs of the Town;
- O. Make recommendations to the Town Council concerning the affairs of the Town;
- P. Periodically review and revise job descriptions of Town officers and employees and make recommendations for improving the organization and staffing of Town departments, offices and agencies;
- Q. Assist the Town Council to develop long-term goals including economic development for the town and strategies to implement such goals;

Section 8-6 Appointments by the Town Manager

The Town Manager shall appoint all officers and employees of the Town except as otherwise specifically provided in this Charter. The appointments by the Town Manager shall be confirmed by a majority of the Town Council. In lieu of any appointment by the Town Manager or appointees to any office under his or her jurisdiction, the Town Manager may, subject to the approval of the Town Council, perform the duties of any appointed office under his or her jurisdiction. The Town Manager may designate one of his or her appointees to serve as acting Manager during the Town Manager's absence. The Town Manager cannot create a position without first obtaining approval of the majority of the Town Council after completing the proper job description and requirements for said position.

Section 8-7 Assessor

The Town Manager shall hire a certified Connecticut Municipal Assessor who shall be so certified by the State Tax Commissioner, following recommendation by a search committee appointed by the Town Council.

Section 8-38 Town Counsel

The ~~Board of Selectmen~~Town Council shall appoint as Town Counsel an Attorney-at-Law or a firm of Attorneys-at-Law admitted to practice in the State. Town Counsel shall appear for and protect the rights of the Town in all actions, suits or proceedings brought by or against it or any of its officers, Departments, Boards, Commissions, or Agencies and shall be their legal advisor in all matters affecting the Town. Town Counsel shall; upon written request submitted through the ~~First Selectman~~Town Council Chairperson, furnish a written opinion on any question of law involving Town matters, powers and duties. Town Counsel shall prepare or approve forms of contracts or other instruments to which the Town is a party or in which it has an interest, and shall have power, with the approval of the ~~Board of Selectmen~~Town Council, to compromise or settle any claims by or against the Town.

Section 8-49 Architects, Engineers, Surveyors and Other Such Consultants

The ~~Board of Selectmen~~Town Manager shall contract with State licensed Architects, Engineers, Surveyors and other such consultants, in support of all services, Commissions, and Boards of the Town, under the administration of the Public Works Commission.

Section 8-~~5~~10 ~~Civil Preparedness~~ Emergency Management Director

The ~~Board of Selectmen~~Town Manager shall appoint a ~~Civil Preparedness~~ Emergency Management Director, following recommendation by a search committee appointed by the Town Council. The Director shall have the powers and duties prescribed by law.

Section 8-~~6~~ Department of Health; Sanitarian

~~Pursuant to Connecticut General Statutes 19a-240 et seq, the powers, duties, responsibilities, and obligations of the Department of Health, Director of Health, and Sanitarian for the Town shall be delegated to the Connecticut River Area Health District, which shall exercise all the authority as to public health required of or conferred upon the Town by law, and which shall provide all appropriate necessary and appropriate services to the Town. In the event, for any reason, including the withdrawal of the Town from said Health District or the termination of said Health District, such services cease being provided to the Town, the Board of Selectmen is authorized, pursuant to Connecticut General Statutes section 19a-200 et sq, to employ a Director of Health and a Sanitarian to provide such services as are required by the Connecticut General Statutes to the Town, on such terms and basis as the Board of Selectmen may decide, subject to the necessary appropriation being made.~~

Section 8-711 Fire Marshal; Deputies

The ~~Board of Selectmen~~Town Manager shall appoint a Fire Marshal to serve a four (4) year term. ~~The Board of Selectmen,~~ following recommendation by a search committee appointed by the Town Council. Town Manager may appoint Deputy Fire Marshals for the same term. They shall all have the powers and duties prescribed by the General Statutes, as amended.

Section 8-~~8~~12 Town Clerk; Salary; Assistant Town Clerk

A. The Town Clerk shall be hired by the ~~Board of Selectmen~~Town Manager, following recommendation by a search committee appointed by the ~~Board of Selectmen.~~Town Council. The successful candidate shall be a Connecticut Certified Municipal Clerk or have a minimum of ~~three~~ ~~(3)~~ five (5) years experience in a Town Clerk's office.

~~The Town Clerk shall be paid an annual salary which shall be provided for in the Annual Town Budget in the same manner as salaries of other Town officials and employees. Said salary and such other fringe benefits as Town officials and employees may receive shall be considered as payment in full for all services and duties as may be required by the Board of Selectmen and the~~

~~General Statutes, as amended, and all~~

B. All statutory and other fees shall be remitted monthly to the Town Treasury.

C. The Assistant Town Clerk(s) shall; be hired by the Town Manager, and in the absence or disability of the Town Clerk, have all the powers and perform all the duties of the Town Clerk, and all records and acts of said Assistant(s) shall have the same validity as the records and acts of the Town Clerk.

Section 8-~~9~~13 Town Clerk Certifications of Records of Killingworth

The Town Clerk, from photostatic copies of files in the Clerk's Office is authorized to certify copies of the public records of the Town of Killingworth recorded prior to June 1, 1838; which certified copies shall have the same legal affect as copies certified from the original records of the Town Clerk of the Town of Killingworth.

Section 8-~~10~~14 Building Officials

The ~~Board of Selectmen~~Town Manager shall hire a certified building official responsible for the administration of the Basic Building Code of the State of Connecticut, following recommendation by a search committee appointed by the Town Council.

Section 8-~~11~~15 Directors of Human Services

The ~~Board of Selectmen~~Town Manager shall hire a person professionally trained or experienced in social work as the Director of Human Services (responsible for Youth and Family Services and Social Services, following recommendation by a search committee appointed by the Town Council.

Section 8-~~12~~16 Directors of Park and Recreation

The ~~Board of Selectmen~~Town Manager may hire upon the recommendation of the Commission, a Director of Park and Receptions, following recommendation by a search committee appointed by the Town Council. The Director shall, under the supervision of the Park and Receptions Commission, administer a recreation program.

Section 8-~~13~~17 Zoning Enforcement Officer

The ~~Planning and Zoning Commission~~Town Manager shall hire a Zoning Enforcement Officer, following a recommendation by a search committee appointed by the Town Council, who shall enforce the provisions of the Zoning Regulations.

Section 8-1418 Police Department; Police Commission; Police Chief

- A. The Police Department shall be headed by the Chief of Police, subject to the direction of the Board of Police Commissioners, who shall be hired by the Town Manager with approval of the Board of Police Commissioners. The Chief shall be the Chief Administrative Officer of the Department and shall be responsible to the Board for its efficiency and for the execution of all laws, rules and regulations prescribed by the said Board.
- B. The Board shall organize, maintain and have the general management and control of the Police Department, its apparatus, equipment and buildings. Said Board, upon the recommendation of the Chief, shall: requisition all equipment; annually prepare a budget; make all rules and regulations governing the Department which it deems necessary; appoint, remove, suspend, or discipline, and prescribe the duties of Police Officers, except that the Chief shall have the power to suspend a Police Officer up to thirty (30) days with or without pay, provided such suspension shall be reviewed by the Board. The Police Chief shall hold a preliminary hearing within a twenty-four (24) hour period of time of the suspension or removal from duty.
- C. If any charge shall be filed against a Police Officer, the same shall be in writing, and such Police Officer may file any proper answers thereto, and action shall not be taken upon such charges until after reasonable notice thereof and opportunity afforded such Police Officer to appear before the Board and be heard concerning the same. After such hearing, any Police Officer aggrieved thereby may appeal to the Courts in the manner provided by law.
- D. The provisions of Section 7-278 of the General statutes, as amended, shall apply to the removal of the Chief of Police.

~~Section 8-15 Medical Out-Patient Transportation Services~~

~~The Board of Selectmen may hire a Coordinator to supervise the services of medical out-patient transportation.~~

Section 8-1619 Inland-Wetlands Enforcement Officer

The ~~Board of Selectmen~~Town Manager may hire an Inland-Wetlands Enforcement Officer who shall enforce the Inland-Wetlands and Water Courses Regulations.

Section 8-1720 Department of Public Works and Public Works Commission

- A. There shall be a Department of Public Works headed by a Director of Public Works. The Director shall be hired by the ~~Board of Selectmen~~Town Manager, following recommendation by a search committee appointed by the Town Council and upon the recommendation of the Public Works Commission. The Director may also serve as the Town Engineer. The Director shall be the chief administrative officer of the Department of Public Works.

B. The Department of Public Works shall administer the care, repair and maintenance of Town property as described in Section 7-148(c)6) of the General Statutes, as amended.

C. The Public Works Commission shall:

- a. Monitor, oversee and administer the Department of Public Works to ensure proper management controls are in place and utilized to allow the department to carry out the obligations and duties as set forth in Section 8-1720 of this Charter;
- b. Study and periodically, (but at least once annually) report to the Board of Selectmen Town Manager regarding the organization, operation, management and control of the Public Works Department; and
- c. ~~Recommend an annual~~ Approve a recommended Annual budget and proposed capital improvements for the Department of Public Works to ~~the Board of Selectmen and Board of Finance~~ be presented to the Town Manager
- d. Advise the Board of Selectmen Town Manager on planning, construction, reconstruction, installation, operation and maintenance of public works.
- e. Assist in the development and updating of policies, rules and regulations for public improvements and other matters referred to the commission by the ~~Board of Selectmen~~ Town Manager.

~~* [Clinton's Youth and Family Services Bureau was established by ordinance; in 1991, under General Statute 17-443(a), a subsection of Section 17-443. That same year, Section 17-443 was transferred to Section 17a-39. Sections 17-443 and 17a-39 were both under the auspices of the State's Commissioner of Children and Families. Responsibility for the program was then transferred to the State's Commissioner of Education, effective July 1, 1995; Section 17a-39 was transferred to Section 10-19m in 1997. Section 10-19m is in the Department of Education Section of the General Statutes, as amended, and is captioned "Youth Service Bureaus. Annual Report. Regulations."]~~

Section 8-1821 Director of Finance

The Director of Finance shall be hired by the ~~Board of Selectmen upon the~~ Town Manager following recommendation ~~of the Board of Finance~~ by a search committee appointed by the Town Council and shall be ~~involved in~~ responsible for the operation and administration of all finance related functions, including the duties of the Treasurer, for the Town of Clinton.

Section 8-1922 Tax Collectors:

The Tax Collector shall be hired by the Board of Selectmen Town Manager following recommendation by a search committee appointed by the Board of Selectmen Town Council. The successful candidate shall be a Connecticut Certified Municipal Collector or have a minimum of three (3) years experience in a Tax Collector's office.

Section 8-2023 Town Planners ~~Planner~~

The ~~Board of Selectman~~Town Manager may hire an American Institute of Certified Planners (AICP) certified Town Planner, following recommendation by a search committee appointed by the Town Council.

CHAPTER IX
GENERAL

Section 9-1 Meeting Procedure and Records

- A. All elective and appointive Boards shall annually choose a Chairman and Secretary. They shall make regulations for the conduct of their meetings and such regulations shall be filed with the Town Clerk. All meetings shall be open to the public, in accordance with Section 121 of the General statutes, as amended.
- B. Before January 31 of each year, all Boards shall file with the Town Clerk a schedule of their regular meetings for the ensuing year. Special meetings may be held by filing notice of such meeting with the Town Clerk at least twenty-four (24) hours prior to such meeting.
- C. All meetings of Town Boards, Commissions and Committees shall be held at a Town facility, whenever possible, and must: a) comply with Connecticut's Freedom of Information Act; and b) be in a location that complies with the Americans with Disabilities Act.
- D. The votes of each member shall be taken and made available and filed with the Town Clerk within ~~forty~~forty-eight (48) hours of such vote. Minutes of regular and special meetings shall be filed with the Town Clerk, Chairperson of the First Selectmen Town Council and posted to the Town's web site as per Public Act 08-3 within seven (7) days of the meeting to which they refer.

Section 9-2 Code of Ethics

- A. The ~~Board of Selectmen~~Town Council shall, by ordinance, establish a Code of Ethics regulating the conduct of all officers and employees of the Town.
- B. Any officer or any employee of the Town who has a financial interest, direct or indirect, in any contract, transaction, or decision of any agency to which the Town is a party, shall disclose the interest to the ~~Board of Selectmen~~Town Council who shall record such disclosure upon the Official record of their meetings. Violation by any such Officer of this provision with the knowledge, express or implied, of any person or corporation participating in such contract, transaction, or decision, shall render the same voidable by the ~~Board of Selectmen~~Town Council or a court of competent jurisdiction.
- C. No person serving on an elective or appointive Board shall be an employee ~~on~~supervised by that same Board.

Section 9-3 Merit System

- A. The ~~Board of Selectmen shall~~Town Council may by ordinance, establish a Merit System for a classified service of the Town. The system shall define the personnel to be covered and shall provide for the ~~Board of Selectmen~~Town Council to define the qualifications and method of appointment to each position, the duties and responsibilities of such positions, and the conditions and benefits of employment in such positions.

- B. The classified service may include all officers and employees of the Town, except the following: all ~~elective~~elected Officers and ~~person~~persons appointed to fill vacancies in ~~elective~~Officere~~selected offices~~; members of appointive Boards; persons employed or appointed to make or conduct a temporary study or investigation; and period not exceeding three (3) months.

Section 9-4 Removal From Office

- A. The ~~Board of Selectmen~~Town Council shall have the power to remove any Officer or Employee appointed by them provided the Officer or Employee shall have been served with a written notice of intention to remove from office or position, containing a clear statement of the grounds for such removal, and of the time and place, not less than ten (10) days after the service of such notice, at which said Officer or Employee shall be given the opportunity to be heard thereon.

After such hearing, which shall be at the option of such Officer or Employee, the action of the Board shall be final. The Board may suspend from duty for not more than thirty (30) days any such Officer or Employee pending final action.

- B. Any member of an appointive Board, Commission or Agency or any person who has been appointed to fill a vacancy in an elective Office, who does not attend at least sixty-six and two-thirds ($66 \frac{2}{3}$) percent of regularly scheduled meetings of said Board, Commission, or Agency, during such fiscal year, as defined in Section 7-2(A) of this Charter, shall be considered removed from such Board, Commission, Agency and his/her place thereon shall be considered vacant. It shall be the duty of the Chairman of that Board, Commission, or Agency to give prompt written notice of such vacancy to the ~~Board of Selectmen~~Town Council.
- C. Any vacancy occurring pursuant to subsections A and B above shall be filled in the manner provided in Section 3-2 of this Charter.

CHAPTER X FINANCE AND TAXATION

Section 10-1 Fiscal Year

The Fiscal year of the Town shall begin on July 1, and end on June 30.

Section 10-2 Preparation of the Budget

- A. Annually, at such time and in such manner as the ~~Board of Selectmen~~Town Council and the ~~Board of Finance~~Town Manager shall require, every Department, Office, Board, Commission, Agency or Authority supported wholly or in part by Town revenues, or for which a specific appropriation is or may be made, shall present to the ~~Board of Selectmen~~Town Manager an itemized estimate of the expenditures to made, and all revenues, other than Town appropriation to be received during the ensuing fiscal year. The estimates shall be accompanied by such other reports and information as the ~~Board of Selectmen~~Town Manager shall require. The ~~Board of Selectmen~~Town Manager, with the Director of Finance shall examine the estimates and information and prepare such comments and recommendations as it deems advisable with

respect to the estimates. It shall also provide the ~~Board of Finance~~Town Council with a report on the proposed capital improvements to be undertaken for the ensuing year and the following four (4) fiscal years.

B. Annually, at such time and in such manner as the ~~Board of Finance~~Town Council may require, the ~~Board of Selectmen~~Town Manager shall present to the ~~Board of Finance~~Town Council the itemized estimates of the expenditures to be made by each Department, Office, Board, Commission, Agency, or Authority by them together with the comments and recommendations of the ~~Board of Selectmen~~Town Manager with respect to such estimates.

C. The proposed budget shall include , but not limited to the following items:

1. An itemized listing of revenues by major sources presented in parallel columns; the revenues actually received in the preceding fiscal year; the original revenue estimates for the current fiscal year; the revenues estimated to be collected during the current year; and the estimates of revenues to be collected in the ensuing fiscal year;
2. An itemized listing by major function in parallel columns of actual expenditures for the preceding fiscal year; all original appropriations for the current fiscal year; all estimated expenditures for the current fiscal year; and the proposed appropriations for the ensuing fiscal year;
3. An appropriation for a contingency account may be included not to exceed two (2) percent of the total estimated expenditures;
4. An estimate of available cash surplus or deficit at the end of the current fiscal year to be included in the proposed budget;
5. The estimate of the sum required to be raised by tax levy to assure a balanced budget, with the amount of the tax levy based upon a rate of collection not greater than the average rate of collection in the year of levy for the last three (3) completed fiscal years;
6. Appropriations for capital and non-occurring expenditures, or proposed bond issues to finance said capital improvements.

D. The ~~Board of Finance~~Town Manager shall hold hearings with each Department, Office, Board, Commission or Agency on the proposed budget. ~~The Board of Finance~~The Town Manager shall then present the proposed budget to the Town Council. The Town Council shall then revise the estimates as it deems desirable and shall complete the proposed budget for the ensuing fiscal year and its report. All such actions shall take place in public meeting.

E. The ~~Board of Finance~~Town Council shall hold one or more public hearings on the proposed budget not less than fourteen (14) days before the Annual Budget Meeting. At the hearings any person qualified to vote at the Annual Budget Meeting may be heard. The proposed budget shall be published in a newspaper having general circulation in the Town at least ten (10) days in advance of the public hearing, and shall be available at the Town Clerk's Office, and the Board shall have sufficient copies of the proposed budget and report available at the public hearing.

F. The Board of FinanceTown Council shall revise the estimates as it deems desirable, prepare the recommended budget, and shall, before the Annual Budget Meeting publish the proposed Town budget in a newspaper having a general circulation in the Town. The board shall present the recommended budget to the Annual Budget Meeting and the Board shall make available copies of the recommended Town budget and report in the office of the Town Clerk not less than five (5) days before the budget meeting.

G. In the case of the Rejection of the Budget, the Town Council shall then revise and recommend changes as it deems desirable.

Section 10-3 ~~Lying~~Laying of Taxes

A. Not more than fifteen (15) days after the adoption of the annual Town Budget, the BoardTown Council and the Director of Finance shall meet and levy the tax rate on the taxable property of the Town sufficient to provide for the budget estimates as finally approved.

B. The Tax Collector shall then collect the taxes in accordance with the General Statutes, as amended.

Section 10-4 Special Appropriations and Transfers of Appropriations

A. All requests for special appropriations shall be made in writing to the Board of SelectmenTown Council which shall forward such requests together with their comments or recommendations to the Board of FinanceTown Manager. The Board of FinanceTown Manager shall act on all requests for special appropriations.

B. The Board of SelectmenTown Manager, when requested by a Town agency and after approval of the Board of FinanceTown Council, may make special appropriations from cash surplus or the contingency account in the amounts not to exceed in total for that Department, Office, Board, Commission or Agency ~~twenty~~fifty thousand (\$~~20~~50,000) dollars in any one fiscal year. Any request which shall exceed the amount herein provided shall require a vote of the Town Meeting after the approval of the Board of FinanceTown Council.

C. Special appropriations other than those from cash surplus or from the contingency account may be acted upon only by a Town Meeting, after the approval of the Board of FinanceTown Council.

D. The Board of FinanceTown Manager, upon appropriate request, and recommendation of the Board of SelectmenTown Council, may transfer unexpended balances from one appropriation to another.

E. Transfer of appropriations of amounts up to \$500 within a department can be done by Department Heads with the approval of the Finance Director.

Section 10-5 Emergency Appropriations

The ~~Board of Selectmen~~Town Council, acting pursuant to a declaration of a State of Emergency, shall be empowered to make appropriations for the purposes of meeting a public emergency threatening the lives, health, or property of citizens, provided such appropriations shall receive a ~~favorable majority~~ vote of ~~three-fifths (3/5) of~~ all members of the ~~Board~~Council. Said emergency appropriations, in the event that there is no cash surplus available, shall be financed in the manner provided in Chapter 109 of the General Statutes.

Section 10-6 Expenditures and Accounting

- A. The system of accounts used by Town ~~Department~~Departments, Offices, Boards, Commissions, and Agencies shall be that prescribed by the General Statutes, as amended, and as supplemented by regulations of the ~~Board~~Town Council and Director of Finance. All regulations of the ~~Board of Finance~~Town Council shall be consistent with the Charter and all Departments, Offices, Boards, Commissions and Agencies shall comply with such regulations. Said accounts shall be maintained under the supervision of the ~~First Selectmen~~Town Manager.
- B. The ~~Board of Selectmen~~Town Manager shall institute Competitive Bidding, for the purchase of all materials, supplies, equipment, and contractual services required by the Town, except the Board of Education, under such regulations as it shall adopt. Said regulations may exclude professional, engineering, and technical services. Purchases shall be based upon requisitions and orders based upon the budget and properly authorized. Joint purchasing with the Board of Education and other towns shall be conducted whenever practicable. Informal bids shall be obtained for all purchases over three thousand (\$3,000) dollars. If any purchase order or contract, including a continuing order or contract for the purchase of the same commodity over a period of time, involves the expenditure of over seven thousand five hundred (\$7,500) dollars, the ~~First Selectmen~~Town Manager shall invite sealed bids or proposals, giving then (10) days public notice hereof by publication at least once in a newspaper having circulation in the Town. All such sealed bids or proposals shall be opened publicly and the purchase or contract awarded to the lowest qualified bidder thereon. The ~~First Selectmen~~Town Manager may reject all such bids or proposals and re-advertise if bidders fail to meet specifications. No transaction which is essentially a unit shall be divided for the purpose of evading the intent of this section.
- C. The ~~Board~~Town Council and Director of Finance shall provide for an Annual Audit of the books and accounts of the Town as required by the General Statutes, as amended.
- D. No officer or agency of the Town shall expend or enter into any contract which would oblige the Town to expend in excess of an approved appropriation. Any officer who, without authority from this Charter or the General Statutes, as amended, expends or causes to be expended any money of the Town, except in payment of final judgments rendered against the Town, shall be liable in a civil action in the name of the Town, as provided in the General Statutes, as amended.
- E. The ~~Board of Selectmen~~Town Manager shall have the discretionary authority to utilize state, federal, and/or other governmental cooperative purchasing agreements in lieu of obtaining sealed competitive bids, ~~where~~ the sum total shall not exceed ~~thirty five~~one hundred thousand

(\$~~35~~100,000) dollars per commodity and/or piece of equipment, if to do so is in the ~~Town's~~Town's best interest.

F. Books and Records of Town aided organizations:

- i. ~~The Board of Selectmen, the Board of Finance, The Town Council, Town Manager~~ or their designee shall have access at all reasonable times to the records and books of account of town-aided organizations
- ii. The town shall make no contribution to any organization if prohibited by Connecticut General Statutes. No contribution of more than two thousand (\$2,000) per annum shall be made to any organization or corporation whose appropriate financials records are not submitted to the ~~Board of Finance~~Town Council along with its request for an appropriation. Any organization requesting an appropriation in excess of twenty-thousand dollars (\$20,000) shall submit a financial statement prepared by a certified public accountant. No contribution of more than one hundred thousand (\$100,000) per annum shall be made to any organization or corporation who does not comply fully with the requirements in Sections 9-1 and 10-2 of this Charter in the same manner for elected and appointed boards.

CHAPTER XI
MISCELLANEOUS PROVISIONS

Section 11-1 Amendment

This Charter may be amended in the manner prescribed by the General Statutes, as amended.

Section 11-2 Savings Clause

If any Section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of the Charter nor the context in which such Section so held invalid may appear, except to the extent that an entire section or part of Section may be inseparable connected in meaning and effect with the Section or part of Section to which such holding shall directly apply.

Section 11-3 ~~Referendum~~: Effective Date

Amendments to this Charter shall be submitted to the electors of Clinton at the regular Town election to be held ~~November 3, 2009~~ in accordance with the provisions of Chapter 99 of the General Statutes, as amended, and its provisions shall become effective upon the approval of a majority of the electors voting thereon except as follows;

Section 11-4 Charter Study Commission

The ~~Board of Selectmen~~ Town Council shall appoint a Charter Study Commission not later than five (5) years from the effective date of this Charter.

Section 11-5 Existing Laws and Ordinances

- A. All the general laws and special acts of the state of Connecticut, applicable to the Town and Town ordinances shall continue in full force and effect, except insofar as they are inconsistent with the provisions of this Charter.
- B. The following Special Acts are made part of this charter;
1. House Bill No. 418 - AN ACT CONCERNING CERTIFICATION OF THE RECORDS OF KILLINGWORTH BY THE TOWN CLERK OF CLINTON, JUNE 18, 1912;
 2. House Bill No. 371-AN ACT CREATING A BOARD OF POLICE COMMISSIONERS AND A POLICE DEPARTMENT IN THE TOWN OF CLINTON, MAY 29, 1939.

Dated at Clinton, Connecticut this 4th day of September ~~2012~~ 2018.

To be effective as per Connecticut General Statute 7-191f. Effective date ~~December 6, 2012~~ November 19, 2019.

TOWN OF SIMSBURY: CHARGE TO THE CHARTER REVISION COMMISSION (2015)

Charge to the Charter Revision Commission

Section 1008 of the Town of Simsbury's Charter provides that "[t]he Board of Selectmen shall review the several provisions of this Charter from time to time as it deems such review to be in the best interest of the Town," and further that "[t]he amendment of this Charter may be initiated . . . by a two-thirds vote of the entire Board of Selectmen" Consistent with these provisions, on March 23, 2015 the Personnel Sub-Committee held a Public Hearing to receive comment from the public on the Town of Simsbury's form of government. At the Board of Selectmen meeting following the hearing, the Board of Selectmen voted to empower the Personnel Sub-Committee to develop recommendations for consideration by an appointed Charter Revision Commission (see, General Statutes § 7-190 (a) and (b)).

Based on information gathered by the Personnel Sub-Committee, including but not limited to information received at Public Hearing and areas for review identified by Town Staff, the Personnel Sub-Committee hereby recommends for adoption by the full Board of Selectmen the following areas and issues for review by an appointed Charter Revision Commission:

- **Form of Government:** Review the Town of Simsbury's form of government and make a recommendation concerning the appropriate form of government (recognizing that a wide range of options exists, including but not limited to First Selectman and Town Manager forms of government) for the Town. Any recommended changes to the Town's form of government should also include the impact of the recommended changes on:
 - Office terms and the election process;
 - Separation of powers; and
 - Any impact upon, and the integration of, other Boards and Commissions, especially the Board of Finance;
- **Duties of the First Selectman:** If the commission recommends no changes to the Town of Simsbury's form of government, recommend clarifications of the duties and responsibilities for First Selectman (See, Charter Section 502).
- **Identification of Town Officers:** Review and make recommendations concerning positions identified as Town Officers and the provisions applying to the selection and termination of these Officers as set forth in Charter Section 704.
- **Authority of Town Officers:** Review the scope of authority of Town Officers and make a recommendation concerning whether Town Officers should be allowed to execute contracts under their jurisdiction.
- **Budget Preparation and Budget Referendum:** Review the calendar for the budget preparation process and the scheduling of the budget referendum and make recommendations addressing the dates and timelines for budget public notices.
- **Content of Public Notices for the Budget:** Review and make recommendations concerning the required content for budget public notices.

- Open Space Committee: Review composition of the Open Space Committee (which is currently made up of representatives from Planning, Zoning, Conservation and an at-large member) with consideration of adding a member from the Culture, Parks and Recreation Commission.
- Planning and Zoning: Review and make a recommendation concerning the potential combination of the Planning and Zoning Commissions into one commission.

- Permanent Committees: Review the permanent committees provided for in Charter Section 601 and make recommendations concerning their continuation, replacement or elimination.
- Terms of Office: Review and make recommendations concerning the terms of the Board of Selectmen, the First Selectman and all Boards and Commissions (See, Charter Section 302).
- Gender Neutrality: Review and make recommendations concerning the adoption of gender-neutral titles for positions created by the Charter.

Adopted by the Town of Simsbury Board of Selectmen on June 22, 2015

TOWN OF SIMSBURY: FINAL REPORT OF THE CHARTER REVISION COMMISSION (2016)

2016 CHARTER REVISION COMMISSION



FINAL REPORT

August 1, 2016

602874



**MEMBERS OF THE 2016
SIMSBURY CHARTER REVISION COMMISSION**

Hadley Rose, Chair
Thomas Benneche, Vice Chair
Melissa Osborne, Secretary
Robert Crowther
Mary Glassman
Paul W. Henault
Anita L. Mielert
Edward Pabich
James Ray
Jeffrey Tindall
Lydia Tedone

SIMSBURY CHARTER REVISION COMMISSION
FINAL REPORT

August 1, 2016

A. Introduction and Summary of Proposed Changes

The Simsbury Charter Revision Commission (“the Commission”) was impaneled by Resolution of the Simsbury Board of Selectmen July 23, 2015 with additional unaffiliated members impaneled on August 10, 2015. The Commission was charged with the responsibility of reviewing the Simsbury Town Charter (“the Charter”) in accordance with Charter Section 1108. In addition, the Board of Selectmen requested that the Commission review the specific issues outlined in a memorandum dated August 13, 2015 attached hereto as Exhibit A which contained the Board of Selectmen’s Charge to the Commission. As will be seen below, issues were raised beyond that charge and the Commission made recommendations and/or comments when they felt it was appropriate.

The Commission adopted an approach that any recommendations from the Commission to the Board of Selectmen would be made on the basis of a majority of Commissioners on a given issue. Where appropriate, the Commission listed the vote on each issue.

Based on comment and testimony received at Commission meetings and the public hearings, and the deliberations of the Commission members, the Commission drafted a proposed Revised Town Charter and a draft Final Report dated May 5, 2016 which was filed with the Town Clerk on May 9, 2016. The Charter Revision Commission subsequently consulted with the Board of Selectmen to address recommendations, questions and concerns raised by the Board of Selectmen at a joint meeting on July 11, 2016. The Charter Revision Commission met again on July 25, 2016 and August 1, 2016, and made revisions to the proposed Revised Town Charter in response to the Board of Selectmen’s input which are reflected in the proposed Revised Town Charter and explained below. The Revised Town Charter recommends the following changes:

1. Simsbury change its form of government to a Town Manager-Board of Selectmen form;
2. The elimination of the Human Relations Commission and the amendment of Charter provisions governing the Economic Development Commission;
3. The creation of a Culture Commission;
4. The expansion of the Open Space Committee to include additional public members;
5. Clarifying changes to the Town budget and appropriations process; and
6. Gender neutral language in the Charter for public offices.

B. **Public Hearings Held by the Commission**

The Commission conducted public hearings on September 24, 2015 and May 5, 2016. Comments from the public were also received by members of the Commission on April 28, 2016.

C. **Commission Meetings**

The Commission held meetings on the following dates:

August 31, 2015
September 21, 2015
October 1, 2015
October 15, 2015
October 29, 2015
November 5, 2015
December 3, 2015
December 17, 2015
January 7, 2016
January 21, 2016
February 4, 2016
February 18, 2016
March 3, 2016
March 17, 2016
March 23, 2016
March 24, 2016
March 30, 2016
May 5, 2016
July 11, 2016 (Joint Meeting with the Board of Selectmen)
July 25, 2016
August 1, 2016

D. Local Agencies Interviewed

The Commission interviewed the following Simsbury Boards, Commissions and Agencies and Town Staff:

1. Joseph Mancini, Director of Finance: Mr. Mancini spoke to the Commission on behalf of Town Staff on the issues of Budget Dates and Notice Requirements in the Charter. In his comments to the Commission, Mr. Mancini referred to a Memorandum dated October 13, 2015 addressed to Chairman Hadley Rose by Sean Kimball, the Deputy Director of Administrative Services, himself and Carolyn Keily, the Town Clerk, and his own additional Memorandum to Chairman Rose. He provided specific examples of the challenges he faces in the budget process outlined in the Town Charter. Mr. Mancini stated that the options for hearing dates are overly restrictive; and that notice publications in the Hartford Courant are extremely expensive and the size of the notice makes it difficult to get adequate advertising space in the Hartford Courant in a timely manner. He offered suggestions to the Commission including publishing a budget summary in the Hartford Courant. He suggested that the advertisement should indicate that the detailed budget is available online, at the Town Hall or will be mailed upon request. Mr. Mancini also proposed to have dates listed for public hearings to state "No Later Than" language. The Commission also discussed in detail Sections 406, 808 and 809 of the Charter. The Town Attorney agreed to work with Bond Counsel on wording pertaining to section 406 and 809.
2. Robert Pomeroy, Chair, Zoning Commission: Mr. Pomeroy offered his comments on the issue of whether the Commission should recommend the potential combining of the Planning and Zoning Commission into one Commission. Mr. Pomeroy testified that the Zoning Commission constantly refers to the Plan of Conservation and Development ("POCD") but rarely meets with the Planning Commission because land use projects are reviewed in succession. He added that the Zoning Commission would benefit from the Planning Commission's input since the zoning approval process has become more complex. Mr. Pomeroy added that although developers gain some benefits from streamlining the process, he doesn't see an overwhelming need for a combined Planning and Zoning Commission change.
3. Ferg Jansen, Chair, Planning Commission: Mr. Jansen also offered comments on the potential combining of Planning and Zoning. Mr. Jansen recommended keeping the Planning and Zoning Commissions separate since the current process is operating smoother than in the past. He added that the work involved in developing a new POCD is extensive. As a result, it would be overwhelming for the Zoning Commission to be involved with the POCD in addition to its regular duties.
4. Bill Ethier, Member, Economic Development Task Force: Mr. Ethier also offered comments on the potential combining of Planning and Zoning. He testified that the Economic Development Task Force unanimously recommended combining the

Zoning and Planning Commissions. He said that Simsbury is competing with other towns for development and it is very important to simplify the application process in order to meet the expectations of investors. Mr. Ethier stated that 146 towns in Connecticut have Planning and Zoning Commissions combined. Of the 29 towns in Hartford County, 25 or 26 have combined Commissions and three or four remain separate. Mr. Ethier added that the duties of Planning and Zoning are the same – to follow legal statutes and processes. Therefore, the Commissions should be combined and represent one approach for the town.

5. James Rabbitt, Director of Planning and Community Development: Mr. Rabbitt offered his observations on potentially combining the Planning and Zoning Commissions stating that there were pluses and minuses to doing so. Overall, he believed that combining the two would: alleviate staffing challenges due to the additional hearings required for the two commissions; enable the planning concerns and zoning concerns to be thought about together by the same commission; and would help avoid a situation where the commissions did not get along at all and could cause a serious breakdown in the business of both which could derail development.
6. Mickey Lecours-Beck, Director of Social Services: Ms. Lecours-Beck provided background information regarding the Human Relations Commission. She said it was established by an ordinance in 1993 for the purpose of eliminating discrimination. Only two members attended the Commission meetings between 2008 and 2011. Ms. Lecours-Beck recommended either assigning the anti-discrimination goal to another commission or redefining the goal so that it is more specific.

E. Issues Raised by the Public

The following issues were raised by the public at the meetings and public hearings of the Commission.

1. Change in Form of Government to Town Manager-Town Council

A number of members of the public, including former First Selectman Peg Shanks, advocated for a change in the form of Simsbury's government from First Selectman-Board of Selectmen to the Town Manager form. Generally, those who advocated for the change cited the need for professional executive management of the Town based on the increasing complexity of municipal government. Those urging the Commission to not recommend a change to a Town Manager form of government cited the overall efficiency in the way the Town is currently managed and has been managed in the past and the desirability of having the person who manages the Town directly accountable to the voting public from election to election.

2. Board of Education Voting Process – One of the most discussed issues raised by the public was the process established in the Charter to elect members to the Board of Education and the nature of the actual practices and customs regarding the election process. Under the current Charter Board terms are staggered so that half the Board's

eight (8) seats are subject to election every two years. By practice, the two major political parties nominate four candidates for the four open seats. As a matter of custom, each political party only nominates candidates for one-half of the open seats of each election – two (2) each. This custom provides a “party-neutral” position for the School Board but, in the eyes of the members of the public who came before the Commission, the custom also makes the “election” a mere formality given that in order to actually lose a candidate would have to get zero votes. Moreover, those same members of the public see the custom as allowing for and perpetuating extremely long tenures on the Board so long as the elected member continues to receive a nomination from his or her party.

According to the public testimony, the belief of those who spoke is that in order to be considered for the School Board, by custom and practice a potential candidate must be affiliated with one of the two political parties in order to have any chance of election. This custom makes it very difficult for an unaffiliated voter to be nominated for election to the School Board. A number of residents stated that voters registered as unaffiliated are the largest single group of voters in Simsbury, and as such they do not have an elected voice on the Board. Those members of the public who offered their opinions downplayed the ability of an unaffiliated voter to petition onto the ballot as not economically and politically feasible.

The large majority of the Commissioners were sympathetic to the concerns raised by the members of the public and understood the issues raised. The large majority concurred with the speaking members of the public that this is an important issue to be considered. Notwithstanding those views, the Commission was not able to formulate a recommendation on how best to address the concerns raised by the public. We would ask the Board of Selectmen to consider the formation of a small group of interested parties to see if an alternative process can be created which makes the process of electing members to the Board of Education more of an election than an appointment process.

3. Zoning & Planning – The desirability of keeping the Zoning and Planning Commissions separate was raised by members of the public. In agreeing to keep the commissions separate, the Commission agreed that steps should be taken to improve the efficiency of the two commissions to make the land use decision making process streamlined and to give the appearance of one commission. This process should be as efficient as possible to minimize any delays.
4. Town Constable – The issue of reinstating the position of Town Constable was presented by a member of the public on numerous occasions in Public Audience. In response to the request, the Commission asked and received a position statement from the Police Department that a Town Constable position was not necessary. The Commission voted not to re-instate the position of Constable to the Charter based in large part on that position statement.

F. **Testimony from Invited Guests**

1. **Town Manager.** At its December 3, 2015 meeting, the Commission heard remarks from Matt Hart, Mansfield Town Manager, who gave a presentation titled "Council-Manager Form of Government." Mr. Hart has served as Town Manager for the past nine years and has twenty years of experience in the field. He is a Member of the Connecticut Town and City Management Association (CTCMA) and is the current CTCMA Member who speaks to Charter Revision Commissions which seek input from the CTCMA on a free-of-charge basis. The Town of Mansfield's annual budget is \$49 Million with two school districts. Mansfield implemented a Town Manager form of government in the early 1970s. He is the third Town Manager since the office's inception.

Mr. Hart explained in detail the following processes:

- How does a Council-Manager government work?
- Roles of the Council, Chair and Town Manager
- Duties of the appointed Town Manager
- Town Manager training and qualifications
- Benefits of a Council-Manager government
- Values a professional manager contributes to the community

Mr. Hart answered many questions posed by the Commissioners. He stated that the Town Manager's role was to hire town employees on the basis of merit, run the town as its chief operating officer and implement Town Council policies. Mr. Hart indicated that most Town Managers are hired on a 3-5 year contract basis. Typically they are extremely well qualified, most often holding a Master's in Public Administration and take on a Town Manager position after 5-10 years of progressive town management experience. Mr. Hart is dual degreed holding a Juris Doctorate and a Master's in Public Administration. Mr. Hart pointed out that the network and best practices information available to Town Managers through CTCMA and the International City/County Management Association (CMA) is extensive and helps Town Managers remain current on the professional operation of their respective towns and cities. He pointed out that because they are not running for reelection every election cycle, Town Managers can focus on getting the business of running the town done. They hire the best people possible and build and retain a professional staff, and staff members know who they work for and to whom they are accountable.

He stated that the role of the Mayor or First Selectperson of the town was as its ceremonial head. That person typically chairs monthly meetings, represents the town in intergovernmental relationships and sets Council agenda with the Town Manager. Mr. Hart added that the goal of the Town Council is to actively engage the public either in person or electronically, to better serve the community and actively plan for the town or city's future.

2. Former First Selectman of Canton. At its January 7, 2016 meeting, the Commission heard remarks from Richard Barlow, former Canton First Selectman, regarding the Office of Chief Administrative Officer (“CAO”) that Canton employs as an alternative to the pure Town Manager form of government.

Mr. Barlow said the hybrid form of government in Canton started 20 years ago. Under that form the First Selectman serves as CEO on a part-time basis. In Canton, the Board of Selectmen appoints seven positions including the CAO, which manages the administrative functions of the town. Removal of the CAO requires a vote by the Board of Selectmen. Mr. Barlow testified that the problem with a part-time CEO is that it limits the pool of people that can run for that position. Usually the person is either retired or a business owner.

Mr. Barlow said that the CAO in Canton reports to the Board of Selectmen and is active in the selection process of the six other town positions. These six positions report to the CAO. He added that the CAO position has a three year contract. The contract specifies his duties, salary, benefits and a notice period prior to leaving the position. Another requirement is for the CAO to live within a certain distance of the town.

3. Chairs of Former Charter Revision Commissions: At its January 21, 2016 meeting, the Commission heard from Charles Howard and Robert Heagney, the chairs of the two previous Charter Revision Commissions.

Mr. Charles Howard said that the Town Manager position was not discussed while he served on the Charter Revision Commission because the system in place at that time worked very well. People in the town were comfortable with having a First Selectman. The First Selectman had a professional assistant that wasn’t listed in the Charter. Mr. Howard added that it was his opinion that Simsbury doesn’t need a Town Manager. He questioned if the Town can afford a full-time First Selectman and a Town Manager. He responded to Commissioner Mielert’s comment regarding personnel issues she experienced as a First Selectman. Mr. Howard said that a Town Manager might not resolve the issues.

Mr. Heagney said that the focus at the time he was on the Charter Review Commission was to provide the First Selectman with flexibility to select administrative staff with the necessary experience. He commented that there were problems as a result of Administrative Officers not being assigned clear roles. Mr. Heagney recommended not adding a Town Manager. He said that Granby, Avon and Farmington have had a Town Manager for many years but have fallen short in comparison to Simsbury. The vision and leadership of the First Selectman over the years has resulted in the creation of Simsbury Farms, Rails to Trails, the Performing Arts Center and more. He added that a Town Manager or part-time First Selectman would not have the vision and leadership necessary to keep Simsbury ahead of other towns. Mr. Heagney suggested that the Commission hold referendums and put the primary questions in front of the public.

Both Mr. Heagney and Mr. Howard said there doesn't seem to be much outcry from the public to add a Town Manager. They asked the Commission to question what they are trying to solve by having a Town Manager. Mr. Heagney indicated that his Commission utilized a "straw vote" to gauge the opinions of the Commissioners in an effort to narrow the issues at hand. When a Commissioner raised a concern that the First Selectman may not have the necessary experience to develop long range plans or best practices that a Town Manager would offer, Mr. Heagney responded that the other neighboring towns with Town Managers have yet to show initiative or originality. In his view, the issues mentioned could be addressed by providing the First Selectman flexibility in hiring administrative staff that has the expertise needed. Mr. Howard added that Simsbury has been awarded Distinct Destination for Tourism and received a grant from Preserve America because of the vision and leadership of the First Selectman.

4. West Hartford Mayor and Town Manager: At its February 4, 2016 meeting, the Commission heard from West Hartford's Mayor, Scott Slifka and Town Manager, Ronald F. Van Winkle.

Mayor Slifka has been serving as Mayor of West Hartford for almost 12 years and does not receive a salary. Mr. Slifka stated that since 2000, it is more difficult to find people to serve as council members because of the workload. He testified that in West Hartford the Town Council also serves as that Towns' Zoning Commission and some of those meetings are six hours long. He cautioned the Commission on the difficulty in finding a high caliber Town Manager. Thirty years ago, it was a popular career in his view. Since then, a degree in town management has gone down in popularity. Mayor Slifka added that in order to recruit a high caliber Town Manager, you need to take into account the salary of the First Selectman.

Mr. Ron Van Winkle testified he has been the Town Manager for West Hartford for eight years. He said his goal is to make the town run smoothly. Mr. Van Winkle testified that it requires a lot of time, effort, leadership and management. He admits to being an expert in construction, police, zoning, in the management of government, finance, public pensions, administration of budgets and issuing bonds, because he does it every day. Mr. Van Winkle is also a professional economist, a qualification Mr. Slifka urged Simsbury to look for if it looks to hire a Town Manager.

Mr. Van Winkle said he has a great working relationship with the Superintendent of Schools. West Hartford has combined school and town management positions into one. That means one CFO, one I.T. manager, and one hiring manager. It works well because they work at it according to Mr. Van Winkle.

Mayor Slifka answered questions from the Commission. He explained that the Mayor is the face of the town. The community wants to hear from the Mayor and expects him to act as if it's his full-time job. He maintains an office at Town Hall but not regular hours. Most inquiries he receives from members of the public are calls

and emails which are filtered by a Town staff member who directs them to the appropriate person or persons to respond which could be the Mayor, the Town Manager or other Town staff. Mayor Slifka also recommended that Simsbury choose either a First Selectman or Town Manager form and gave the opinion that a “hybrid” form would lead to confusion around roles and responsibilities, and ultimately would be a less efficient form of government.

Mr. Van Winkle testified that 90% of what he does is running the government administration, not changing or setting policy. He is employed at will and thinks a person behaves differently if they have a contract.

Mayor Slifka said that a “strategic plan” is overrated since West Hartford and Simsbury are fully developed towns. Instead he lays the ground work for things to happen.

G. **Commission Discussion and Findings**

1. **Form of Government – Town Manager:**

FINDING: Based on the testimony it received, other input from the public and its own considerable deliberations, the Commission recommends, by a vote of 7-4, that a change to the Simsbury form of government to a Town Manager-Board of Selectmen be made.

It was not lost on the majority of the Commission Members that the Commission’s membership included two individuals who previously held the position of Simsbury First Selectman both of whom voted in favor of making this recommendation and both of whom offered extremely candid and compelling reasons why they were in favor of making the recommendation. At the core of their comments was their belief that on a risk management basis, the town’s residents would be best served by a professional Town Manager, educated and experienced in dealing with the myriad issues facing a town’s chief executive officer on a daily basis.

It was also not lost on the majority of Commissioners that the question of whether the town should hire a Town Manager has been debated in the town for thirty years and was last debated by a Charter Revision Commission that issued its final report in 2012. The charge to the Commission in 2015 to again debate the issue made it clear to the majority that the Board of Selectmen and the Personnel Sub-Committee, after the latter conducted a public hearing on the topic, recognized that there was enough public and elected official sentiment to take yet another look at the issue. Section 1008 of the current Charter mandates review of the Charter every seven (7) years.

The Commission undertook an extensive analysis of what areas of Town Government should be in the hands of a professional Town Manager versus in the hands of an elected official of unpredictable educational background and work experience. The majority of Commissioners rather easily concluded that virtually none of the areas would be best served by a First Selectperson over a professional Town Manager.

Those areas included the appointments of department directors (professional staff), the preparation of Town Budgets, discipline and promotion of employees, negotiation of union contracts and the initiation and signing of town contracts. For the majority, on a risk management and qualifications basis, the appointment of a Town Manager makes abundant sense for a town the size and complexity of Simsbury.

The majority of Commissioners championed the benefit of a professional Town Manager hiring, building and maintaining a professional staff compensated and employed on a merit basis. They noted the turnover of high level staff over the years, with not an insignificant number of staff members going to towns and cities that had town manager form of governments so that they could achieve their personal and professional goals. Actions speak louder than words and the defections of high level staff members is not something the majority believes should be ignored.

The majority of Commissioners do not see the validity in the argument that a Town Manager is not accountable to the public. To the contrary, he or she will serve, albeit under contract, at the pleasure of the town. If he or she does not do a good job, the Board of Selectmen, who made the hire, will hear from the public and will either make a change or the public will make the change by replacing the Board of Selectmen.

Personnel decision-making responsibilities were also a key discussion point in the arguments made in favor of a Town Manager. There was a considerable discussion on whether or not the current Charter allowed for delegation of the personnel decision responsibilities.

The majority of Commission members see the First Selectperson and the Board of Selectmen as the town's policy drivers and the First Selectperson as the spokesperson for the town's legislative body. They believe that the pool of candidates for First Selectperson will be increased by a change in the form of government due to interested candidates not having to be faced with the prospects of running a sizeable and complex town and not having to leave full time employment to do so. To the majority, the recommendation to make the change to professional management is not so much to change things today as it is to make sure the town is best positioned to continue to prosper and grow ten years from now. With the hiring of a credentialed and enthusiastic Town Manager, with a First Selectperson charged with being a policy driver, and an equally diverse and energetic Board of Selectmen similarly charged, the majority is more bullish on the town's future with this change than without it.

The decision to change the form of government was not unanimous. Moving to a Town Manager form of government was opposed by four members of the Commission. The Commissioners voting against the change cited the fact that there was no testimony of current First Selectpersons from towns that do not have a Town Manager, or have rejected a Town Manager form of government. Those members voting against the change also expressed their belief that having a First Selectman subject to direct election is a better alternative to having a Town Manager not subject to direct election. In a 6 member Board of Selectmen, a Town Manager only needs to

retain the votes of 4 people to retain their job. There was also sentiment that making alterations to the job description of the First Selectman could achieve the necessary changes sought by the members supporting a Town Manager. In addition, the town has added a number of professional staff in the last few years to address concerns over “professional management and accountability.”

The Commissioners against hiring a Town Manager also raised a number of related issues, including the costs should a Town Manager be terminated; the lack of personal connection between the community and a Town Manager as well as the lack of accountability to the public; and the potential to build a power base within town hall that lacks necessary accountability to an elected First Selectman (or other elected Chief Executive Officer). They also expressed concern about the lack of potential candidates as the attractiveness of municipal service wanes. There has also been no public outcry for a Town Manager.

Finally, those members voting against the change cited the town’s excellent financial standing. Under its current form of government, Simsbury currently enjoys envious qualitative and quantitative measures, including a “Best Places to live ranking”, Aaa bond rating from Standard and Poor’s, a top rated educational system, a modern performing arts center, etc. It was viewed by four of the Commissioners that a change to a Town Manager was not necessary as a modification in the roles of the First Selectman, and the addition of a Chief Administrative Officer would allow for a good measure of professional administration and public accountability.

The minority of the Commission who opposed to the Town Manager form of government offered the so-called “hybrid” model as an alternative. The “hybrid” model is largely based on the Canton Charter and the Erdmann study recommendations. The Erdmann study offered three options to address the issue of professional personnel management within the current First Selectman/Board of Selectmen form of government. The study was the basis for an alternative to the current First Selectman role and the Town Manager form of government. There was a “hybrid” motion raised by a Commissioner based upon one of the options outlined in this study. It was rejected on a 4-7 vote. Commissioners supporting a “hybrid” form note that the vote was for a specific “hybrid” proposal and not a vote against the concept of the “form” of a hybrid government. Immediately after this vote, a motion was made to approve the Town Manager form of government. It passed before other motions on the “hybrid” form – whether for alternate specific language or merely the “hybrid” concept – could be heard. The Commission spent the next several meetings hammering out specific statutory language for a Town Manager form of government.

The form of government issue was discussed in detail with the Board of Selectmen at the joint meeting on July 11, 2016. In addition to the issue of whether or not to change to a Town Manager/Board of Selectmen form of government, the Commission and the Board of Selectmen discussed the specifics of the Commission’s Town Manager proposal. Specifically, the Board expressed concern about a stipend provision for the First Selectman or Selectwoman under the new form of government which tied the amount of the stipend to the compensation of the Town Manager. Because the compensation of the Town Manager as proposed is set by the Board of

Selectmen, the provision creating a potential conflict of interest for the First Selectman or Selectwoman in setting the compensation of the Town Manager.

At its July 25, 2016 meeting the Commission discussed whether to reconsider its decision on form of government and elected not to change its recommendation. It did change the stipend provision for the First Selectman or Selectwoman, setting a specific stipend of \$22,500 annually subject to an annual cost of living adjustment as determined by the Social Security Administration. The change was designed to eliminate any conflict of interest for the First Selectman or Selectwoman in deliberations and decisions connected with the Town Manager's compensation.

At its August 1, 2016 meeting the Commission discussed new statutory and constitutional authority presented by Town Counsel which affected the permissible ways to establish the compensation of the First Selectman or Selectwoman. In so doing, the Commission voted to amend its Charter recommendation to provide that the First Selectman or Selectwoman's compensation or stipend should be set by the Board of Selectmen for each term of office in accordance with the Connecticut General Statutes.

The Charter Revision Commission strongly urges the Board of Selectmen to be guided by a compensation range that is generally 15% of what the Town Manager's is ultimately determined to be.

2. Changes to the Provisions Governing the Economic Development Commission:

FINDING: In its original proposed Revised Town Charter, the Commission recommended by a vote of 10-1 to eliminate the Economic Development Commission from the Charter. After conferring with the Board of Selectmen, the Commission voted to keep the Economic Development Commission in the Charter but to provide the Board of Selectmen with the authority, by ordinance, to set its membership, terms, duties and responsibilities.

The Commission was concerned that the current Economic Development Commission has been ineffective in its current form, and just adds another commission for any new developer to present to as it seeks approval for their project.

The Commission's recommendation was based on the belief that the Town needs to implement a more effective economic development approach to get new business and development projects implemented to grow the Grand List. The key to economic development is the attractiveness of a community for both business and residency. In this regard, economic growth should be championed by all of the town leadership. This task does not require any specific economic background, but rather individuals with cordial openness and the ability to direct the prospective business to the proper town agencies to rapidly respond to opportunities.

The Commission agreed to add the responsibility of economic development to the job responsibilities of the Town Manager. As such, the Commission envisions the Town

Manager having the responsibility to coordinate the various town resources to both promote economic development and respond to new opportunities. Having intimate knowledge of the various resources and activities of the various commissions involved with economic development makes the Town Manager the ideal individual to coordinate the various resources in a cohesive and efficient manner. It is also anticipated that the Town Manager would have the long term capability to see such projects through to implementation.

The Commission also discussed that the First Selectman/First Selectwoman would have a role to play in setting policy and advocating for economic development. The Commission envisions a process similar to what it heard from West Hartford: that the Town Manager works behind the scenes with developers to get and keep things moving along, and that the Mayor is the interface to the public and town advocate for change. The example used was the Blue Back Square development process and the role each played. If required, the Board of Selectmen in conjunction with the Town Manager should be able to quickly appoint any necessary group with the proper background specific to the business in question.

The Commission initially recommended establishing a small stipend of 15% of the Town Manager's salary to the First Selectman/woman to help with their expenses for the role of Chief Elected Official. (As explained above, this recommendation has been changed to address statutory and constitutional concerns.) It is a secondary role, but an important role in that all parties need to work together to make economic development successful in Simsbury.

At the joint meeting on July 11, 2016 the Board of Selectmen and a number of current and past members of the Economic Development Commission expressed concern about eliminating the Economic Development Commission. As noted above, the Charter Revision Commission, after further deliberation on July 25, 2016, recommended that the Economic Development Commission remain in the Charter, but that its membership, terms, duties and responsibilities would be set by the Board of Selectmen by ordinance.

3. **Elimination of the Human Relations Commission:**

FINDING: Based on the testimony it received from Town Staff, the lack of activity on the Commission for years, and the difficulty finding volunteers to serve on the Commission, the Commission voted to eliminate the Human Relations Commission. The Commission also took note of the availability of state remedies for alleged violations of the state's equal rights laws.

4. **Creation of a Culture Commission:**

FINDING: The Commission is recommending that the culture component of the Culture, Parks and Recreation Commission be recreated as a separate commission to be known as the Culture Commission. The Commission believes a separate commission will result in more emphasis on the creation, promotion and advocacy for

cultural events in the Town. The Commission believes the expansion of the scope of work of the current Culture, Parks and Recreation Commission has had the unintended consequence of giving less attention to the cultural aspects of the Commission than is required to fully maximize the town as a venue for cultural events and a sponsor and advocate of cultural initiatives.

5. **Open Space Committee Expansion of Membership:**

FINDING: The Commission recommends that the Open Space Committee be expanded to include three public members.

6. **Town Budget and Appropriations Process: Sections 808 and 809:**

FINDING: The Commission recommends changes to the Town Budget and appropriations process outlined in Charter Sections 808 and 809 to reflect the recommendations of the Finance Director and Bond Counsel as discussed above. The changes made to Section 808 allow cost savings in the publication requirements for the annual town budget and clarification of budget preparation deadlines. The changes recommended by the Bond Counsel clarify the appropriations process outlined in Section 809.

7. **Gender Neutral Language for Town Public Offices:**

FINDING: The Commission finds that the Town Charter should be revised to incorporate gender neutral language for public offices.

8. **Board of Education Election Process:** One of the most discussed issues from Public Audience was how the town elects members to the Board of Education to fill expiring terms in each municipal election. Under the current Charter, the process is for the two parties to nominate four volunteer members each and to have these individuals placed on the ballot for election. As terms expire, that individual can ask to be replaced or continue to serve on the Board through the party volunteer process. This approach provides a political party neutral position for the School Board, and an individual often serves on the Board for a long period of time because the longstanding practice by the political parties has been to only nominate the same number of candidates as open seats in each municipal election.

The problem is that to be considered for the School Board, according to longstanding custom, a potential candidate must be affiliated with one of the two political parties. This makes it very difficult for an unaffiliated voter to be considered for the election to a vacant seat on the School Board. A number of speakers expressed the opinion that voters registered as unaffiliated are the largest single group of voters in Simsbury, and as such they do not have an elected voice on the Board.

The large majority of the Commissioners were sympathetic to the concerns raised by the members of the public and understood the issues raised. The large majority concurred with the speaking members of the public that this is an important issue for

review. Notwithstanding those views, the Commission was not able to formulate a recommendation on how best to address the concerns raised by the public. We would ask that the Board of Selectmen consider the formation of a small group of interested parties to see if an alternative process can be created which makes the process of electing members to the Board of Education more of an election than an appointment process.

FINDING: The Commission made no changes to the Board of Education election process outlined in the current Charter.

9. **Combining the Zoning & Planning Commissions:** The question of keeping the Zoning and Planning Commissions separate was considered and voted on by the Commission. In agreeing to keep the commissions separate, it was suggested that steps should be taken to improve the efficiency of the two land use agencies to make their decision making process give the appearance of a single combined commission through complimentary scheduling of hearings on applications and joint meetings where appropriate. This process should be as efficient as possible to minimize any delays and associated costs in the consideration of applications.

The Board of Selectmen asked the Charter Revision Commission to revisit its decision in this regard at the joint meeting on July 11, 2016. At its July 25, 2016 meeting the Commission voted to stand by its original recommendation to keep the Commissions separate. The testimony of present and former Commission chairs was a significant factor in its decision.

FINDING: The Commission made no changes to the current Charter.

10. **Town Constable:** The issue of reinstating the position of Town Constable was presented on numerous occasions in Public Audience. The Commission asked and received a position statement from the Police Department that a Town Constable position was not necessary. The Commission agreed with this position and voted against reinstating the office of Town Constable in the Charter. The Commission took note of the statutory authority that allows the office to be created by ordinance if the need arises.

FINDING: The Commission made no changes to the current Charter.

11. **Terms of Office for the Board of Selectmen and the First Selectman or First Selectwoman:** The issue of increasing the terms of office for the Board of Selectmen and/or the First Selectman or First Selectwoman from two years to four years was considered by the Commission. State law allows a two or a four year term for each office. The Commission ultimately decided that the change in the form of government to Town Manager justified the continuation two year terms for elective offices to maintain public accountability.

FINDING: The Commission made no changes to the current Charter.

11. **Commission Recommended Action on Other Issues:** The Commission reviewed a number of other issues raised by the public and Town Staff and did not recommend changes to the Charter. Instead, the Commission urges the Board of Selectmen to consider other forms of action. The following is a list of issues considered and recommended actions.

- a. **Board of Assessment Appeals:** The Town Assessor requested that the Charter be revised to increase the membership of the Board of Assessment Appeals from three to five members and that two alternate members be added. Town Counsel advised the Commission that under state statute the Board of Selectmen could, by ordinance, provide for an increase in the number of Board of Assessment Appeals members on a short-term basis. Based on this information, the Commission is recommending that the Board of Selectmen move forward with such an ordinance.
- b. **Update Purchasing Ordinances:** This was raised by Town Staff and included in the Board of Selectmen's charge to the Commission. The Commission concluded that this was a matter of ordinance and did not take any action.
- c. **Expand Town Officer Authority to Execute Contracts:** This was raised by Town Staff and included in the Board of Selectmen's charge to the Commission. After discussion, the Commission concluded that contracting authority was appropriately limited and declined to change the Charter to permit additional Director-level employees to execute contracts on behalf of the town.
- d. **Discontinue the Budget Referendum:** The Commission declined to make changes in the budget approval process.
- e. **Term Limits for Board of Education:** Several residents requested that the Commission add term limits to the Board of Education. The Commission was advised by Town Counsel that there was no legal provision for adding term limits. The Commission's recommendations to the Board of Selectmen with respect to the selection and operation of the Board of Education are set forth above.
- f. **Unaffiliated Voter Representation on Town Boards and Commissions:** A resident requested that unaffiliated voters be officially represented on town boards and commissions with a proportionality requirement for the most important boards and commissions. Noting that the current Charter already provides for unaffiliated voter representation in some cases and that Board-appointed committee and commissions, such as the Charter Revision Commission itself, often provide for unaffiliated voter representation, the Commission declined to take any additional action.
- g. **Reestablishment of Design Review Board as an Independent Board:** A resident requested that the Design Review Board be reestablished as an independent Board. Noting that the current structure was established by the last Charter Revision Commission and the absence of significant complaints about that structure, the Commission declined to take action on the request.
- h. **Requirement for Public Audience for Every Town Meeting:** This was requested by a resident. The Commission took no action on the request.

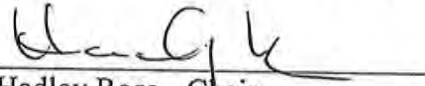
H. Proposed Revised Town Charter

Based on the testimony received at its public hearings and meetings, the comments of its invited guests, its consultation with the Board of Selectmen, the documents it reviewed and its deliberations, the Simsbury Charter Revision Commission recommends the attached Revised Simsbury Town Charter.

I. Acknowledgements

The Commission would like to thank the members of the public who attended and testified at Commission meetings, the invited guests that appeared before the Commission and Town Staff who participated in the Commission's deliberations and in the generation of the Report and the Proposed Revised Charter.

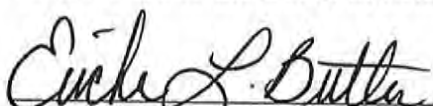
Respectfully submitted by the Simsbury Charter Revision Commission this 1st day of August, 2016.


Hadley Rose - Chair

Received by the Simsbury Town Clerk on August 3rd, 2016.


Ericka Butler, Town Clerk


Transmitted to the Board of Selectmen on August 8th, 2016.


Ericka Butler, Town Clerk



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MEMORANDUM

To: Charter Revision Commission
From: Thomas F. Cooke – Director of Administrative Services 
Re: Organizational Meeting
Date: August 13, 2015
CC: Lisa Heavner – First Selectman
Robert M. DeCrescenzo, Esq. – Town Counsel
Carolyn Keily – Town Clerk

On behalf of the Board of Selectmen and the Town of Simsbury, thank you for your willingness to serve on the Charter Revision Commission.

Town Counsel Bob DeCrescenzo and I will provide staff support to the Commission as it moves forward. We would like to schedule an initial organizational meeting on either Wednesday, August 26th or Monday, August 31st at 5:30 pm. Please respond to me at your earliest convenience with your availability and I will confirm the date and location with you via e-mail.

The initial meeting will address organizational issues such as the election of a Chair and Secretary, the scheduling of an initial public hearing before any substantive work is done (as required by statute), and establishing a schedule of meetings. The Commission will also consider a request to Town Department heads soliciting any additional changes to the existing Charter, including recommendations for technical and/or substantive changes. The Board of Selectmen has established March 15, 2016 as the deadline for submission of the Commission's report to the Town Clerk.

Two documents are attached to this Memorandum:

1. The Board of Selectmen's charge to the Commission; and
2. Contact information for members of the Commission (please advise me of any changes or corrections).

Finally, if you have not done so already, please contact Carolyn Keily, our Town Clerk, at (860) 658-3243 to arrange for your swearing in prior to the first meeting.

Please do not hesitate to contact me at (860) 658-3230 with any other questions.

Charge to the Charter Revision Commission

Section 1008 of the Town of Simsbury's Charter provides that "[t]he Board of Selectmen shall review the several provisions of this Charter from time to time as it deems such review to be in the best interest of the Town," and further that "[t]he amendment of this Charter may be initiated . . . by a two-thirds vote of the entire Board of Selectmen" Consistent with these provisions, on March 23, 2015 the Personnel Sub-Committee held a Public Hearing to receive comment from the public on the Town of Simsbury's form of government. At the Board of Selectmen meeting following the hearing, the Board of Selectmen voted to empower the Personnel Sub-Committee to develop recommendations for consideration by an appointed Charter Revision Commission (see, General Statutes § 7-190 (a) and (b)).

Based on information gathered by the Personnel Sub-Committee, including but not limited to information received at Public Hearing and areas for review identified by Town Staff, the Personnel Sub-Committee hereby recommends for adoption by the full Board of Selectmen the following areas and issues for review by an appointed Charter Revision Commission:

- **Form of Government:** Review the Town of Simsbury's form of government and make a recommendation concerning the appropriate form of government (recognizing that a wide range of options exists, including but not limited to First Selectman and Town Manager forms of government) for the Town. Any recommended changes to the Town's form of government should also include the impact of the recommended changes on:
 - Office terms and the election process;
 - Separation of powers; and
 - Any impact upon, and the integration of, other Boards and Commissions, especially the Board of Finance;
- **Duties of the First Selectman:** If the commission recommends no changes to the Town of Simsbury's form of government, recommend clarifications of the duties and responsibilities for First Selectman (See, Charter Section 502).
- **Identification of Town Officers:** Review and make recommendations concerning positions identified as Town Officers and the provisions applying to the selection and termination of these Officers as set forth in Charter Section 704.
- **Authority of Town Officers:** Review the scope of authority of Town Officers and make a recommendation concerning whether Town Officers should be allowed to execute contracts under their jurisdiction.
- **Budget Preparation and Budget Referendum:** Review the calendar for the budget preparation process and the scheduling of the budget referendum and make recommendations addressing the dates and timelines for budget public notices.
- **Content of Public Notices for the Budget:** Review and make recommendations concerning the required content for budget public notices.
- **Open Space Committee:** Review composition of the Open Space Committee (which is currently made up of representatives from Planning, Zoning, Conservation and an at-large member) with consideration of adding a member from the Culture, Parks and Recreation Commission.
- **Planning and Zoning:** Review and make a recommendation concerning the potential combination of the Planning and Zoning Commissions into one commission.

- **Permanent Committees:** Review the permanent committees provided for in Charter Section 601 and make recommendations concerning their continuation, replacement or elimination.
- **Terms of Office:** Review and make recommendations concerning the terms of the Board of Selectmen, the First Selectman and all Boards and Commissions (See, Charter Section 302).
- **Gender Neutrality:** Review and make recommendations concerning the adoption of gender-neutral titles for positions created by the Charter.

Adopted by the Town of Simsbury Board of Selectmen on June 22, 2015

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**PROPOSED INDEX OF THE
CHARTER OF THE TOWN OF SIMSBURY**
August 1, 2016 Draft

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- Section 606. Housing Authority.**
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- Section 609. Economic Development Commission.**
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- Section 612. Building Code Board of Appeals.**
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- Section 1001. Transfer of powers.**

-
- Section 1002. Present employees to retain positions.**
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 - Section 1010. Usage.**
 - Section 1011. Effective date.**

FINAL PROPOSED REVISED CHARTER:

August DRAFT AS OF MARCH 31, 2016

THE CHARTER

CHARTER OF THE TOWNSHIP OF SIMSBURY

~~{HISTORY: Approved by the Electors of the Town of Simsbury _____, effective January 1, 201_, except as set forth in Section 1001. Amendments noted where applicable.}~~

We, the Electors of the Town of Simsbury, pursuant to the provisions of Chapter 99 of the General Statutes do approve this Charter, as revised, for the Town of Simsbury.



Section 101. Incorporation.

All the inhabitants dwelling within the territorial limits of the Town of Simsbury, as heretofore constituted, shall continue to be a body politic and corporate under the name of "Town of Simsbury," hereinafter called "the town," and as such shall have perpetual succession and may hold and exercise all powers and privileges heretofore exercised by the town and not inconsistent with the provisions of this Charter, the additional powers and privileges herein conferred and all powers and privileges conferred upon towns under the General Statutes of the State of Connecticut.

Section 102. Rights and obligations.

All property, both real and personal, all rights of action and rights of every description and all securities and liens in the town as of the effective date of the Charter are continued. Nothing herein shall be construed to affect the rights of the town to collect any assessment, charge, debt, or lien. The town shall continue to be liable for its debts and obligations. If any contract has been entered into by the town prior to the effective date of this Charter, or any bond or undertaking has been given by or in favor of the town, which contains provisions that the same may be enforced by any office or agency therein named which is hereby abolished or superseded by the creation herein of a new commission, board or office to which are

granted similar powers and jurisdiction, such contracts, bonds or undertakings shall continue in full force and effect. The powers conferred and the duties imposed with reference to the same upon any such office or agency shall, except as otherwise provided in this Charter, thereafter be exercised and discharged by the ~~First Selectman~~ Town Manager of the town.

Section 103. General grant of powers.

In addition to all powers granted to towns under the Constitution and General Statutes, or which may hereafter be conferred, the town shall have all powers specifically granted by this Charter and all powers fairly implied in or incident to the powers expressly granted, all powers conferred by Sections 7-148 and 7-194 of the General Statutes and by Special Acts of the General Assembly not inconsistent with this Charter, and all other powers incident to the management of the property, government and affairs of the town, including the power to enter into contracts with the United States Government or any branch thereof, the State of Connecticut or any agency or political subdivision thereof or any other body politic or corporate not expressly forbidden by the Constitution and General Statutes of the State of Connecticut. The enumeration of particular powers in this or any other chapter of the Charter shall not be construed as limiting this general grant of power but shall be considered as an addition thereto.

**Chapter II
Elections**

Section 201. General.

(a) Nomination and election of federal and state officers and of such elected town officers, boards and commissions as are provided for in this Charter shall be conducted, and the Registrars of Voters shall prepare lists of electors qualified to vote therefor, in the manner prescribed in the Constitution and the General Statutes and Special Acts of the State of Connecticut applicable to the Town of Simsbury.

(b) A meeting of the Electors of the Town of Simsbury for the election of municipal officers shall be held biennially in odd-numbered years on the first Tuesday after the first Monday of November.

Section 202. Eligibility.

No person shall be eligible for election to any town office who is not at the time of his or her election an Elector of the town, as defined by Section 9-1 of the General Statutes and any person ceasing to be an Elector of the town shall thereupon cease to hold elective office in the town.

Section 203. Minority representation.

Minority representation on any elective or appointive board, commission, committee or similar body of the town, except the Board of Selectmen, Board of Education, the Board of Ethics and the Police Commission shall be determined in accordance with the provisions of Section 9-167a of the General Statutes. Minority representation on the Board of Selectmen, the Board of Education, the Board of Ethics and the Police Commission shall be determined in accordance with the provisions of ~~C.G.S. Sections §§9-188 and 9-204~~ of the General Statutes and Charter §714-612 and §715-613 respectively.

Section 204. Breaking a tie.

When any regular or special municipal election, primary election or referendum conducted pursuant to the provisions of this Charter results in a tie, an adjourned election shall be conducted in accordance with the provisions of Section 9-332 of the General Statutes to determine who shall be elected, or in the case of a question at referendum, whether it shall be accepted or rejected; provided, however, that this provision shall not apply to questions at referendum which, under the provisions of this Charter or of the General Statutes, require a minimum number of electors voting in favor of such questions in the event that the number of electors voting in favor of such question does not equal the said minimum number required by such provision.

Section 205. Vacancies - elective offices.

Except as provided in Section 9-221 of the General Statutes, any vacancy, except a vacancy on the Board of Selectmen, in any elective town office, including the Board of Education, shall be filled within forty-five (45) days of such vacancy by appointment by the Board of Selectmen, for the unexpired portion of the term or until the next regular ~~town-municipal~~ municipal election, as defined in Section 9-1 of the General Statutes, whichever shall first occur. Any vacancy on the Board of Selectmen shall be filled within thirty (30) days of such vacancy in accordance with Section 9-222 of the General Statutes. Any such vacancy shall be filled by the appointment of a member of the

same political party as the person vacating the office in the event said person was affiliated with a political party. Except as otherwise provided in this Charter, if there is a regular ~~town~~-municipal election, as defined in Section 9-1 of the General Statutes, before the expiration of the term of any office in which a vacancy occurs, such office shall be filled until the election by appointment as provided herein and subsequently by the election of a person to fill that office for the remaining portion of the term, such person to take office at the time provided in Section 302 of this Charter for the commencement of terms of office.

Section 206. Board for Admission of Electors.

The Town Clerk and the Registrars of Voters shall constitute the Board for Admission of Electors in accordance with the provisions of Section 9-15a of the General Statutes.

**Chapter III
Elected Officers and Appointed Boards and Commissions**

Section 301. General.

(a) Except as otherwise provided in this Charter, all elected town officers and members of the Board of Education shall have the powers and duties prescribed for such officers in the General Statutes, and in this Charter.

(b) Terms of Office: Unless otherwise determined by the Connecticut General Statutes, regular and alternate members of all elected, regular and permanent appointed boards, commissions and agencies created by this Charter, except the Board of Selectmen, the Board of Finance, the Economic Development Commission, and the Board of Library Trustees, shall serve a four year term of office beginning with the municipal election of 2017.

(c) The elected boards and commissions shall have the following members:

- (1) Board of Selectmen, six (6), including the First Selectman or the First Selectwoman;-
- (2) Board of Education, eight (8) i;-
- (3) Board of Finance, six (6) i;-
- (4) Board of Library Trustees, (9) i;-
- (5) Planning Commission, six (6) i;-

- (6) Zoning Commission, six (6) ~~i~~-
- (7) Zoning Board of Appeals, six (6) ~~i~~-
- (8) Board of Assessment Appeals, three (3).

Section 302. Election and terms of office - town elections.

At a meeting of the Electors of the Town of Simsbury to be held biennially in odd-numbered years on the first Tuesday after the first Monday of November beginning in 2017, there shall be elected the following officers:

(a) For a term of two (2) years:

- (1) A First Selectman or First Selectwoman.
- (2) Five (5) members of the Board of Selectmen, in accordance with the provisions of Section 9-188 of the General Statutes.

(b) For a term of four (4) years:

- (1) Four (4) members of the Board of Education, in accordance with the provisions of Section 9-204 of the General Statutes, who shall perform such duties and have such powers as are or may be imposed or vested by the General Statutes.
- (2) Three (3) members of the Planning Commission.
- (3) Three (3) members of the Zoning Commission.
- (4) Three (3) members of the Zoning Board of Appeals.
- (5) One (1) or Two (2) members of the Board of Assessment Appeals depending upon the expiration of terms from the preceding municipal election.
- (6) The alternate members of the Planning Commission depending upon the expiration of terms from the preceding municipal election.
- (7) The alternate members of the Zoning Commission depending upon the expiration of terms from the preceding municipal election.
- (8) The alternate members of the Zoning Board of Appeals depending upon the expiration of terms from the preceding municipal election.

(c) For a term of six (6) years:

- (1) Two (2) members of the Board of Finance.

(2) Three (3) members of the Board of Library Trustees.

The terms of office of all elected town officers, elected members of town boards and commissions, and members of the Board of Education shall commence on the first Monday in December following the election.

Section 303. Election and terms of office - state elections.

At the state election to be held on the first Tuesday after the first Monday of November, in 2018, and quadrennially thereafter, there shall be elected the following officers:

(a) For a term of four (4) years:

(1) Two (2) Registrars of Voters, in accordance with Section 9-189a of the General Statutes; and

(2) A Judge of Probate for the Probate District Number 9.

The Registrars of Voters and the Judge of Probate shall perform those duties prescribed by the General Statutes. Their terms of office shall commence in accordance with the provisions of Sections 9-189a and 45-55a-18 of the General Statutes.

Section 304. Appointed Boards and Commissions

Members of Appointed Boards and Commissions shall be appointed as prescribed by Chapter VI.

**Chapter IV
The Board of Selectmen and The First Selectman or First Selectwoman**

Section 401. General.

There shall be a Board of Selectmen, hereinafter referred to as the Selectmen, consisting of the First Selectman or First Selectwoman and five (5) other Selectmen. No more than four (4) members of the Board of Selectmen shall be members of the same political party. With the exception of the First Selectman or First Selectwoman, all Selectmen or Selectwomen shall serve without compensation except for reimbursement of actual expenses incurred in the performance of official duties, as authorized by the Selectmen. The First Selectman or First Selectwoman shall appoint members of the Board of Selectmen, which may include the First Selectman or First Selectwoman, to serve as ex-officio, nonvoting members of the several regular and special town boards, commissions, and agencies. No member of the Board of Selectmen, including the First Selectman or First Selectwoman, during

the term of office for which he or she has been elected and for one (1) year thereafter, shall be eligible for appointment to any salaried office or position of profit with the town which has been created or established during his or her term of office.

Section 402. Presiding officer, organization and procedure.

With the First Selectman or First Selectwoman presiding, the Selectmen shall meet after each municipal election on the first Monday in December for purposes of organization. At the organization meeting, the First Selectman or First Selectwoman shall ~~elect~~ **appoint**,⁷ from among ~~their own~~ the members of the Board of Selectmen, a Deputy First Selectman or Deputy First Selectwoman who shall serve as Acting First Selectman or First Selectwoman in accordance with the provisions of Section 503 of this Charter. At the biennial meeting of the Board of Selectmen, the Board shall, by resolution, fix the time and place of its regular meetings and provide a method for calling of special meetings, all such meetings to be held in accordance with the provisions of Section 1-225 of the General Statutes. The First Selectman or First Selectwoman shall file with the Town Clerk, not later than the time required by Section 1-225 of the General Statutes, the schedule of regular meetings of the Selectmen for the ensuing year. The First Selectman or First Selectwoman shall appoint members of the Board of Selectmen to the following committees: public safety, personnel subcommittee, finance, welfare, and such other committees as may be established by the Board of Selectmen. The First Selectman or First Selectwoman shall preside over all other meetings of the Selectmen and perform such other duties consistent with the office as may be imposed by the Selectmen. The Board of Selectmen shall, by resolution, determine its own rules of procedure. All meetings of the Selectmen for the transaction of business except executive sessions as defined in Subsection (6) of Section 1-200 of the General Statutes shall be open to the public and shall afford to the Electors of the town an opportunity to address to the Selectmen suggestions, petitions and complaints. The Board of Selectmen may convene in executive session in accordance with Section 1-225 of the General Statutes upon an affirmative vote of two-thirds (2/3) of the members of such body present and voting. The votes of all meetings shall be recorded as prescribed by Section 1-225 of the General Statutes. Four (4) members of the Board of Selectmen shall constitute a quorum. No ordinance, including an emergency ordinance, shall be adopted by the Selectmen by fewer than four (4) affirmative votes. Except as specifically otherwise provided in Sections 406, 503, 602, 808, 803, 809, 810 and 1008 of this Charter or as specifically directed by statute, any other

action, including any resolution, may be adopted by an affirmative vote of a majority of those Selectmen present, provided those present constitute a quorum.

Section 403. General powers and duties.

The Board of Selectmen shall have all the powers and duties hereinafter conferred upon the Selectmen and all those powers and duties which, on the effective date of this Charter were conferred by law upon Boards of Selectmen, except as otherwise specifically provided in this Charter. The legislative authority of the town shall be vested, except as otherwise specifically provided in Section 409 of this Charter, exclusively in the Board of Selectmen. The Selectmen shall have the power to enact, amend, or repeal ordinances not inconsistent with the provisions of this Charter or the General Statutes, and may by ordinance create, consolidate or abolish boards, commissions and offices not specifically authorized in this Charter, provided further that nothing herein shall be construed to prohibit the Board of Selectmen from appointing, by resolution, special or temporary boards, commissions, or committees as it may from time to time deem necessary and appropriate to the operation of the town government, but in such event, the term of any such special or temporary boards, commissions, or committees shall not exceed two (2) years, and shall be coterminous with the appointing Board of Selectmen. Except as otherwise provided in the Charter, the Selectmen may contract for services and the use of facilities with the United States Government or any agency thereof, or may, by agreement, join with any such political subdivisions to provide services and facilities in accordance with the applicable provisions of the General Statutes, and the Selectmen shall exercise and discharge the powers and duties of the Flood and Erosion Control Board and may assign such duties to the Zoning Commission, Planning Commission and Inland/Wetlands Commission for planning and enforcement purposes as the Board of Selectmen deems appropriate. The Board of Selectmen is authorized to apply for and accept on behalf of the town, state or federal grants. The Board of Selectmen is authorized, in adopting ordinances, to incorporate any nationally recognized code, rules or regulations which have been published, or any code officially adopted by any administrative agency of the state, or any portion thereof, by reference thereto in such ordinance provided, upon adoption of any such ordinance wherein any such code, rules or regulations or portions thereof have been incorporated by reference. There shall be maintained two (2) copies of such code, rules or regulations in the office of the Town Clerk for examination by the public. The Selectmen may fix the

charges, if any, to be made for services rendered by the town or for the execution of powers vested in the town as provided in Chapter I of this Charter.

Section 404. Public hearing on and publication of ordinances.

Except as otherwise specifically provided in this Charter, no ordinance shall be acted upon by the Selectmen pursuant to the provisions of this chapter until and unless one (1) public hearing on such ordinance shall have been held by the Selectmen. Notice of such public hearing shall be given by the Board of Selectmen at least seven (7) days in advance by publication in a newspaper having general circulation in the town, and by posting a notice in a public place. Copies of such proposed ordinance shall be made available for public inspection at the Town Clerk's office at least seven (7) days in advance of said public hearing. If substantive changes, as determined by the Town Attorney, are made in any such proposed ordinance subsequent to the public hearing required under the provisions of this section, a second public hearing shall be held on such proposed ordinance prior to final action by the Selectmen. Every ordinance, after passage, shall be filed by the Town Clerk, and recorded, compiled and published as required by law. Within ten (10) days after final passage, each ordinance so passed shall be published once in its entirety or in summary form as authorized in General Statutes section 7-157 in a newspaper having general circulation within the town. Each ordinance, unless it shall specify a later date, shall become effective on the twenty-first day after such publication following its passage.

Section 405. Emergency ordinances.

For the purpose of meeting a public emergency threatening the lives, health or property of persons, emergency ordinances stating the facts constituting such public emergency shall become effective immediately, and such ordinances shall be promulgated forthwith. No public hearing or notice of public hearing shall be required for any public emergency ordinance. Every such emergency ordinance, including any amendments thereto, shall automatically stand repealed at the termination of the sixty-first day following final passage of the ordinance; provided, however, that if action has been initiated on the same subject matter providing for a permanent ordinance under Section 404 of this chapter prior to such sixty-first day, then such emergency ordinance shall remain in full force and effect until final action is taken on the permanent ordinance.

Section 406. Automatic referendum.

The adoption of the Budget and any matter which involves an expenditure amount in excess of two percent (2%) of the annual budget for the then current fiscal year or Town Meeting action initiated under Section 409 and which involves an amount in excess of one percent (1%) of the annual budget for the then current fiscal year shall be subject to an automatic referendum by all qualified voters of the Town of Simsbury on a date set by the Board of Selectmen. In the case of the automatic referendum for adoption of the budget, the referendum shall be held from fourteen (14) to twenty-one (21) days following the filing of the budget with the Town Clerk in accordance with Section 808. The polls in such referendum shall be open between 6:00 a.m. and 8:00 p.m. Any motion at a Board of Selectmen Meeting dealing with a referendum matter which seeks to reduce the amount of such referendum matter shall require a two-thirds (2/3) vote of the Board of Selectmen.

Section 407. Power of initiative - ordinances proposed to the Board of Selectmen.

The Electors of the town shall have the power to propose ordinances or to propose the repeal of existing ordinances in the following manner:

(a) A petition may be filed by any Elector of the town with the Town Clerk and, except as otherwise provided herein, such petition shall conform to the requirements of Sections 7-9 and 7-9a of the General Statutes;

(b) The petition shall contain the full text of the ordinance proposed or of the ordinance proposed to be repealed and shall be signed in ink or indelible pencil by qualified Electors of the town equal in number to at least five percent (5%) of the total Electors of the town as determined from the latest official lists of the Registrars of Voters;

(c) The petition shall be accompanied by affidavits signed and sworn to or affirmed before a notary public, justice of the peace, commissioner of the superior court or other person authorized to administer oaths or affirmations pursuant to ~~C.G.S. §§~~ Sections 1-24 or 1-24a of the General Statutes by each circulator as provided in said ~~C.G.S. Section~~ §7-9;

(d) The Town Clerk shall determine whether the petition and affidavits are sufficient as prescribed by law, shall keep a cumulative count of the number of signatures filed with each page of the petition, and within seven (7) business days after receipt of the page bringing the number of valid signatures included in the petition

to the number required by Subsection (b) of this section, shall so certify to the Board of Selectmen; no signatures submitted more than thirty (30) days after the submission of the first page of the petition shall be counted by the Town Clerk as prescribed herein; if upon such thirtieth (30th) day the petition remains insufficient, it shall have no force or effect;

(e) If the Selectmen fail to adopt, without any substantive change, an ordinance so proposed, or fail to repeal an ordinance proposed for repeal within thirty (30) days after a petition making such a proposal shall have been certified to the Selectmen as provided herein, a second petition may be filed within thirty (30) days of the end of the period in which the Selectmen have to act on the proposed ordinance by any Elector of the town with the Town Clerk in accordance with the provisions outlined in Subsections (a), (b), (c) and (d) of this section;

(f) Upon receipt of the certification by the Town Clerk of the second petition, the Selectmen shall call a special town referendum, at which referendum all Electors of the town as determined from the latest official lists of the Registrars of Voters shall be eligible to vote, to be held within sixty (60) days after the certification of such second petition; provided, however, if a regular election, as defined by Section 9-1 of the General Statutes, shall occur within ninety (90) days of the certification of such second petition, such proposed ordinance shall be placed on the ballot at the regular election; the polls in any special town referendum called pursuant to ~~this section~~ Section shall be open between 6:00 a.m. and 8:00 p.m.;

(g) Such proposed ordinance shall become effective, or such ordinance proposed for repeal shall be deemed repealed, upon approval by a majority of those Electors voting thereon, provided such number of Electors approving said ordinance is equal to at least ten percent (10%) of the total Electors of the town, as determined from the latest official lists of the Registrars of Voters.

The ordinance shall become effective on the twenty-first day after publication in accordance with the provisions of Section 404 of this chapter; provided, however, that the ordinance shall be considered approved upon certification of the results of the voting thereon regardless of any defect in the petition submitted in accordance with the provisions herein. No ordinance which shall have been adopted or repealed by referendum in accordance with the provisions of this section may be repealed, amended or reenacted by the Board of Selectmen during its then current term of office.

Section 408. Power of overrule - ordinances adopted by the Board of Selectmen.

All ordinances adopted by the Board of Selectmen pursuant to the provisions of this chapter, except emergency ordinances adopted in accordance with the provisions of Section 405 of this chapter, shall be subject to overrule by a special town referendum in the following manner:

(a) If, within fifteen (15) days after the publication of any such ordinance, a petition conforming to the requirements of Sections 7-9 and 7-9a of the General Statutes and signed in ink or indelible pencil by qualified Electors of the town equal in number to at least five percent (5%) of the total Electors of the town as determined from the latest official lists of the Registrars of Voters, is filed with the Town Clerk requesting its reference to the town voters at a special referendum, the effective date of such ordinance shall be suspended;

(b) The petition shall be accompanied by affidavits signed and sworn to or affirmed before a notary public, justice of the peace, commissioner of the superior court or other person authorized to administer oaths or affirmations pursuant to ~~C.G.S. §§~~Sections 1-24 or 1-24a of the General Statutes by each circulator as provided in the ~~C.G.S.~~Section §7-9;

(c) The Town Clerk shall determine whether the petition and affidavits are sufficient as prescribed by law, shall keep a cumulative count of the number of signatures filed with each page of the petition, and within seven (7) business days after receipt of the page bringing the number of valid signatures included in the petition to the number required by Subsection (a) of this section, shall so certify to the Board of Selectmen;

(d) If, within thirty (30) days of the certification of the petition by the Town Clerk, the Selectmen fail to repeal such ordinance, they shall then fix the time and place of such special referendum, at which referendum all Electors of the town as determined from the latest official lists of the Registrars of Voters shall be eligible to vote, which shall be held within forty-five (45) days of the end of the period in which the Selectmen have to reconsider such ordinance, and notice thereof shall be given in the manner provided by law for the calling of a town referendum; provided, however, if a regular election, as defined by Section 9-1 of the General Statutes shall occur within ninety (90) days of the end of the period in which the Selectmen have to reconsider the ordinance, such proposed overrule action shall be placed on the ballot at the regular election. The polls in any special town referendum called pursuant to this section shall be open between 6:00 a.m. and 8:00 p.m.

An ordinance so referred shall take effect upon the conclusion of such referendum unless a majority of those persons voting thereon, such majority being equal to at least ten percent (10%) of the ~~qualified electors~~Electors of the town, as determined from the latest official lists of the Registrars of Voters, shall have voted in favor

of overruling such ordinance, and in such event said ordinance so referred shall be deemed null, void and repealed upon the conclusion of such referendum.

Section 409 Power of Initiative- Town Meeting Legislative Action

(a) The Electors of the Town shall have the power to require a call of a Town Meeting pursuant to the procedures set forth in ~~General Statutes~~ Chapter 90 of the General Statutes not inconsistent with this Charter for the following purposes:

(1) The authorization of bonds and all other forms of financing, the term of which is in excess of one (1) year;

(2) Any appropriations supplemental to those provided in the annual budget other than those which may be authorized by the Board of Finance pursuant to Section 809 of this Charter;

(3) Authorization of any sale of real estate involving a sale price in excess of one percent (1%) of the annual budget for the then current fiscal year;

(4) Authorization of acceptance of state or federal grants for an amount in excess of one percent (1%) of the annual budget for the then current fiscal year;

(5) The creation of any permanent board, commission, or agency not otherwise provided for in this Charter;

(6) Real estate leases and/or lease options to which the town is party, which involve a term in excess of ten (10) years; or which involve a financial obligation of the town over the term of the lease in excess of one percent (1%) of the annual budget for the then current fiscal year.

(7) Proposals for municipal improvements disapproved by the Town Planning Commission pursuant to the provisions of Section 8-24 of the General Statutes.

(8) Authorization of any purchase or acquisition of real estate valued in excess of one percent (1%) of the annual budget for the then current fiscal year.

(b) A petition may be filed by any Elector of the town with the Town Clerk and, except as otherwise provided herein, such petition shall conform to the requirements of Section 7-9 and 7-9a of the General Statutes;

(c) The petition shall contain the full text of the call of the town meeting proposed and shall be signed in ink or indelible pencil by qualified electors—Electors of the Town equal in number to at least five percent (5%) of the total Electors of the Town as determined from the latest official lists of the Registrars of Voters;

(d) The petition shall be accompanied by affidavits signed and sworn to or affirmed before a notary public, justice of the peace, commissioner of the superior court or other person authorized to administer oaths or affirmations pursuant to ~~C.G.S. §§~~Sections 1-24 or 1-24a of the General Statutes by each circulator as provided in said Section C.G.S. §7-9;

(e) The Town Clerk shall determine whether the petition and affidavits are sufficient as prescribed by law, shall keep a cumulative count of the number of signatures filed with each page of the petition, and within seven (7) business days after receipt of the page bringing the number of valid signatures included in the petition to the number required by Subsection (b) of this section, shall so certify to the Board of Selectmen; no signatures submitted more than thirty (30) days after the submission of the first page of the petition shall be counted by the Town Clerk as prescribed herein; if upon such thirtieth (30th) day the petition remains insufficient, it shall have no force or effect.

(f) Within thirty (30) days of the certification of the petition by the Town Clerk, the Selectmen shall then fix the time and place of such town meeting, at which town meeting all Electors of the town as determined from the latest official lists of the Registrars of Voters shall be eligible to vote, which shall be held on the date fixed by the Selectmen but in no event shall such date be more than ninety (90) days of the certification and notice thereof shall be given in the manner provided by law for the calling of a town meeting.

(g) Any Town Meeting called for the purposes set forth in this Section 409 shall be the final legislative authority for the matters included in the call.

Section 410. Investigation.

The Board of Selectmen shall have the power to investigate any and all offices, boards, commissions and agencies of the town and for such purposes shall have the power to call witnesses to appear before the Board to testify and to furnish documentation on any matter under investigation; provided, a properly constituted meeting of the Board of Selectmen may call before it any employee or officer for the purpose of information or investigation.

Section 411. The First Selectman or First Selectwoman

At each town-municipal election a First Selectman or First Selectwoman shall be chosen by the Electors of the town as provided in Chapter III of this Charter. The First Selectman or First Selectwoman shall be the full-time chief elected officer of the town and shall receive a an annual stipend as established for each term of office by the Board of Selectmen in accordance with the Connecticut General Statutes. of \$22,500 subject to an annual Cost of Living adjustment as determined by the Social Security such annual Administration annual stipend compensation as shall be recommended by the Board of Selectmen and approved in the annual budget to cover expenses equal to fifteen percent (15%) of the annual base salary of the Town Manager in effect at the beginning of as of the first day of the term his or her term as his or her sole form of compensation. The First Selectman or First Selectwoman shall not receive any other form of compensation or be eligible for any employee benefits as defined in the Town Personnel Rules, including but not limited to pension benefits, health care benefits, vacation, accrual of vacation, sick days, accrual of sick days, personnel personal days or any other form of employee benefit.

The First Selectman or First Selectwoman shall be a full voting and participating member of the Board of Selectmen and shall preside, when present, at meetings of the Board.

The First Selectman or First Selectwoman shall chair the Board of Selectmen's Personnel Sub-Committee and the Town Manager shall confer with the First Selectman or First Selectwoman on all matters coming before the Personnel Sub-Committee. The First Selectman or First Selectwoman or the designee of the First Selectman or First Selectwoman, as provided in Section 401 of this Charter, shall be an ex-officio member of all other town boards, commissions and agencies, but without power to vote.

The First Selectman or First Selectwoman shall have all the powers, duties and responsibilities conferred or imposed on that office by the General Statutes or by Special Act except insofar as the same are inconsistent with the provisions of this Charter and perform such other duties consistent with his or her office as may be imposed by the Board of Selectmen. The Deputy First Selectman or Deputy First Selectwoman shall serve as acting First Selectman or First Selectwoman in the event of the temporary absence or temporary disability of the First Selectman or First Selectwoman.

Section 412. Directions to employees.

No members of the Board of Selectmen, including the First Selectman, or First Selectwoman shall give orders, either publicly or privately, to any administrative officer or employee as defined by Sections 503 and 701 of this Charter.

Chapter V The Town Manager and Administration of the Town

Section 501. Appointment of Town Manager^{1, 2}

The Board of Selectmen shall appoint a Town Manager who shall be the chief executive and the administrative official of the Town and shall serve at the pleasure of the Board of Selectmen. The Town Manager shall be appointed exclusively on the basis of executive and administrative qualifications, character, education, training and experience. At the time of appointment, said Manager need not be a resident of the Town or of the state of Connecticut, but the Town Manager shall reside in the Town during tenure of office. The Town Manager shall devote full working time to the duties of the office.

The Town Manager shall be responsible to the Board of Selectmen for carrying out all ~~acts directives~~ acts and policies of the Board of Selectmen, and all resolutions and ordinances adopted by the Town. The Town Manager shall also be responsible for the administration of the Town consistent with the policies established by the Board of Selectmen and for carrying out such other duties and responsibilities as set forth in this Charter.

The compensation and benefits of the Town Manager shall be fixed by the Board of Selectmen.

Section 502. Duties of the Town Manager

A. The duties of the Town Manager shall be defined in a Position Description to be approved from time to time by the Board of Selectmen. Those duties shall include at least the following:

1. Ensure that all laws and ordinances governing the town are faithfully executed;
2. Make periodic reports to the Board of Selectmen;
3. Attend Board of Selectmen meetings with full right of participation in its discussion but without a right to vote;

¹ Change approved by the Charter Revision Commission March 3, 2016

4. Submit to the Board of Selectmen and make available to the public complete reports on the finances and on the administrative activities of the Town-town as of the end of each fiscal year;
5. Make recommendations to the Board of Selectmen concerning the affairs of the Town-town and facilitate the work of the Board of Selectmen in developing policy;
6. Keep the Board of Selectmen fully advised as to the financial condition and anticipated future financial needs of the Towntown;
7. Prepare and submit to the Board of Selectmen an annual town budget;
8. At the time of an emergency or disaster, expend the necessary funds to assure the smooth operation of Town-town business and the health, safety and well-being of the Town-town and its residents, consistent with this Charter;
9. Assist the Board of Selectmen to develop long-term goals including economic development for the Town-town and strategies to implement such goals;
10. Encourage and provide staff support for regional and intergovernmental cooperation;
11. Promote partnerships among the Board of Selectmen, staff and citizens in developing public policy and building a sense of community; and
12. Exercise such powers and perform such other duties as may be required by ordinance or resolution of the Board of Selectmen not inconsistent with this Charter.
13. Shall assist-Assist the Board of Finance in the preparation of the annual town report.

B. Administration: The Town Manager shall be responsible to the Board of Selectmen for the supervision, direction and administration of all tTown departments, agencies and offices. The Town Manager shall administer and coordinate the operations of the departments, agencies and offices, whether appointed by the Board of Selectmen or elected, except those functions expressly reserved or delegated to such bodies of law.

C. Personnel: The Town Manager shall be the Personnel Director for the town, and shall have the responsibility for developing job

descriptions for all administrative officers, subject to the approval of the Board of Selectmen; and all advertising for, hiring, and dismissal of town employees, except Board of Education employees, shall be under the Town Manager's direct control, subject to the approval of the Board of Selectmen, provided, however, that appointment and removal of officers and employees of the Police Department shall be governed by the provisions of Sections 615 and 707 of this Charter.

D. Execution of Law: The Town Manager shall see that all laws and ordinances governing the town are faithfully executed and shall make periodic reports to the Board of Selectmen on the conditions and affairs of the town. and shall assist the Board of Finance in the preparation of the annual town report.

The Town Manager, Manager in consultation with the First Selectman, shall recommend to the Board of Selectmen such measures as the Town Manager may deem necessary or expedient and shall exercise such other powers and duties as may be authorized by ordinance and resolution of the Board of Selectmen not inconsistent with this Charter.

E. Contracts: The Town Manager may, with the approval of the Board of Selectmen and subject to such other limitations as are contained in this Charter and in the General Statutes, enter into contracts or agreements with the United States Government or any agency thereof, the State of Connecticut or any agency or political subdivision thereof, any person, or any other body politic or corporate.

Section 503. Appointments and term.

A. The First Selectman-Town Manager shall appoint and may remove, each such action with the approval of a majority of the entire Board of Selectmen, and in accordance with such provisions of the General Statutes as may apply to the appointments and removals, such administrative officers as are assigned to the First Selectman-Town Manager for appointment by the several provisions of this Charter, and such other assistants or employees as may be required pursuant to the performance of the Town Manager's duties, subject to such rules and regulations concerning town employees as may be adopted by the Board of Selectmen pursuant to the provisions of Chapter IX of this Charter.

B. The terms of all administrative officers not specifically listed in Section 704 hereof shall terminate on the same day as the term of the First Selectman-Town Manager, provided such appointees shall continue to serve until their successors are appointed and qualified. The First Selectman-Town Manager may, subject to the approval of the

Board of Selectmen, perform the duties of any office under the ~~First Selectman~~ Town Manager's jurisdiction; provided, however, that the ~~First Selectman~~ Town Manager is, in the opinion of the Board of Selectmen, otherwise qualified to perform such duties.

C. In case of disability or temporary absence of the Town Manager or vacancy in the office of the Town Manager, the Board of Selectmen may designate an acting Town Manager, except the Town Manager may designate an acting Town Manager for temporary absences not to exceed fifteen (15) days consistent with policies established by the Board of Selectmen

Chapter VI Appointed Boards and Commissions

Section 601. General.

All members of appointed boards and commissions shall serve without compensation, except for the reimbursement of necessary expenses as outlined by the Board of Selectmen or as otherwise provided by law and shall serve until their successors have been appointed and qualified. Such boards and commissions shall have the powers conferred by law and by the provisions of this Charter upon their respective offices.

(a) Regular boards. There shall be the following permanent town boards and commissions appointed by the Board of Selectmen with the exception of the Design Review Board which shall be appointed by the Zoning Commission:

- (1) ~~Culture,~~ Parks and Recreation Commission;
- (2) Conservation Commission-Inland Wetlands and Watercourses Agency;
- (3) Housing Authority;
- (4) Aging and Disability Commission;
- ~~(5) Human Relations Commission;~~
- ~~(56) Economic Development Commission;~~ Economic Development Commission;
- ~~(7)(65) Historic District Commission;~~
- ~~(8)(76) Water Pollution Control Authority;~~
- ~~(9)(87) Public Building Committee;~~
- ~~(10)(98) Building Code Board of Appeals;~~
- ~~(11)(109) Board of Ethics;~~

(1210) Police Commission;

(1321) Open Space Committee;

(1432) Design Review Board; and

(143) Culture Commission.

(b) Permanent boards and commissions created by Town Meeting pursuant to Section 409 of this Charter. Members of such boards and commissions shall be appointed by the Board of Selectmen.

(c) Permanent or Special boards and commissions. Permanent or Special boards and commissions may be appointed from time to time by the Board of Selectmen in accordance with Section 403 of this Charter.

Section 602. Appointment and eligibility.

All members of such town boards and commissions as are described in Section 601 of this chapter shall be appointed in accordance with the provisions of Section 203 and 301(b) of this Charter. Except as provided in Section 6172, the Board of Selectmen shall appoint, by an affirmative vote of not fewer than four (4) members of the Board of Selectmen, such regular town boards and commissions as are described in Section 601 of this chapter by resolution adopted at a meeting to be held not later than the fifteenth day of January following the first regular ~~town-municipal~~ election held under the provisions of this Charter. No person shall be eligible for appointment to any regular town board or commission, except the Building Code Board of Appeals, who is not at the time of his or her appointment an Elector of the town and any person ceasing to be an Elector of the town, shall thereupon forfeit his or her membership on the board or commission. All persons appointed to boards, commissions and agencies created under Section 403 of this charter or by action of the Special Town Meeting pursuant to Section 409 of this Charter shall ~~be according to initial-serve~~ staggered terms as defined by the Board of Selectmen.

Section 603. Vacancies - appointive boards and commissions.

Any vacancy on any appointive town board or commission, from whatever cause arising, shall be filled by appointment by the appointing authority to such office for the unexpired portion of the term vacated. Any such vacancy shall be filled by the appointment of a member of the same political party as the person vacating the office in the event the person was affiliated with a political party.

Section 604. ~~Culture,~~ Parks and Recreation Commission.

The Board of Selectmen shall appoint, in accordance with the provisions of Section 602 of this chapter, a ~~Culture,~~ Parks and Recreation Commission consisting of nine (9) members, the members to serve for terms of four (4) years. The Board of Selectmen shall appoint members of the Commission depending on the number of members whose terms expire. The Commission shall have all the powers and duties, not inconsistent with this Charter, as are now or may hereafter be conferred or imposed upon such commissions and on Town Forest Commissions by the applicable provisions of the General Statutes and such other duties as may be prescribed by the Board of Selectmen.

Section 605. Conservation Commission-Inland Wetlands and Watercourses Agency.

The Board of Selectmen shall appoint, in accordance with the provisions of Section 602 of this chapter, a Conservation Commission-Inland Wetlands and Watercourses Agency consisting of seven (7) members and two (2) alternates. The members shall serve for terms of four (4) years. The Board of Selectmen shall appoint members to the Agency depending on the number of members whose terms expire. Alternates shall serve for a term of four (4) years. The Commission shall have all the powers and duties, not inconsistent with this Charter, as are now or may hereafter be conferred or imposed upon such Commissions and on Town Forest Commissions by Sections 7-131, 7-131a, 22a-42 and 22a-42a of the General Statutes.

Section 606. Housing Authority.

The Housing Authority existing on the effective date of this Charter is hereby designated the Housing Authority of the town under this Charter. The Authority shall consist of five (5) members, who shall serve for terms of five (5) years. The Board of Selectmen shall appoint a successor to each such member, such successor to serve for a term of five (5) years. The Authority shall have all the powers and duties now or hereafter conferred or imposed upon such authorities by Chapter 128 of the General Statutes.

Section 607. Aging and Disability Commission.

The Board of Selectmen shall establish in accordance with the provisions of Section 602 of this chapter an Aging and Disability Commission. The Board of Selectmen shall by ordinance determine the

number of members on the Commission and their terms of office which shall not exceed four (4) years. The Commission shall be responsible for investigating the needs of the citizens of the Town of Simsbury in the areas of aging and the disabled and shall assist public and private agencies in the implementation of programs and facilities for such needs. The Commission shall have such other powers and duties not inconsistent with this Charter as may be prescribed by the Board of Selectmen.

~~Section 608. Human Relations Commission.~~

~~The Board of Selectmen shall appoint, in accordance with the provisions of Section 602 of this chapter, a Human Relations Commission consisting of three (3) members, whose members to serve for terms of four (4) years. Biennially the Selectmen shall appoint three (3) members to such Commission. The Commission shall be responsible for advising and assisting in the elimination of all discrimination against any individual or individuals because race, color, religious creed, age, sex, disability, national origin or ancestry. In pursuing these goals, the Commission shall have the duty to foster mutual understanding and respect, to encourage equality of treatment, to develop a community wide program of education, to investigate and mediate complaints and seek compliance with federal, state and other governmental laws and regulations, and to assist public and private agencies in the implementation of these goals and programs upon the request of such agencies or any person or persons. The Commission shall have such other powers and duties, not inconsistent with this Charter, as may be prescribed by the Board of Selectmen.³~~

Section 6098608. Historic District Commission.

The Historic District Commission existing on the effective date of this Charter is hereby designated the Historic District Commission of the Town under this Charter. The Commission shall consist of five (5) regular and three (3) alternate members, who shall serve for terms of five (5) years, and who shall hold no salaried municipal office. The Board of Selectmen shall appoint all members and alternates to the Commission, whose terms shall be so arranged that the term of at least one (1) member shall expire each year, and their successors shall be appointed in like manner for terms of five (5) years. The Historic

² Elimination of the Human Relations Commission approved at the November 5, 2015 Charter Revision Commission Meeting.

District Commission shall work to perpetuate and preserve the historic features of Simsbury and to promote the educational, cultural, economic, and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places associated with the history of or indicative of a period of style of architecture of Simsbury, of Connecticut, or of the nation. The Commission shall have all the powers and duties now or hereafter conferred or imposed upon such commissions by Chapter 97a, Section 7-147a-k of the Connecticut General Statutes, ~~Section 7-147a-k~~.

Section 609. Economic Development Commission ~~(replace existing text with the following)~~

The Board of Selectmen shall create, by ordinance, an Economic Development Commission which shall have the membership, terms, duties and responsibilities, not inconsistent with this Charter or state law, as determined by such ordinance.

~~Section 61009. Economic Development Commission.~~

~~The Board of Selectmen shall appoint, in accordance with the provisions of Section 602 of this chapter, an Economic Development Commission consisting of nine (9) members, who shall serve for term of five (5) years. The Board of Selectmen shall appoint members to such Commission depending on the member or members whose terms then expire. The Commission shall have all the powers and duties, not inconsistent with this Charter, as are now or may hereafter be conferred or imposed upon such commissions by Section 7-136 of the General Statutes and such other duties as may be prescribed by the Board of Selectmen.~~^{9 (March 23, 2016)}

Section 61109610. Water Pollution Control Authority.

The Board of Selectmen shall appoint, in accordance with the provisions of Section 602 of this charter, a Water Pollution Control authority consisting of seven (7) members, who shall serve for terms of four (4) years. The Board of Selectmen shall appoint members to the Authority depending on the number of members whose terms expire. The Authority shall have all the powers and duties, not inconsistent with this Charter as are now or may hereafter be conferred or imposed upon such authorities by Chapter 103 of the General Statutes and such other duties as may be prescribed by the Board of Selectmen.

Section 61210611. Public Building Committee.

The Board of Selectmen shall appoint, in accordance with the provisions of Section 602 of this chapter, a Public Building Committee consisting of nine (9) members, who shall serve for terms of four (4) years. The Board of Selectmen shall appoint Members to the Committee depending on the number of Members whose terms expire. The Committee shall have all the powers and duties with regard to all public buildings, not inconsistent with this Charter, as are now or may hereafter be conferred or imposed upon such Committee by the General Statutes or by the Board of Selectmen, including but not limited to responsibilities related to school buildings whether or not ~~included~~ described in Section 10-291 of the General Statutes.

Section ~~613~~121. Building Code Board of Appeals.

The Board of Selectmen shall appoint, in accordance with the provisions of Section 602 of this chapter and Section 29-266 of the General Statutes, a Building Code Board of Appeals consisting of five (5) members and two (2) alternates. The members shall serve for terms of five (5) years. The alternates shall serve for a two-year term. Annually, thereafter, the Selectmen shall appoint members and alternates to the Building Code Board of Appeals depending on the number of members or alternates whose term expires. The Board shall have all the powers and duties not inconsistent with this Charter, as are now or may hereafter be conferred or imposed upon such boards by Chapter 541 of the General Statutes.

Section ~~614~~132. Board of Ethics.

The Board of Selectmen shall appoint, in accordance with Section 602 of this chapter and Section 7-148h of the General Statutes, a Board of Ethics consisting of six (6) members, two (2) of whom shall be registered Republicans, two (2) of whom shall be registered Democrats and two (2) of whom shall be unaffiliated voters. The members of the Board shall serve for four (4) year terms. The Selectmen shall appoint members to the Board depending on the number of members whose terms expire. However, the members so appointed shall be of the same political affiliation as the member or members whose term expires. The Board shall have all the powers and duties, not inconsistent with this Charter, as are now or hereafter confirmed or imposed upon such Board by Section 7-148h of the General Statutes or by the Board of Selectmen.

Section ~~615~~143. Police Commission.

(a) Membership and term. The Board of Selectmen shall appoint, in accordance with the provisions of Section 602 of this chapter and Chapter 104 of the General Statutes, a Police Commission consisting of five (5) members, who shall serve for terms of four (4) years, Not more than two of the members may be members of the same political party or the same political registration. The Board of Selectmen shall appoint members to the Commission depending on the number of members whose terms then expire.

(b) Citizen matters. The Police Commission shall be responsible for the investigation of citizen complaints against members of the Police Department in accordance with procedures established and published by the Police Commission. The Police Commission shall be responsible for maintaining good relations between the Police Department and the Simsbury community.

(c) Other powers and duties. The Commission shall be responsible for establishing Police Department policies and shall also have all of the powers and duties, not inconsistent with this Charter, as are now or may hereafter be conferred or imposed upon such Commission by ~~Chapter 104, Section 7-276~~ of the General Statutes, including, but not limited to, preparation of a proposed budget for the Police Department to be submitted to the Board of Selectmen, and such other duties as may be imposed by the Board of Selectmen.

(d) Personnel matters. The Police Commission shall be responsible for personnel matters within the Police Department, including but not limited to, the appointment and removal, after receiving and considering comments from the Chief of Police and subject to such rules and regulations concerning Town employees as may be adopted by the Board of Selectmen pursuant to the provisions of Chapter IX of this Charter, of all other officers and employees of the Police Department (including an animal control officer whose appointment shall be subject to the approval of the ~~First Selectman~~ **Town Manager** and whose powers and duties shall be as provided in Chapter 435 of the General Statutes).

(e) Collective bargaining matters. Police union contract negotiations shall be conducted pursuant to procedures mutually agreed to by the Board of Selectmen and by the Police Commission; provided that final authority for the approval of any union contract or collective bargaining agreement shall be vested in the Board of Selectmen.

(f) Chairperson. The Police Commission shall annually (at its first meeting in each calendar year) elect from its members a Chairperson and a Clerk. The Chairperson shall serve as the Police Commission's liaison to the Police Chief and to the Board of Selectmen.

Section 61-6154. Open Space Committee.

The Board of Selectmen shall appoint, in accordance with the provisions of Section 602 of this Charter, an Open Space Committee to assist and advise the Board of Selectmen in identifying and evaluating land deemed suitable for acquisition and preservation, and in administering the fund for land acquisition and preservation. The Committee shall consist of the First Selectman or First Selectwoman, Chair of the Planning Commission, Chair of the Conservation Commission, Chair of the Zoning Commission, Chair of the Culture, Parks and Recreation Commission³, or their designees, and ~~one~~ three (3) other members⁶ to be appointed by the Board of Selectmen. The Committee shall have such other powers and duties not inconsistent with this Charter as may be prescribed by the Board of Selectmen. The Committee shall establish rules of procedure for the conduct of its business.

Section 617164. Design Review Board

The Zoning Commission shall appoint a Design Review Board which shall consist of six (6) regular members and up to four (4) alternate members. The qualifications of the members shall be determined by the Zoning Commission. The duties of the Design Review Board shall be to (1) advise the Zoning Commission via reports on each application for non-residential development, and (2) to advise the Planning Commission on best land use planning practices in the Planning Commission's work in adopting or updating the Simsbury Plan of Conservation and Development.

Section 615617. Culture Commission.

The Board of Selectmen shall appoint, in accordance with the provisions of Section 602 of this chapter, a Culture Commission consisting of not less than five (5) ~~nine (9)~~ members, the members to serve for terms of four (4) years. The Board of Selectmen shall appoint members of the Commission depending on the number of members whose terms expire. The Commission shall have all the powers and duties, not inconsistent with this Charter, as are now or may hereafter be conferred or imposed upon such commissions by the applicable provisions of the General Statutes and such other duties as may be prescribed by the Board of Selectmen.

Section 61718. Regional and interlocal agencies.

The town shall continue to participate in such regional and interlocal agencies and programs as authorized by ordinances adopted pursuant to the applicable provisions of the General Statutes, as

³Approved by the Charter Revision Commission, October 29, 2015

authority of the town by action of the Board of Selectmen, to continue or discontinue such participation or join new, regional programs, as authorized by the General Statutes.

Chapter VII. Administrative Officers and Departments

Section 701. Departments and officers.

(a) The Board of Selectmen may create or eliminate such administrative offices and departments as it from time to time may deem appropriate and necessary for the best interests of the Town, except as provided by law; and

(b) Subject to the provisions of Section 701(a), there shall be the following administrative officers for the town: Town Clerk;

Director of Finance-Treasurer; Tax Collector; Assessor; Director of Civil Preparedness; Welfare Officer; Director of ~~Culture~~, Parks and Recreation; Director of Community Planning and Development/Town Planner; Conservation, Inland Wetlands and Zoning Compliance Officer, Director of Public Works; Building Official; Town Engineer; Town Attorney; Chief of Police; and Social Services Director.

Section 702. Appointment and eligibility.

Administrative officers and department heads shall be appointed in the manner hereinafter provided. Appointees of the ~~First Selectman~~ Town Manager shall be appointed and may be removed in accordance with the provisions of Section 503 of this Charter. No administrative officer or department head shall serve as a voting member on any regular town board or commission during his or her term of office and any such officer or department head elected to public office in the town shall, upon such election, forfeit the position to which he or she had been appointed.

Section 703. Vacancies - administrative offices.

Any vacancy in any appointive administrative office, from whatever cause arising, shall be filled by the appointing authority to such office. Persons appointed to fill vacancies in any administrative offices shall serve for the unexpired portion of the term vacated if

such office has a fixed term, or shall serve for an indefinite term in the event no fixed term is provided for such office.

Section 704. Town Officers.

The ~~First Selectman~~ **Town Manager** shall appoint and may remove, each such action to be taken with the approval of the Board of Selectmen, the following town officers, each of whom shall serve for an indefinite term (unless otherwise established by this Section 704): (a) Town Clerk, (b) Director of Finance-Treasurer, (c) Director of ~~Culture, Parks and Recreation~~, (d) Director of Civil Preparedness, (e) Director of Public Works, (f) Building Official, (g) Town Engineer, (h) Director of Community Planning and Development/Town Planner, (i) Conservation, Inland Wetlands and Zoning Compliance Officer, (i) Tax Collector, (k) Tax Assessor and (l) Social Services Director. Each officer shall have all the powers and duties, not inconsistent with this Charter, conferred or imposed on such officer by the General Statutes and such other powers and duties as are prescribed in this Charter, and as may be prescribed by the Board of Selectmen, and such duties and qualifications as may be prescribed in the position description prepared and approved by the Board of Selectmen. Each such officer may appoint all deputies, assistants or employees in such office, and may remove, subject to the approval of the ~~First Selectman~~ **Town Manager** and to such rules and regulations concerning town employees as may be adopted by the Board of Selectmen pursuant to provisions of Chapter IX of this Charter. The following additional provisions shall apply to these officers.

- (1) Town Clerk. The Town Clerk and the deputies and assistants of the Town Clerk shall receive a salary fixed by the Board of Selectmen, and all fees collected by the Town Clerk shall be paid into the town treasury.
- (2) Director of Finance-Treasurer. Prior to appointing or removing the Director of Finance-Treasurer, the **Town Manager** shall also consult with and obtain the approval of the Board of Finance. The Director of Finance-Treasurer shall be the chief fiscal officer, shall serve on a full-time basis, shall be the Town Treasurer and shall coordinate the administration of the financial affairs of the town.
- (3) Director of ~~Culture, Parks and Recreation~~. Prior to appointing or removing the Director of ~~Culture, Parks and Recreation~~, the ~~First Selectman~~ **Town Manager** shall also consult with and obtain the approval of the ~~Culture, Parks and Recreation~~ Commission. The Director of ~~Culture, Parks and Recreation~~ shall serve on a full-time basis and shall be in charge of the administration of

the ~~Culture, Parks and Recreation Commission~~ program in the town.

- (4) Director of Civil Preparedness. The appointment and removal of the Director of Civil Preparedness shall be in accordance with the provisions of Section 28-7 of the General Statutes. The Director of Civil Preparedness shall serve for a term of two (2) years.
- (5) Director of Public Works. The Director of Public Works shall serve for an indefinite term. The Director of Public Works shall be the administrative head of the Public Works Department and as such shall be responsible for the efficiency, discipline and good conduct of the public works operation of the town. He or she shall have supervision and control of the maintenance of all town-owned property and structures, except those under the control of the Board of Education and, if required by the Board of Selectmen, the ~~Culture, Parks and Recreation Commission~~. Upon the request of the Chair of the Board of Education, the Director of Public Works may supervise and direct the exterior maintenance of school buildings and grounds but only to the extent and for the period requested by the Board of Education and approved by the Board of Selectmen, provided that the costs of such maintenance are charged against the Board of Education appropriations. The Director of Public Works shall serve as Tree Warden.
- (6) Building Official. The Building Official shall serve for a term of four (4) years. Quadrennially, thereafter, the ~~First Selectman~~ **Town Manager** shall appoint a Building Official as provided above.
- (7) Town Engineer. Prior to appointing or removing the Town Engineer, as provided above, the ~~First Selectman~~ **Town Manager** shall also consult with the Public Works Director.

Section 705. Welfare Officer.

The ~~First Selectman~~ **Town Manager** shall serve as the Welfare Officer for the town and as such shall be in charge of the administration of all welfare activities of the town. The Welfare Officer shall have all the powers and duties, not inconsistent with this Charter, conferred or imposed by the General Statutes, on ~~Town First Selectmen~~ **Town Manager** the town with regard to poor and dependent persons and such other powers and duties as may be prescribed by the Board of Selectmen.

Section 706. Town Attorney.

The Board of Selectmen shall appoint not later than thirty (30) days after the commencement of its term of office, and may remove, a Town Attorney or firm of attorneys to represent the town who shall serve for a term of two (2) years. The Town Attorney shall be an attorney at law admitted to practice law in this state. Except as otherwise provided by law, the Town Attorney shall appear for and protect the rights of the town in all actions, suits or proceedings brought by or against it or any of its departments, offices, agencies, boards or commissions or board or commission members acting in their official capacity as defined by law, shall be the legal advisor of the Board of Selectmen, First Selectman or First Selectwoman and all town administrative officers, boards and commissions in all matters affecting the town. ~~and shall u~~ Upon written request from the Board of Selectmen, the First Selectman, Town Manager, administrative officer, or any board or commission of the Town ~~the Town Attorney shall furnish a written opinion on any question of law involving their respective powers and duties within thirty (30) days after receipt of such request from the Board of Selectmen, the First Selectman, Town Manager, administrative officer, or any board or commission of the Town, within thirty (30) days after receipt of such request.~~ on any question of law involving their respective powers and duties. Upon request the Town Attorney shall prepare or approve forms of contracts or other instruments to which the town is a party or in which it has an interest. The Town Attorney shall have power, with the approval of the Board of Selectmen, to appeal from orders, decisions and judgments, and subject to the approval of said Selectmen, to compromise or settle any claims by or against the town. If, in special circumstances or for investigation under Section 408 410 of this Charter, the Board of Selectmen deems it advisable, it, by resolution, may provide for the temporary employment of counsel other than or in addition to the Town Attorney.

Section 707. Police Department.

(a) Chief. The Police Commission and the Town Manager shall jointly recommend to the Board of Selectmen who shall appoint and may remove, in accordance with the provisions of Section 7-278 of the General Statutes, a Chief of Police who shall serve for an indefinite term or such other term as the Board of Selectmen shall determine. The Chief of Police shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, regulation of traffic, protection of the rights of persons and property and enforcement of the laws of the state, and the ordinances of the town and all the rules and regulations in accordance therewith. The Chief of Police shall assign all members of the Police Department to their respective posts, shifts, details and duties. The Chief of Police

shall, subject to the approval of the Police Commission, make rules and regulations concerning the operation of the Department and the conduct of all officers and employees thereof in accordance with policies as established by the Police Commission. The Chief of Police shall be responsible for the efficiency, discipline, and good conduct of the Department and for the care and custody of all property used by the Department. Disobedience to the lawful orders, rules and regulations of the Chief of Police shall be grounds for dismissal or for other appropriate disciplinary action. Should the Board of Selectmen determine that the Chief of Police should serve for a definite term, at the end of said term a vacancy in the office shall exist and if the incumbent is not reappointed neither the Board of Selectmen nor the Town shall have any obligations to the former Chief of Police whose term has expired except as may be set forth in an employment contract which may have been previously entered into.

(b) Members. All members of the Police Department, except clerical and other personnel without law enforcement responsibilities, shall have the same powers and duties with respect to the service of criminal process and enforcement of criminal laws as are vested in police officers by the General Statutes.

Chapter VIII Finance and Taxation

Section 801. Fiscal Year.

The fiscal year of the town shall begin on the first day of July and shall end on the thirtieth day of June.

Section 802. Budget preparation.

The Town Manager shall require each department, office and agency of the town supported wholly or in part by town funds, or for which a specific town appropriation is made, including the Board of Education, to set forth, in narrative or in such other form as the ~~First~~ Town Manager may prescribe, a program or programs showing services, activities and work accomplished during the current fiscal year and to be accomplished during the ensuing fiscal year.

Section 803. Capital Improvement Program Preparation.

(a) In addition to the budget, the Town Manager shall present to the Board of Selectmen a plan of proposed capital projects ("CIP") for the ensuing fiscal year and for the five (5) fiscal years thereafter. Estimates of the costs of such projects shall be submitted by each department, office and agency annually by February fifteenth in the

form and manner prescribed by the Town Manager. The Board of Selectmen shall then recommend to the Board of Finance those projects to be undertaken during the ensuing fiscal year and the method of financing same.

(b) Only those projects which appear on the previous year's CIP for the ensuing year may be considered for approval. Notwithstanding the foregoing, upon an affirmative vote by no fewer than four (4) members of the Board of Selectmen projects other than those published in the CIP for the ensuing year may be considered for approval and included in the adopted budget if the need to fund the project is determined to be in the best interest of the Town.

Section 804. Department estimates.

The head of each department, office or agency of the town as described in Section 802 of this chapter, except the Board of Education, shall, not later than the thirty-first day of January in each year, file with the Director of Finance on forms prescribed and provided by the Town Manager a detailed estimate of the expenditures to be made by such department, office or agency and the revenues, other than tax revenue, to be collected thereby in the ensuing fiscal year and such other information as may be required by the Board of Selectmen or the Town Manager.

Section 805. Duties of the Director of Finance on the budget.

The Director of Finance shall compile departmental estimates for the annual budget. Not later than the first day of March in each year the Director of Finance shall, under the direction of the Town Manager, present to the Board of Selectmen the completed budget of all boards, offices and agencies, except the Board of Education, compiled in the manner set forth in Section 807 of this chapter.

Section 806. Duties of the Board of Education on the budget.

Not later than the fifteenth day of March of each year, the Board of Education shall present its budget, compiled in the manner set forth in Section 807 of this chapter, to the Director of Finance, the Board of Finance and the Board of Selectmen.

Section 807. Duties of the Board of Selectmen on the budget.

Not later than the thirty-first day of March in each year the Board of Selectmen shall present to the Board of Finance a budget for all

departments, offices or agencies of the town except the Board of Education consisting of: (a) a budget message outlining the financial policy of the town government and describing in connection therewith the important features of the budget plan indicating any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, and containing a clear general summary of its contents; (b) estimates of revenue, presenting in parallel columns the itemized receipts collected in the last completed fiscal year prior to the time of preparing the estimates, total receipts estimated to be collected during the current fiscal year, estimates of the receipts, other than from the property tax, to be collected in the ensuing fiscal year, and an estimate of available surplus; (c) itemized estimates of expenditures, presenting in parallel columns the actual expenditures for each department, office, agency or activity for the last completed fiscal year and for the current fiscal year prior to the time of preparing the estimates, total expenditures as estimated for the current fiscal year, appropriations as proposed by the Board of Selectmen for all items for the ensuing fiscal year, provided that the Selectmen may offer recommendations but may not make any adjustments in the budget submitted by the Board of Education for the ensuing fiscal year, and such other information as may be required by the Board of Finance. The ~~First Selectman~~ Town Manager shall present reasons for all such proposals and recommendations. In addition to the budget, the ~~First Selectman~~ Town Manager shall present to the Board of Selectmen a Capital Improvement Plan which conforms to the requirements of Section 803 of this Charter. Pursuant to Section 803, the Board of Selectmen shall then recommend to the Board of Finance those projects to be undertaken during the ensuing fiscal year and the method of financing the same.

Section 808. Duties of the Board of Finance on the Budget.¹

The Board of Finance shall hold one (1) or more public hearings the first of which shall be held not later than the tenth day of April in each year at which time any Elector or taxpayer shall have an opportunity to be heard regarding appropriations for the ensuing fiscal year. Following receipt of the revenue and expenditure estimates for the ensuing fiscal year, the Board of Finance shall cause sufficient copies of the estimates to be made available for general distribution in the office of the Town Clerk and posted on the Town website the same day as the date of the filing with the Town Clerk. ~~and~~ At least five (5) days prior to the first of the aforementioned hearings, the Board of Finance shall cause to be

published, in a newspaper having substantial circulation in the town, a notice of such public hearing. ~~and a~~ Such notice of public hearing shall reference the summary of proposed budget estimates showing anticipated revenues by major sources, and proposed expenditures by function or departments, ~~in the form as prescribed by Conn. Gen. Stat. section 7-344⁴~~ and shall also show the amount to be raised by taxation, as available on file with the Town Clerk and as posted on the Town Website. The Board of Finance shall, by resolution adopted by an affirmative vote of at least four (4) members after holding the final such public hearing, and no more than ten (10) days after such final public hearing approve a budget and file the same with the Town Clerk for submission to the ~~Automatic Referendum~~ automatic referendum. The budget, as approved by the Board of Finance, shall be published at least five (5) days prior to the ~~Automatic Referendum~~ automatic referendum on such budget ~~in the same manner and according to the same form as prescribed in Section 807 for purposes of publication prior to the Board of Finance's public hearing on the budget.~~ The resolution of the Board of Finance approving the budget may provide for appropriations by department or function, and such appropriations need not be in greater detail than to indicate the total appropriation for each department or function. Should the Board of Finance fail to approve a budget no more than ten (10) days after such final public hearing, the budget as transmitted by the Board of Selectmen in accordance with the provisions of Section 807 of this chapter and the Board of Education in accordance with the provisions of Section 806 of this chapter shall be deemed to have been finally approved by the Board of Finance and the same shall be filed with the Town Clerk for submission to the ~~Automatic~~ automatic Referendum referendum. For the purposes of Chapters 108 and 111 of the General Statutes, the Board of Finance shall be deemed to be the budget-making authority and shall have all the powers and duties contained in Chapter 108 for the creation of a Reserve Fund for Capital and Nonrecurring Expenditures, and shall have the power to select the independent public accountant as provided in Chapter 111.

The Board of Finance shall supervise and maintain the town pension and other post-employment benefit funds in accordance with rules and regulations contained in agreements between the ~~Town~~ town employees and the Town of Simsbury and or the Board of Education regarding pension and other post-employment benefits. The Board of Finance ~~acting as a prudent fiduciary~~, shall, after consultation with the Board of Education and the Board of Selectmen, ensure the pension

⁴ Changes approved at the October 15, 2015 Special Meeting and December 3, 2015 Regular Meeting of the Charter Revision Commission.

funds are prudently invested and shall also supervise and maintain the Retiree Benefit Fund established pursuant to the town code of ordinances and designate the annual contribution to be made to insure said Pension-pension and Post-post employment funds. The investment and management of the assets of any such fund shall be in compliance with the prudent investor rule as set forth in Conn. Gen. Stat. ~~sections~~ Sections 45a-541 to 45a-541l inclusive of the General Statutes.⁵

Section 809. Duties of the Board of Finance on other financial matters.

~~— In addition to the duties prescribed in Sections 704(a), 808, 811 and 814 of this chapter, the Board of Finance shall have the power, by resolution and only upon the recommendation of a majority of the entire Board of Selectmen, to make the following appropriations:~~

~~(a) Any appropriation supplemental to those provided in the annual budget which is for a project or program which has been or is expected to be funded wholly or in part by state or federal grants, provided any appropriations pursuant to this subsection may not exceed in any fiscal year a cumulative total of one percent (1%) of the annual budget;~~

~~(b) Any appropriation supplemental to those provided in the annual budget which is for a real estate purchase, whether or not an appropriation for such purchase may also be made pursuant to Subsection (a), provided any appropriations pursuant to this subsection may not exceed in any fiscal year a cumulative total of one percent (1%) of the annual budget;~~

~~(c) Any appropriation supplemental to those provided in the annual budget which is for a purpose other than a real estate purchase, whether or not an appropriation for such purpose may also be made pursuant to Subsection (a), provided any appropriations pursuant to this subsection may not exceed in any fiscal year a cumulative total of one percent (1%) of the annual budget.~~

~~— Except as set forth in Section 810, the combined total appropriations supplemental to the annual budget which may be made by the Board of Finance without authorization by referendum is therefore three percent (3%) of the annual budget for the then current fiscal year. The Board of Selectmen shall have the power, by resolution, upon recommendation of the Board of Finance to incur indebtedness, the term of which shall not exceed one (1) year, for any specific purpose in order to finance so much of the supplemental appropriations as are not available from other funds. The Board of Finance shall also have such~~

⁵ (Change approved by the Simsbury Charter Revision Commission, February 18, 2016).

~~other powers and duties not inconsistent with this Charter, conferred or imposed by the General Statutes on Town Boards of Finance.~~

Section 809. Duties of the Board of Finance on other financial matters.

The Board of Finance shall have the power, by resolution and only upon the recommendation of a majority of the entire Board of Selectmen, to make any appropriation supplemental to those provided in the annual budget for the then current fiscal year. Except as set forth in Section 810, any individual appropriation for any purpose made equal to or greater than two percent (2%) of the annual budget for the then current fiscal year is subject to automatic referendum pursuant to Section 406 of this Charter. Any individual appropriation for any purpose less than two percent (2%) of the annual budget for the then current fiscal year may be made upon approval of the Board of Selectmen and the Board of Finance. Supplemental appropriations as described in this section not approved at referendum may not exceed in any fiscal year a cumulative total of three percent (3%) of the annual budget for the then current fiscal year.

The Board of Selectmen shall have the power, by resolution, upon recommendation of the Board of Finance to incur indebtedness, the term of which shall not exceed one (1) year, for any specific purpose in order to finance so much of the supplemental appropriations as are not available from other funds. The Board of Finance shall also have such other powers and duties not inconsistent with this Charter, conferred or imposed by the General Statutes on Town Boards of Finance.⁸

Section 810. Emergency appropriations.

For the purpose of meeting a public emergency threatening the lives, health or property of citizens, emergency appropriations, the total amount of which shall not exceed fifty percent (50%) of the undesignated fund balance for the then current fiscal year, may be made upon the recommendation of at least four (4) members of the Board of Selectmen and by an affirmative vote of not fewer than four (4) members of the Board of Finance. In the absence of sufficient general fund resources to meet such appropriations, additional means of financing shall be provided in such manner, consistent with the provisions of the General Statutes and of this Charter, as may be determined by the Board of Finance.

Section 811. Tax bills.

It shall be the duty of the Tax Collector to mail or send by other means as provided by the General Statutes to each taxpayer a tax bill prepared in accordance with the provisions of Sections 12-130 and 12-131 of the General Statutes. Except as otherwise specifically provided in this Charter, the assessment of property for taxation and the collection of taxes shall be carried on in accordance with the provisions of Chapters 203 and 204 of the General Statutes.

Section 812. Expenditures and accounting.

(a) No purchase to be satisfied with the town funds shall be made by any department, board, commission or officer of the town including the Board of Education, except through procedures established by the Director of Finance. The Director of Finance shall cause the amount authorized for purchases and contracts for future purchases to be recorded as encumbrances against the appropriations from which they are to be paid.

(b) No voucher, claim or charge against the town shall be paid until the same has been audited by the Director of Finance and approved by ~~him~~ him or her for correctness and validity. Payment of all approved claims against Board of Education accounts shall be authorized by the Superintendent of Schools, or his or her agent, which authorization shall be valid when countersigned by the Director of Finance acting as the Treasurer. Payment of all approved claims against all other town accounts shall be authorized by the ~~First Selectman~~ **Town Manager** which authorization shall be valid when countersigned by the Director of Finance acting as the Treasurer, provided, in the absence or inability to act of the ~~First Selectman~~ **Town Manager**, the ~~Deputy First Selectman~~ **Town Manager** shall appoint a substitute temporarily for the ~~First Selectman~~ **Town Manager**.

(c) The Director of Finance shall prescribe the time at which and the manner in which persons receiving money on behalf of the town shall pay the same to ~~him~~ him or her in his ~~or her~~ her capacity as Town Treasurer.

(d) No expenditure and no commitment to make an expenditure shall be made, caused to be made, or authorized by any officer, agent or agency of the town, or by any board or commission of the town unless an appropriation shall have been made covering such expenditure or commitment in accordance with the provisions of this Charter.

(e) Each order drawn upon the Director of Finance shall state the department, commission, board or officer and the appropriation against which it is to be charged.

(f) Upon the request of the Board of Selectmen during the last six (6) months of the fiscal year, the Board of Finance may, by resolution, transfer any unencumbered appropriation, balance or portion thereof from one (1) department, commission, board or office

to another; provided, however, that this provision shall not apply to the Board of Education. No transfer shall be made from any appropriations for debt service and other statutory charges.

(g) Appropriations for construction or for other permanent improvements, from whatever source derived, shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided any such project shall be deemed to have been abandoned if three (3) fiscal years shall elapse without any expenditure from or encumbrances of the appropriations therefor. Any portion of an annual appropriation remaining unexpended and unencumbered at the close of the fiscal year shall lapse.

(h) Every payment made in violation of the provisions of this Charter shall be deemed illegal, and every official willfully authorizing or making such payment or taking part therein shall be jointly and severally liable to the town for the full amount so paid or received.

(i) The Board of Selectmen may adopt, by resolution, such rules and regulations concerning expenditures, and bidding procedures, not inconsistent with the provisions of this section, as it may from time to time deem necessary and appropriate.

Section 813. Borrowing.

The town shall have the power to incur indebtedness by issuing its bonds or notes as provided by the General Statutes subject to the limitations thereof and the provisions of this Charter. The issuance of bonds and notes, except tax anticipation notes, shall be authorized by resolution of the Board of Selectmen in accordance with the provisions of Chapter IV of this Charter. The issuance of notes, the term of which does not exceed one (1) year, may be authorized by the Board of Selectmen upon recommendation of the Board of Finance in accordance with Section 809 of this Charter.

Chapter IX Town Employees

Section 901. General.

The Board of Selectmen, during its first term of office under the provisions of this Charter, shall adopt an ordinance providing for the establishment of position descriptions for all town employees except employees of the Board of Education. Such ordinance shall include personnel guidelines, job specifications, salary programs and such other provisions as the Selectmen may deem to be appropriate and necessary.

Section 902. Position description.

Following the action of the Board of Selectmen pursuant to Section 901 of this chapter, the ~~First Selectman~~ **Town Manager** shall cause to have prepared a statement of the duties and responsibilities of each position in the town service and of the minimum qualifications for appointment to such position. The statement so prepared shall become effective upon the approval by resolution of the Board of Selectmen and may be amended, upon recommendation of the ~~First Selectman~~ **Town Manager**, by resolution of the Board. New or additional positions may be created and changes in the duties and responsibilities of existing positions may be made by resolution of the Board of Selectmen upon the recommendation of the ~~First Selectman~~ **Town Manager**. A pay plan for all positions in the town service shall be similarly prepared and adopted and may be amended by resolution of the Board of Selectmen. The ~~First Selectman~~ **Town Manager** shall also cause to have prepared a set of personnel rules which shall provide, among other things, for the method of holding competitive examinations, probationary periods of employment, hours of work, vacations, sick leaves and other leaves of absence, removals and such other rules as may be necessary to provide an adequate and systematic procedure for the administration of the personnel affairs of the town. Such rules and any amendments thereto shall become effective upon being approved by resolution of the Board of Selectmen and filed by the ~~First Selectman~~ **Town Manager** with the Town Clerk. Copies of such rules and any amendments thereto shall be distributed to all town employees.

Section 903. Salaries.

The salaries, wages, or other compensation of all officers and all employees of the town, and such employees of the Board of Education as are recommended by said Board shall be determined by the Board of Selectmen, in conformity with a systematic pay plan for the positions involved as prepared and recommended by the ~~First Selectman~~ **Town Manager**, except as otherwise provided by law. The salaries, or other compensation of all elected officials of the town shall, except as otherwise provided by law, be determined by the Board of Selectmen in

accordance with the provisions of this Charter. For the purposes of Section 7-468(b) of the General Statutes, the ~~First Selectman~~ Town Manager shall have the sole authority to recognize the exclusive bargaining agent for any unit of town employees.

Section 904. Official bonds.

All officers and employees as may be required to do so by the Board of Selectmen shall, before entering on their respective official duties, execute to the town, in the form prescribed by the Selectmen and approved by the Town Attorney, and file with the Town Clerk, a surety company bond in a penal sum to be fixed by the Board of Selectmen, conditioned upon the honest and/or the faithful performance of such official duties. Nothing herein shall be construed to prevent the Board of Selectmen, if it deems it to be in the best interests of the town, from prescribing a name schedule bond, a schedule position bond or blanket bond, or from prescribing which departments, officers, agencies, boards or commissions shall be covered by a specific type of the aforementioned bonds. Premiums for such bonds shall be paid by the town.

Section 905. Retirement of town employees.

The provisions of the pension plan for town employees in force on the effective date of this Charter shall remain in full force and effect until such time as said plan is amended, by ordinance.

Chapter X Transition and Miscellaneous Provisions

Section 1001. Transfer of powers.

Effective as of the first Monday of December, 2017, all commissions, boards, departments or offices existing prior to the adoption of this Charter are abolished or superseded by this Charter as the case may be. The powers which are conferred, the duties which are imposed upon and the terms of office established for any commission, board, department or office under the General Statutes, or any ordinance or regulation, in force at the time this Charter shall take effect, if such commission, board, department or office is abolished by this Charter or superseded by the creation herein of a new term of office for any commission, board or office to which are granted similar powers and jurisdiction, shall be thereafter exercised and discharged by the commission, board, department or office upon which are imposed corresponding or like functions, powers and duties under the

provisions of this Charter. Commissions, boards, departments or offices existing prior to the adoption date of this Charter whether elective or appointive shall continue in the performance of their duties until the first Monday of December, 2017 or until provisions shall have been made for the discontinuance of such commissions, boards, departments or offices and the performance of their duties by other commissions, boards, departments or offices created under this charter and until the Town Clerk shall have notified the members of such commissions, boards, departments or offices as are abolished by this Charter that their successors have qualified.

Section 1002. Present employees to retain positions.

All employees of the town on the effective date of this Charter, whose positions are not abolished by the provisions of this Charter, shall retain such positions pending action by the Board of Selectmen or the appropriate officer charged by this Charter with powers of appointment and removal. Any provision of law in force at the time this Charter shall take effect, and not inconsistent with the provisions of this Charter, in relation to personnel, appointments, ranks, grades, tenure of office, promotions, removals, pension and retirement rights, civil rights, or any other rights or privileges of employees of the town or any office, department or agency thereof, shall continue to be in effect, until or unless amended or repealed in accordance with the provisions of this Charter.

Section 1003. Conflicts of interest.

It is hereby declared to be the policy of the town that any elected or appointed officer, any member of any board or commission, or any employee of the town who has a financial interest direct or indirect, in any contract, transaction or decision of any officer or agent of the town or any board or commission, shall disclose that interest to the Board of Selectmen which shall record such disclosure upon the official record of its meetings. Such disclosure of a financial interest, direct or indirect, in any contract, transaction or decision of any officer or agent of the town or of any board or commission shall disqualify such elected or appointed official or such member of a board or commission or such town employee from participation in the awarding, assignment or discussion of said contract, transaction or decision. Violation by any such official, board or commission member or employee of the provisions of this section shall be grounds for his or her removal.

Section 1004. Transfer of records and property.

All records, property, and equipment whatsoever of any commission, board, department or office or part thereof, all the powers and duties of which are assigned to any other commission, board, department or office by this Charter, shall be transferred and delivered intact forthwith to the commission, board, department or office to which such powers and duties are so assigned. If part of the powers and duties of any commission, board, department or office are by this Charter assigned to another commission, board, department, or office, all records, property and equipment relating exclusively thereto shall be transferred and delivered intact forthwith to the commission, board, department or office to which such powers and duties are so assigned.

Section 1005. Continuation of appropriations and town funds.

All appropriations approved and in force, and all funds, including special or reserve funds in the name of the town, at the time of the adoption of this Charter, shall remain in full force and effect unless and until the same shall be amended, transferred or abolished by the Board of Finance under the provisions of this Charter.

Section 1006. Legal proceedings.

No action or proceeding, civil or criminal, pending on the effective date of this Charter brought by or against the town or any commission, board, department or office thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any commission, board, department or officer which shall have been a party thereto may, by or under this Charter, be assigned or transferred to another commission, board, department or the officer to which such functions, powers and duties have been assigned or transferred by or under this Charter.

Section 1007. Existing laws and ordinances.

All general laws of the State of Connecticut applicable to the town and all ordinances of the town shall continue in full force and effect, except insofar as they are inconsistent with the provisions of this Charter. The provisions of all Special Acts of the General Assembly relating to the Town of Simsbury not inconsistent with the provisions of this Charter are hereby retained.

Section 1008. Review and amendment of Charter.

The Board of Selectmen shall review the several provisions of this Charter from time to time as it deems such review to be in the best interest of the town, but not less often than once every seven (7) years from the effective date of this Charter, such review to be published as part of the annual town report. The amendment of this Charter may be initiated (a) by a two-thirds vote of the entire Board of Selectmen or (b) by a petition signed by not less than ten percent (10%) of the Electors of the town, as determined by the last completed registry list of the town, such initiation in either instance to result in the appointment by the Board of Selectmen of a Charter Revision Commission, which shall consider any proposed amendments to the existing Charter. Such proposed amendments shall not become effective until and unless they shall have been approved by a majority of the town Electors voting thereon at a regular election or, if approved at a special election, by a majority equal to at least fifteen percent (15%) of the Electors of the town as determined by the last completed registry list of the town. The provisions of Chapter 99 of the General Statutes as may now or hereafter apply to the manner of amending the Charter shall prevail in the event of any conflict with the provisions of this section of the Charter.

Section 1009. Saving clause.

If any section or part of any section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which the section or part thereof so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of the section to which such ruling shall directly apply.

Section 1010. Usage.

(a) When the context so requires, the masculine gender shall include the feminine, and the singular shall include the plural, and the plural the singular; and

(b) Unless otherwise indicated, all references to the Connecticut General Statutes in this Charter are to the provisions of the General Statutes in effect on the date of the adoption of this Charter. However, in the event that those provisions in effect on the date of the adoption of this Charter are subsequently amended, revised, and/or recodified by the Connecticut State Legislature, all references to such provisions shall be deemed to be to the provision as subsequently amended, revised and/or recodified. The sections of the Connecticut

General Statutes referred to in this Charter shall be abbreviated as C.G.S. Sections of the statutes shall be designated "§" for the singular and "§§" for the plural.

Section 1011. Effective date.

Except as set forth in Section 1001, this Charter, as revised, shall become effective on the first Monday of December, 2017~~January 1, 201~~, if approved by a majority of the Town Electors voting hereon at a regular or a special election as determined by the Board of Selectmen and in accordance with the provisions of Chapter 99 of the General Statutes.

**TOWN OF SIMSBURY: PUBLIC INFORMATION BROCHURE ON
PROPOSED REVISED CHARTER (2016)**

TOWN OF SIMSBURY

PUBLIC INFORMATION BROCHURE

CHARTER REVISION COMMISSION

PROPOSED REVISED SIMSBURY TOWN CHARTER

REFERENDUM DATE: TUESDAY, NOVEMBER 8, 2016

September 12, 2016

**TOWN OF SIMSBURY
PUBLIC INFORMATION BROCHURE
PROPOSED REVISED CHARTER**

Dear Simsbury Resident:

This brochure provides background information about the Proposed Revised Charter. The Proposed Revised Charter is under consideration for a public referendum on November 8, 2016. The ballot questions at the referendum will appear as follows:

a. Shall the Charter be amended to change the form of government from First Selectman/Board of Selectmen to the Town Manager form of government to take effect December 4, 2017?

YES _____ NO _____

b. Shall the Charter be amended to make certain amendments to the Economic Development Commission to take effect December 4, 2017?

YES _____ NO _____

c. Shall the Charter be amended to eliminate the Human Relations Commission to take effect December 4, 2017?

YES _____ NO _____

d. Shall the Charter be amended to expand the membership of the Open Space Committee to take effect December 4, 2017?

YES _____ NO _____

e. Shall the Charter be amended to make technical changes to the Town Budget and appropriations process to take effect December 4, 2017?

YES _____ NO _____

f. Shall the Charter be amended to use gender neutral language throughout the Town Charter to take effect December 4, 2017?

YES _____

NO _____

The following proposed changes to the Simsbury Town Charter have been recommended by the Simsbury Charter Revision Commission and approved by the Board of Selectmen. The proposed changes in the Town Charter are not final unless approved by Simsbury voters at referendum.

1. **Form of Government – Town Manager:**

Based on the testimony it received, other input from the public and its own considerable deliberations, the Commission recommended, by a vote of 7-4, that a change to the Simsbury form of government to a Town Manager-Board of Selectmen be made.

2. **Changes to the Provisions Governing the Economic Development Commission:**

The Commission voted to revise the Charter to require the Board of Selectmen to create an Economic Development Commission by ordinance and further to provide the Board of Selectmen with the authority to set, by ordinance, its membership, terms, duties and responsibilities.

3. **Elimination of the Human Relations Commission:**

Based on the testimony it received from Town Staff, the lack of activity on the Human Relations Commission for years, and the difficulty finding volunteers to serve on the Commission, the Charter Revision Commission voted to eliminate the Human Relations Commission. The Charter Revision Commission also took note of the availability of state remedies for alleged violations of the state's equal rights laws.

4. **Open Space Committee Expansion of Membership:**

The Commission recommended that the Open Space Committee be expanded to include three public members.

5. **Town Budget and Appropriations Process: Sections 808 and 809:**

The Commission recommended changes to the Town budget and appropriations process outlined in Charter Sections 808 and 809 to reflect the recommendations of the Finance Director and Bond Counsel. The changes made to Section 808 allow cost savings in the publication requirements for the annual town budget and provide clarification of budget preparation deadlines. The changes recommended by the Bond Counsel clarify the appropriations process outlined in Section 809.

6. **Gender Neutral Language for Town Public Offices:**

The Commission recommends that the Town Charter should be revised to incorporate gender neutral language for public offices.

A complete copy of the Proposed Revised Charter, including a black-lined version outlining each proposed revision, and of the Final Report of the Charter Revision Commission are available in the Simsbury Town Clerk's office during regular business hours and can be reviewed on the Town of Simsbury's website at www.town.simsbury.ct.us. The Town Clerk will mail or otherwise provide a copy upon request.

**THIS PUBLIC INFORMATION BROCHURE WAS APPROVED
BY THE BOARD OF SELECTMEN TO PROVIDE A GENERAL
OVERVIEW OF THE CHARTER REVISION COMMISSION'S
PROPOSED REVISED TOWN CHARTER**

TOWN OF SIMSBURY: GUIDE TO TOWN MANAGER-BOARD OF SELECTMEN FORM OF GOVERNMENT

Guide to Town Manager-Board of Selectmen Form of Government



Town of Simsbury Charter Revision Process

- Section 1008 of the Town Charter provides that the “Board of Selectmen shall review the...Charter from time to time as it deems such review to be in the best interest of the Town”
- In June of 2015, the Board of Selectmen adopted its charge to the Charter Revision Commission, which included a review of the Town’s form of government
- The Commission held its first meeting on August 31, 2015 and met at least twice monthly thereafter; the Commission held two public hearings, interviewed town staff and board chairs, and heard testimony from external parties; the Commission’s final report was filed with the Town Clerk and delivered to the Board of Selectmen in August of 2016

Town of Simsbury Charter Revision Process

- The following changes to the Town Charter were recommended by the Charter Revision Commission and approved by the Board of Selectmen:
 - Change the form of government to a Town Manager-Board of Selectmen form
 - Eliminate the Human Relations Commission
 - Make amendments to the Economic Development Commission
 - Expand the Open Space Committee to include additional public members
 - Clarify changes to the Town budget and appropriations process
 - Use gender neutral language in the Charter for public offices
- In November of 2016 Simsbury's residents approved all six changes
- For more information and to view the Charter Revision Commission's final report, visit the following link: <https://www.simsbury-ct.gov/charter-revisioncommission>

What are the roles and responsibilities under each form of government?

	TOWN MANAGER	FIRST SELECTPERSON	BOARD OF SELECTPERSONS
First Selectman-Board of Selectmen Form	N/A	<ul style="list-style-type: none"> • Elected as the chief executive official • Elected as the chief legislative official 	<ul style="list-style-type: none"> • Serves as the legislative body of the town
Town Manager-Board of Selectmen Form	<ul style="list-style-type: none"> • Appointed as the chief executive official • Supervises town departments 	<ul style="list-style-type: none"> • Elected as the chief legislative official 	<ul style="list-style-type: none"> • Serves as the legislative body of the town • Appoints and oversees the performance of the Town Manager

What are the budgetary and staffing impacts of the change to a Town Manager/Board of Selectmen form of government?

- The Director of Administrative Services position will no longer be included in the town budget or organizational structure.
- The Town Manager will receive a full-time salary. This figure has not yet been determined, but a range of \$140,000-\$160,000 has been budgeted on a pro-rated basis for FY 2018.
- The First Selectperson will no longer receive a full-time salary; he or she will receive a stipend to offset the costs associated with fulfilling the duties of the position. This figure has not yet been determined, but \$10,000 has been budgeted on a pro-rated basis for FY 2018.

When does the new form of government take effect?

- This change will take effect on December 4, 2017.
- The current Board of Selectmen is serving as the Executive Search Committee for the recruitment of the town's first town manager.
- Following the municipal elections in November, the Board of Selectmen plans to expand the Search Committee to include any newly elected members. The Committee will conduct final interviews with the Town Manager candidates and may negotiate terms and conditions of employment.
- The final appointment and employment agreement must be ratified by the new Board of Selectmen in December.

TOWN OF GROTON: FINAL REPORT OF THE 2016 GROTON CHARTER REVISION COMMISSION

Final Report of the 2016 Groton 2016 Charter Revision Commission
November 2017

Appointing Resolutions

By resolution 2015-0298 on May 3, 2016 the Town Council of the Town of Groton established a Charter Revision Commission “whose membership shall consist of 11 electors of the Town, not more than one-third of whom may hold any public office in the Town, and not more than a bare majority of whom shall be members of any one political party, and that such Commission shall make its report including any proposed revision of or amendments to the existing Charter to the Town Council not later than 16 months from the date of this resolution.”

By resolution 2016-0135 on May 16, 2016 the Town Council set the date for the Charter Revision Commission to make its report to the Town Council to be not later than September 2, 2017 and appointed the following persons, effective immediately, to the Charter Revision Commission:

Scott Aument
Kathy Chase
Jane Dauphinais
Robert Frink
Patrice Granatosky
Dee Hauber
Rosanne Kotowski
Brandon Marley
Daniel Mello
Darcy Peruzzotti
Jennifer Lobrin White

The Town Council further provided lists of Charter Revision items they wanted the Commission to consider. Those lists are provided as **Attachment 1** and the CRC gave due consideration to the items on those lists.

The members of the Charter Revision Commission wish to thank the Town Clerk, Betsy Moukawsher and assistant Nathan Caron for their untiring assistance throughout this process. We would also like to thank all the citizens who spoke at our Public Hearings, Citizens Petitions and sent us written communications for their thoughtful input.

Executive Summary

The Commission first met on May 23, 2016. At this inaugural meeting, Dee Hauber was elected Chairman of the Commission, and Scott Aument was elected Secretary of the Commission. The diverse membership of the Commission consisted of two former Mayors of the Town, a former Town Councilor, 4 former members of the RTM and 4 members with no prior experience in Town Government.

The Commission held thirty-one meetings, approximately two each month including two public hearings, one on June 6, 2016 and one on August 21, 2017. Meetings were noticed in advance, open to the public and included a period for citizen comments. The minutes of all the meetings and Public Hearings are available on the Town Web site. This is the link; <http://www.groton-ct.gov/meetings/minutes.asp?mt=68>. Cindy Landry, Groton Director of Finance, attended the June 25, 2016 meeting and provided the members with detailed background and answered questions on Groton's budget process and items regarding Town financial management.

Mark Oefinger, Town Manager, attended the September 12, 2016 meeting and provided his overview of Town Government, suggestions for the Charter Revision and answered many questions.

Ms Mary Ann Jacob, the Chair of the Town of Newtown Legislative Council addressed the Commission at its May 22, 2017 meeting by telephone and discussed and answered questions regarding their budget referendum process.

The Commission held its second Public Hearing on August 21, 2017 and subsequent to that submitted its Draft Report to the Town Council in accordance with the September 2, 2017 deadline. The Town Council held a Public Hearing on the proposed Charter revisions on October 3, 2017, discussed its recommendations at the October 10, 2017 Committee of the Whole meeting and voted on those recommendations at the October 17, 2017 Town Council meeting. The Commission then held meetings October 23 and 30 and November 2, 6, 13 and 15 to resolve the Town Council recommendations which also included comments from the Town Attorney. **Attachment 2** lists the Town Council's recommendations that were favorably voted on, the Commissions resolutions are indicated for each one. Resources referenced include the Office of Policy and Management (OPM); the Sacred Heart University publication, "Financial Performance in Connecticut's Municipalities: A Comparison of Manager, Mayor-Council and Selectman Forms of Government"; Office of Legislative Research (OLR); Connecticut School Finance Project, District Reference Groups; City of San Luis Obispo, CA, "Integrating Goal-Setting into the Budget Process"; Government Finance Officers Association

The recommendations resulted from 97 motions that were made and voted on by the members. The list of motions is included as **Attachment 3**.

Finally when revising the Charter with the recommendations, the red-line method was used throughout except for Chapter IX, Budget and Finance, which was extensively re-written. The marked-up Charter is included as **Attachment 4**.

Highlights- Groton Charter Revision Commission Recommendations

The Charter Revision Commission is recommending the changes to Groton's Charter as indicated on **Attachment 4**. The list below contains the more significant changes and is not all-inclusive.

1. That the RTM be eliminated on approval of the revised Charter. This was voted on at the Feb 13, 2017 meeting and it passed 7-2-0. Although the subject of the RTM came up many times, the pertinent RTM discussions and debate were held at the following meetings;

- Sept 12, 2016 – Town Manager Mark Oefinger provided his input and thoughts.
- Sept 26, 2016 – The CRC conducted a straw poll on government structure.
- Oct 3, 2016, Dec 10 and Dec 19, 2016 General discussions and debate
- Jan 9, Jan 23 and Feb 13, 2017 General discussions and debate
- Oct 23, 2017 – Resolution of Town Council comments

2. That a 7 person Board of Finance be implemented. This was also voted on at the meeting on Feb 13, 2017. It passed 7-2-0 The pertinent Board of Finance discussions and debates were held at the following meetings;

- Oct 3, Nov 11, Dec 5 and Dec 19, 2016
- Jan 9, Jan 23 and Feb 13, 2017
- June 19, 2017 – vote to make the BOF 7 members
- Oct 23, 2017 – Resolution of Town Council comments
- Nov 6, 2017 – Resolution of Town Council comments

In response to Town Council comments the interim 7 BOF members will be appointed by voting district. The election of 7 BOF members will be by voting district.

3. That the annual budget development process shall be revised to include the following additional elements; Board of Finance, Community input, Budget Guidance from the Town Council and an Annual Budget Referendum. The initial vote on this item was at the March 27, 2017 meeting and passed 6-2-0 and was on the overall budget process leaving the question of an Annual Budget Referendum to a future vote. The flow chart depicting the overall budget process is included as Attachment 5. The specific Charter language for the annual budget development process was discussed, debated and voted on at the following meetings; March 27, April 10, April 24, May 8, May 22, June 19, July 10, July 17 and July 24 2017. In response to Town Council / Town Attorney comments the Commission also discussed this item at the October 30 and November 2, 2017 meetings. During these meetings the term 'Budget Workshops' was replaced with 'Community input' and the Budget development no-later-than dates were adjusted.

The initial vote on the Annual Budget Referendum was at the March 27, 2017 meeting and it passed 6-2-0.

The vote was for a referendum with no conditions; no minimum voter turn-out; no "trigger"; and no limit to the number of referendums. Those elements were discussed, debated and passed by individual votes at the May 22 and June 5, 2017 meetings. Those votes approved the following recommendations;

- That the Annual Budget Referendum shall be bifurcated,
- That the Town and BOE budgets shall be voted on separately;
- That there be no requirement for a minimum voter turnout; and
- That there be no limit to the number of referendums, ie., keep voting until the budgets are approved.
- There will be advisory questions as to the budget being too high or too low.
- That if there is no approved budget by June 30, previous year's budget is adopted until a new budget is approved.

The Commission made one change to the last bullet above during its meeting on Nov 13, 2017. That was that if there is no approved budget by June 30, the Town Council will use its April 30 approved budget as an interim budget for the next year until a final budget is adopted by referendum.

4. Recommended changes related to the Town Council. The meeting dates of the votes are indicated for each item. Discussion and debate on these votes occurred during the meetings in September through November of 2017.

- That the Town Council term of office shall be 4 year staggered – June 19, 2017.
- That the Town Council can change Town Attorneys any time by majority vote – June 19, 2017.
- That new Town Councils are seated the first Tuesday after election – June 19, 2017
- That Town and Board of Education employees are not allowed to serve on Town Council – Sept 17, 2016.
- That the number of affirmative votes needed to remove the Town Manager is reduced from 7 to 6. – Feb 3, 2017.
- That Town Council members shall be limited to 3 consecutive terms – June 19, 2017.
- That the Town Council shall issue an Annual Report of the Town (not the Town Manager) – June 19, 2017.
- On elimination of the RTM the CGS minority representation rules shall apply to the Town Council – Feb 13, 2017. (Note this is a change to the charter that is required by the CGS that results from the recommendation to eliminate the RTM).

The Commission made the following changes to the bullets above during its meetings discussing its responses to Town Council comments in October and November 2017.

- To the 1st bullet; that the Town Council term will not be staggered.
- To the 4th bullet; That CGS will be followed in regard to Town and Board of Education employees serving on the Town Council and Board of Education.
- To the 6th bullet; that there will be no term limits for Town Council members.
- To the 7th bullet; that the Town Manager, not the Town Council, will issue the Annual Report.

5. That the duties of the Board of Finance shall be to support all fiscal decisions of the Town Council by providing research and data and support to the budget development process as delineated in Chapter IX, including but not limited to the following:

- Develop the schedule for annual budget development and communicate it to the citizens of Groton.
- Support the Community input with fiscal data including a five year financial forecast of spending and revenue.
- Provide input regarding the form of the Board of Education and Subdivision budgets
- Provide critical analysis and visibility to the Town's public financial reports. All of these items were voted on June 19, 2017. The pertinent discussion and debate on the Board of Finance occurred on Oct 3, Nov 11, Dec 5 and Dec 19, 2016 and Jan 9, Jan 23 and Feb 13, 2017. In response to Town Council / Town Attorney comments the Commission also discussed this item at the October 30 and November 2, 2017 meetings. During these the term 'Budget Workshops' was replaced with 'Community input'.

6. Other Recommendations

- That the Town shall have an Ethics Commission and that the requirement for an Ethics Policy is eliminated – July 10, 2017.
- That the dollar limit for emergency appropriations is raised from \$75,000 to \$100,000 per occurrence and that the limit of one emergency appropriation per year is eliminated – July 17, 2017.

To the first bullet; in response to Town Council / Town Attorney comments the Commission deleted the requirement for an Ethics Commission at the November 9, 2017 meeting.

TOWN OF GROTON: CHARTER REVISION COMMISSION-MINORITY REPORT (2016)

August 14, 2017 *(Revised 08/17/2017)*

1

Charter Revision Commission

Minority Report

In 1955, the Town of Groton commissioned “Groton: Its Community Characteristics and Governments, Report of Town Government Committee Study” to examine the structure and function of municipal government. The Committee included members of the League of Women Voters, the Chamber of Commerce, and members of a taxpayer's association among others.

In the 1950s, the Town of Groton had a population of 25,000. The form of government was selectman--board of finance--town meeting. The report of the Committee of Nineteen noted that at the time Groton was, “the second largest town in Connecticut still operating under the general town meeting--board of selectmen--board of finance form of government.” The Committee also noted that with Groton being so large, at 25,000 people, the people's’ “interests would be better served by substituting a relatively small popularly elected legislative body for the town meeting.”

The Committee of Nineteen recognized that with the growth of population “the town meeting ceases to be an effective instrument of democratic control” and that there was the need to adapt to new realities and implement a change to Groton's government structure--an adaptation to reflect our nation’s republic with popularly elected representatives governing. “For a town meeting--board of selectmen--board of finance form of government the organization of Groton is relatively good. This form of government, however, is designed for a small town where the duties of office are simple enough to be performed adequately by part-time officials. But Groton is no longer a small town and as it continues to grow its administration will become more time- consuming and more complex. The management of the Town’s affairs will then require the full- time services of technically trained personnel.” This was in 1955. In 2017, we should not regress to a reliance on non-professionals for financial advice and guidance in the form of a board of finance. The high stakes of our current economy demand non-partisan professionals providing the advice and guidance to elected officials.

Along with the elimination of the board of finance, the Committee of Nineteen also recommended the elimination of the town meeting. When the new form of government was adopted in 1957, a system of checks and balances came into existence. The RTM serving as a check on the Town Council, with the Town Manager providing full-time, non-partisan professional management of town matters. For sixty years, Groton, with a Town Council—RTM—town manager structure, has functioned efficiently and enjoys a hard-earned reputation as being well managed and fiscally responsible. Indeed, neighboring towns are receiving favorable press as they are just starting to implement practices that the Town of Groton has had in place for years (i.e. the fleet reserve fund to be implemented in Stonington as reported in The Day, January 26, 2017). With a population of 40,000 and the Town's revenues over \$100 million, this is not the time, nor is there a need to change the structure of Groton's government.

Keeping the RTM is in the best interest of the *whole* town of Groton. By its very nature, the body is truly representative of every corner of town. Throughout the year, the members live and work with their constituents, driving the same roads, playing at the same parks and visiting the same classrooms with their children. These elected officials are the voice of the people in each of our seven districts. Based on population, and with guaranteed minority party representation, the RTM is the essence of our republic.

Throughout the year, the RTM meets to keep apprised of town matters and in the spring the heavy lifting begins. Each member is charged with reading, questioning, and understanding the entire town budget--town departments, education, subdivisions, debt service, insurance and claims, etc. In addition to the broad scope, each member is assigned to at least one subcommittee, where they serve as an "expert" on several accounts. The job of the subcommittee is to delve into detail with the Town staff, superintendent of schools, or subdivision representative. The depth of understanding can only be achieved by this detailed analysis. Just as you send a representative to Washington, DC to tend to national matters, you send your neighbor to tend to town matters.

The informed decisions made by the RTM represent the people in every neighborhood in town, unlike a budget referendum, where a very small special interest group could form, and drive the

outcome to suit their specialized needs. Every budget will be a political battle and does not need to be. In a report from the Office of Legislative Research (OLR) on Forms of Local Government, it was reported that, “between 1991 and 1997 only one town” changed forms of government. “Berlin--which changed from mayor council to council manager.” (Note that this is a move to become more like Groton’s current system of government, not a regressive move as are the suggested charter changes.) More pertinent to this particular point, the author expressed concerns with the perils of “a small but well-organized group having disproportionate influence.” In fact, a speaker during the Commission’s citizen’s petitions recounted his experience with just such a small PAC.

As to the partisan composition of the RTM, it was noted in a 2005 article in The Day that, “Historically, Republicans have held the majority on the RTM.” In addition, over the past several decades, the moderator’s post and subcommittee chairs have been fairly equitably split. Not only does the RTM guarantee representation, including minority representation, for each district in the Town, the leadership roles have not stagnated and adapt to the changing political climate, all the while maintaining much needed stability in government processes.

Towns of our size, by measure of population and budget, do not have boards of finance and budget referendums. The classification system used by the Connecticut State Department of Education, District Reference Groups (DRGs), uses factors such as income, education, and poverty to classify municipalities using letter codes A through I. Groton is in DRG G which is mid- size to large towns, suburbs, slightly lower income, rate of low-income students above DRG F, and the 3rd highest in single parent households. (For comparison purposes, the highest DRG is I for big cities like New Haven; with Stonington, a DRG C--mid-size suburban,3rd highest income and education levels.) Only four municipalities in our DRG have referendum--East Windsor, Killingly, Naugatuck and Windsor Locks. Please note that Glastonbury, which was used as a touchstone for comparisons throughout the Commission’s meetings is a DRG B--smaller rural and suburban, low poverty levels, high incomes, above average in education attainment and percent of management professionals.

At the public hearing, five people asked for the elimination of the RTM. Twenty asked for a

budget referendum. Out of 17,000 registered voters.

The argument has been made that the general public is just as informed on fiscal matters as the RTM. Statistics on Town budget website hits and sale of budget books say otherwise. As an example, for the FYE 2015 budget, the total number of downloads/viewings as reported by the Town IT department was 42 clicks and 37 unique visitors. The Town Clerk's office reported no budget books sold during that time. For comparison, as stated earlier, each of the 41 RTM members reads the budget book, then attends hours of meetings in subcommittee, followed by hours of whole RTM meetings reviewing each account in great detail, prior to any vote on any budget account.

Elections are not cheap. According to the Registrars of Voters, a municipal election in Groton costs \$22,590. A referendum in all seven districts costs \$21,740; and a referendum in only one location costs \$14,890. In an OLR document, it was stated that between 1997-2002, voters rejected budgets 236 times in 51 towns and 12 school districts. A sampling of the municipalities with rejected budgets shows that the dollar amount of change from one vote to the final ranged from \$5,800 to \$28,000. In addition to these monetary concerns, the percent of voter turnout is consistently low in budget referendums, falling below what Groton experiences for municipal elections.

In conclusion, this report outlines opposition to the elimination of the RTM; opposition to the reversion to a board of finance; and opposition to the implementation of the budget referendum. In addition, the terms of office suggested for town council are too lengthy. Term limits will constrain your pool of talent, as will barring municipal employees from serving in elected office.

Service on the Charter Revision Commission has been an honor. It has also been a valuable experience in that it was an exercise in the virtues of current town government. As outlined here, the current charter does not require the revisions suggested by the Commission.

Respectfully submitted,

Patrice Granatosky

Darcy Peruzzotti

All Resources

Cities 101 — Forms of Municipal Government

OCTOBER 21, 2016

 [Fact Sheet](#) [Large: 200K +](#) [Mid-West](#) [Northeast](#) [Mid-Atlantic](#) [South](#) [West](#)

Council-Manager

Characteristics include:

- City council oversees the general administration, makes policy, sets budget
- Council appoints a professional city manager to carry out day-to-day administrative operations
- Often the mayor is chosen from among the council on a rotating basis

This is the most common form of government. According to surveys by the International City/County Management Association (ICMA), this form of government has grown from 48% usage in 1996 to 55% usage in 2006. It is most popular in cities with populations over 10,000, mainly in the Southeast and Pacific coast areas. Some examples are Phoenix, Arizona; Topeka, Kansas; San Antonio, Texas, and Rockville, Maryland.

Mayor-Council

Characteristics include:

- Mayor is elected separately from the council, is often full-time and paid, with significant administrative and budgetary authority
- Depending on the [municipal charter](#), the mayor could have [weak or strong powers](#)
- Council is elected and maintains legislative powers
- Some cities appoint a professional manager who maintains limited administrative authority

Occurring in 34% of cities surveyed by International City/County Management Association (ICMA), this is the second most common form of government. It is found mostly (but not exclusively) in older, larger cities, or in very small cities, and is most popular in the Mid-Atlantic and Midwest. Cities with variations in the mayor-council form of government are New York, New York; Houston, Texas; Salt Lake City, Utah, and Minneapolis, Minnesota.

Commission

Characteristics include:

- Voters elect individual commissioners to a small governing board
- Each commissioner is responsible for one specific aspect, such as fire, police, public works, health,

- The commission has both legislative and executive functions

The commission form of city government is the oldest form of government in the U.S., but exists today in less than 1% of cities. It typically occurs in cities with populations below 100,000, such as Sunrise, Florida and Fairview, Tennessee.

Town Meeting

Characteristics include:

- All voters meet to decide basic policy and elect officials to carry out those policies

Although the town meeting form of government is generally viewed as the purest form of democracy, because it allows all eligible voters a voice in local policy decisions, it is practiced in only 5% of municipalities.

Town meeting government is found in Marblehead, Massachusetts.

Representative Town Meeting

Characteristics include:

- Voters select a large number of citizens to represent them at town meetings, where only they can vote
- Each town meeting must be announced with a warrant that provides the date, time and location of the meeting and specifies the items to be discussed
- The selectmen are responsible for implementing policy

This form of government is found in fewer than 1% of cities, almost exclusively in small, New England municipalities, such as Bowdoin, Maine and Lexington, Massachusetts.

Current Trends

Recent examinations of government structure indicate that these forms of government are less distinct than they once were. This is due, in part, to the common practice of incorporating structural features from other forms into one's current form. This mixing is also attributed to local responses to socioeconomic, demographic, and political changes. The most common mixing occurs across the two most prevalent forms, mayor-council and the council-manager. Among all cities proposing a change to their structure of government, the most common proposal was to add the position of [chief administration officer/city manager](#). This professionalization of government administration also had the highest percentage of voter approval. Among other proposed changes, 50% or more respondents of ICMA's 2006 survey reported voter approval to increase or decrease the number of council members, to modify the method of electing the mayor and to decrease the power or authority of the mayor.

The Form of Government in the Thirty Most Populous Cities

Listed below is the form of government for the thirty most populous cities in the United States, based on the 2010 U.S. Census figures. The forms of government are informed by the member database at the National League of Cities.

Rank	City Name	State	Form Of Government
1	New York	NY	Mayor-Council
2	Los Angeles	CA	Mayor-Council
3	Chicago	IL	Mayor-Council
4	Houston	TX	Mayor-Council
5	Philadelphia	PA	Mayor-Council
6	Phoenix	AZ	Council-Manager
7	San Antonio	TX	Council-Manager
8	San Diego	CA	Mayor-Council
9	Dallas	TX	Council-Manager
10	San Jose	CA	Council-Manager
11	Indianapolis	IN	Mayor-Council
12	Jacksonville	FL	Mayor-Council
13	San Francisco	CA	Mayor-Council
14	Austin	TX	Council-Manager

17	Louisville-Jefferson County	KY	Mayor-Council
18	Charlotte	NC	Council-Manager
19	Detroit	MI	Mayor-Council
20	El Paso	TX	Council-Manager
21	Memphis	TN	Mayor-Council
22	Nashville-Davidson	TN	Mayor-Council
23	Baltimore	MD	Mayor-Council
24	Boston	MA	Mayor-Council
25	Seattle	WA	Mayor-Council
26	Washington	DC	Mayor-Council
27	Denver	CO	Mayor-Council
28	Milwaukee	WI	Mayor-Council
29	Portland	OR	Commission
30	Las Vegas	NV	Council-Manager

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Key Roles in Council-Manager Government



Council-Manager Form of Government



City of Tampa, Florida

THE ROLE OF THE MAYOR OR CHIEF ELECTED OFFICIAL

Typically, the mayor or board chairperson in a council-manager community is a voting member of the governing body who may be either directly elected, as in 69 percent of council-manager communities, or who is selected by and from among their colleagues on the governing body. The mayor or chairperson is the public face of the community who presides at meetings, assigns agenda items to committees, facilitates communication and understanding between elected and appointed officials, and assists the governing body in setting goals and advocating policy decisions.

THE ROLE OF ELECTED OFFICIALS

Under the council-manager form, the elected officials (e.g. the council or board) are the legislative body and the community's policy makers. Power is centralized in this body, which approves the budget and adopts local laws and regulations, for example. The elected officials also focus on the community's big-picture goals, such as community growth and sustainability.

The elected officials hire a professional city, town, or county manager based on that person's education, experience, skills, and abilities and NOT on their political allegiances. The elected officials supervise the manager's performance, and if that person is not responsive and effective in their role, the elected officials have the authority to remove her or him at any time.

For more information, contact

[icma.org/contactus](https://www.icma.org/contactus)

@ICMA ICMAorg

To learn more about professional local government management, visit [icma.org/professional-local-government-management](https://www.icma.org/professional-local-government-management)



City of Cedar Park, Texas

THE MANAGER'S ROLE

The manager is an at-will employee who can be fired by a majority of the elected officials, consistent with local laws or any employment agreements. This person

- Prepares a budget for the governing body's consideration.
- Recruits, hires, supervises, and terminates government staff.
- Serves as the governing body's chief advisor by providing complete and objective information about local operations, discussing options, offering an assessment of the long-term consequences of decisions, and making policy recommendations.
- Carries out the policies established by the governing body.

WHAT ROLE DO RESIDENTS PLAY?

Under council-manager government, local governments often actively engage and involve their residents in community decision making. Residents can guide their community by serving on boards and commissions, participating in visioning and strategic planning sessions, and designing community-oriented local government services.



INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION
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202.962.3680 | 202.962.3500 (f) | [icma.org](https://www.icma.org)

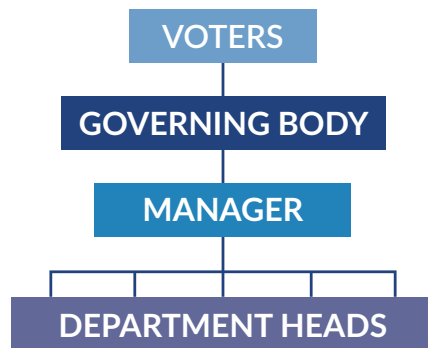
What it is, how it works, and the benefits to your community

What is the council-manager form of government?

The council-manager form is the most popular structure of government in the United States among municipalities with populations of 2,500 or more. It is one of several ways in which U.S. municipalities and counties can organize.

Under this form, residents elect a governing body—including a chief elected official, such as a mayor or board chairperson—to adopt legislation and set policy. The governing body then hires a manager or administrator with broad executive authority to carry out those policies and oversee the local government's day-to-day operations.

The Council-Manager Form



What's so special about the council-manager form of government?

Born out of the U.S. progressive reform movement at the turn of the 20th century, the council-manager form was created to combat corruption and unethical activity within local government by promoting nonpolitical management that is effective, transparent, responsive, and accountable.

The council-manager form of government recognizes the critical role of elected officials as policy makers, who focus on mapping out a collective vision for the community and establishing the policies that govern it. The form also recognizes the need for a highly-qualified individual who is devoted exclusively to the delivery of services to residents.

Think about the structure used by many corporations, in which the board of directors hires an experienced CEO, who is granted broad, executive authority to run the organization. While these boards establish the company's overall policy direction, the CEO oversees implementation of that policy.

What types of communities use the council-manager form of government?

Today more than 120 million people in the U.S. live in municipalities that operate under the council-manager form. Fifty-four percent of the more than 4,300 U.S. municipalities with populations of 10,000 or more use the form, as do 59 percent of the 347 municipalities with populations greater than 100,000. More than 800 counties also employ a similar system.

How can council-manager government benefit my community?

- **Flexibility**—The council-manager form can adapt to local needs and demands. While governing bodies in some council-manager communities are elected at large, for example, others are elected by district or by a combination of an at-large-and-by-district system to respond to local needs.
- **Clearly Defined Roles**—Under the council-manager form, there is a clear distinction between the administrative role of the manager and the political and policy roles of the governing body, lead by the mayor. The day-to-day operations of the local government organization reside with the appointed manager, allowing elected officials to devote their time and energy to policy development and the assessment of the effectiveness of those policies within the community.
- **A Roadmap for Success**—The council-manager form is the system of local government under which professional management is most likely to succeed. Under this system, professional managers can focus on service delivery, policy implementation, and performance management and can align the local government's services with the values, mission, and policy goals defined by the community and elected officials.

How do we know that council-manager government works?

- The Equipt to Innovate Initiative—a framework of seven essential elements that define high-performance government and empower innovation—found in 2017 that top-performing cities in all but one element employed the council-manager form of government. In 2018, the study's overall top performer was also council-manager.

- Two-thirds of Moody's Aaa-bond-rated communities are run by professional local government managers, and many operate under the council-manager form of government.
- An IBM Global Business Services report titled "Smarter, Faster, Cheaper" found that cities that operate under the council-manager form of government are nearly 10 percent more efficient than those that operate under the mayor-council form.
- The National Civic League, America's oldest advocate for community democracy, has endorsed council-manager government through its *Model City Charter* since 1915.
- The majority of communities recognized since 2013 with the National Civic League's coveted All-America City Award have been council-manager.

Does it cost more for a community to adopt the council-manager form and hire a professional manager?

Many local governments have *reduced* their overall costs after hiring a professional manager. Savings can come from decreased operating costs, increased efficiency and productivity, improved revenue collection, and effective use of technology. The economic health of the community may also benefit from the implementation of improved business development and retention strategies.

How can my community adopt the council-manager form of government?

Methods vary from state to state, but most communities can adopt council-manager government through a charter, local ordinance, state enabling law, or by voter referendum. For information on how your community can adopt council-manager government, contact your state municipal league, state and local government association, or association of counties. You can find contact information for these organizations at icma.org/state-localgovassns or ncl.org/state-municipal-leagues.

Once my community adopts council-manager government, how do we hire a professional manager?

The vacancy is often announced in *Leadership Matters*, ICMA's weekly e-newsletter; through the ICMA Job Center at icma.org/job-center; and through state league publications,

and qualified candidates are invited to apply. Elected officials may also hire an executive recruitment firm to assist them with the selection process. Interested parties may apply directly to the governing body or to the recruitment firm, which reviews the applications and interviews qualified candidates. *ICMA makes no recommendations regarding candidates.* Additional information on hiring a professional local government manager is available in ICMA's *Recruitment Guidelines Handbook*. Visit icma.org/documents/recruitment-guidelines to download a copy.

What kind of educational and on-the-job experience do professional local government managers generally have?

Sixty-five percent of managers surveyed by ICMA indicated that they had earned a master's (usually in public administration, business, or public policy), or other advanced degree. Survey respondents also said that they had spent an average of more than 20 years working in the local government management profession.

What is ICMA and why is membership in that organization important?

ICMA, the International City/County Management Association, is the professional and educational "home" for more than 12,000 appointed managers and administrators serving cities, towns, counties, other local governments, and regional entities in 40 countries throughout the world.

In addition to gaining access to valuable resources and lifelong professional development opportunities, appointed local government managers who are members of ICMA are bound by its Code of Ethics, which commits members to a set of ethical standards of honesty and integrity that go beyond those required by the law. This stringently enforced code specifies 12 ethical principles of personal and professional conduct, including dedication to good government. For more information, visit icma.org/ethics.

Finally, through its Voluntary Credentialing Program, ICMA recognizes individual members who are qualified by a combination of education and experience, adherence to high standards of integrity, and an assessed commitment to lifelong learning and professional development. ICMA members who meet these requirements may earn designation as an ICMA Credentialed Manager. For more information on ICMA's Voluntary Credentialing Program, visit icma.org/voluntary-credentialing-program-overview.

June 3, 2019

Board of Selectmen
Town of Southbury
501 Main Street North
Southbury, CT 06488

Dear Members of the Board of Selectmen,

Please find attached the draft report from the 2018-19 Charter Revision Commission. Over the past eight months the Commission has undertaken a detailed review of Southbury's Charter in accordance with the charge presented us by the Board of Selectmen. Our Charter has served the Town well over the years, due in large part to our ability to make regular changes. We recognize that the Charter is a living document, changing and adapting to reflect the current needs of our Town and society at large. We did not take our responsibility lightly and endeavored to make thoughtful changes that would enhance and strengthen the operation of our Town.

Where possible we tried to simplify language within the Charter, without changing the underlying intent. In other areas, we made changes to bring consistency throughout the document. All changes were made in what the Commission considered were the best interests of the Town. A summary of changes is included.

The Commission felt some topics raised were beyond its expertise and scope. We respectfully recommend that the Board of Selectmen take up these issues or appoint committees to investigate and make recommendations.

- **Town Manager** - Changing the Town management structure to incorporate a full-time town manager came up frequently in public comments. While this topic has been examined by previous Charter Revision Commissions, we feel the depth of analysis needed warrants the appointment of a committee dedicated to thoroughly assess the pros and cons and present recommendations. We have compiled the work on this subject by this and previous Charter Revision Commissions and have included it in the materials presented to the Board of Selectmen.
- **Conservation Commission/Management of Open Space/Town Parks** - Concerns about the ongoing management of Town open space and parks were presented to the Commission. The Commission determined that this issue was not a Charter matter but merits attention. The First Selectman and Board of Selectman can best address this issue by examining existing management policies, structure, and enforcement.
- **Volunteer engagement** - Volunteers are the lifeblood for the proper functioning of our Town's Boards, Commissions, and Committees. The need for increased volunteer engagement throughout the Town was noted. The Board of Selectmen should take

steps to ensure a steady and diverse flow of volunteers. This may include distributing information on volunteer opportunities, simplifying the application and appointment process, and increasing involvement of unaffiliated voters, women, minorities, and other under represented groups.

We now turn our work over to you to allow the next steps in the Charter Revision process to continue. We are available to assist as you review our recommendations and determine how they are best presented to the Town. We would welcome the opportunity, if desired, to discuss with the Board our recommendations and the rationales behind them.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "E. H. Gittines", with a long horizontal flourish extending to the right.

Edward H Gittines
Chairman
Charter Revision Commission.

Connecticut Town and City Management Association

**Model Practices
for
Municipal Governments**

~~ CTCMA ~~

Model Practices for Municipal Governments

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Section I

Introduction and Overview

Introduction

To be effective, those in local government service must adequately respond to the many questions and demands raised from citizens, community groups, political leaders, department heads, and employees. It is with this in mind that *MODEL PRACTICES FOR MUNICIPAL GOVERNMENTS* was developed. It is designed to assist both elected and appointed municipal officials with selected key practices in various municipal functional areas. Hopefully, it will serve as a working tool for those who desire to improve service delivery in their municipality, or for those who want to assess the operational standards and management practices of those municipal departments within their political jurisdictions. This booklet also serves as a guide for citizens wishing to learn more about their municipal government.

This “MODEL PRACTICES” handbook begins with a brief description of typical forms of local government found in Connecticut and elsewhere. While it is recognized that each of Connecticut’s 169 towns and cities are unique, the Forms of Municipal Government should be helpful for new officials to review typical municipal structures. The form of government in each community, whether Selectmen-Town Meeting, Mayor-Council, or Council-Manager should also serve as a basic frame of reference when developing a model practices program within your community. (Laws governing local government are contained in the CT General Statutes, Chapter 7).

The main body of the document contains a selected number of “MODEL PRACTICES” for selected municipal functions. These practices are not intended to address every municipal practice or every standard. The selected practice areas were chosen to serve as a starting point for officials who want to evaluate operational standards, public services, and management practices within their own municipality.

For those who want to assess whether or not a department is following one MODEL PRACTICE, it should be kept in mind that not all “MODEL PRACTICES” can always be met within your municipality. This is because Connecticut’s municipal governments vary greatly; similar “MODEL PRACTICES” may simply be employed differently in each of our towns and cities. However, it is believed that minimum standards should be in place for each “MODEL PRACTICE.” In developing the “MODEL PRACTICES” it was decided to list about a dozen standards for each functional area. While there may be more standards within any given department or function, it was felt that these suggested practices set forth reasonable guidelines for local elected and appointed officials.

The “MODEL PRACTICES” booklet also contains a “Model Practices Evaluation Form”. This form is a checklist to keep track of these suggested practices, and to create action plans where these practices are not met or where they are being only partially met. It is designed to help those committed, or assigned with the task to enhancing “MODEL PRACTICE” activity. Once one has committed to adopting these “MODEL PRACTICES,” the assessment process can begin. Follow-up in areas where these model practices are not sufficiently being met should be described in the evaluation form for follow-up action.

Each action plan should be tied to a time-line. This will provide for accountability in each of the “MODEL PRACTICE” areas.

This booklet contains a *Municipal Resource Directory*. Local officials are encouraged to use these organizations as resources. For the most part, these are membership organizations, formed to assist in training and educating local government officials. These organizations provide guidance and valuable information in their respective functional service areas.

Forms of Municipal Government

(listed in alphabetical order)

The following three (3) types of municipal government are most common in the State of Connecticut. The most common forms of municipal government include the following:

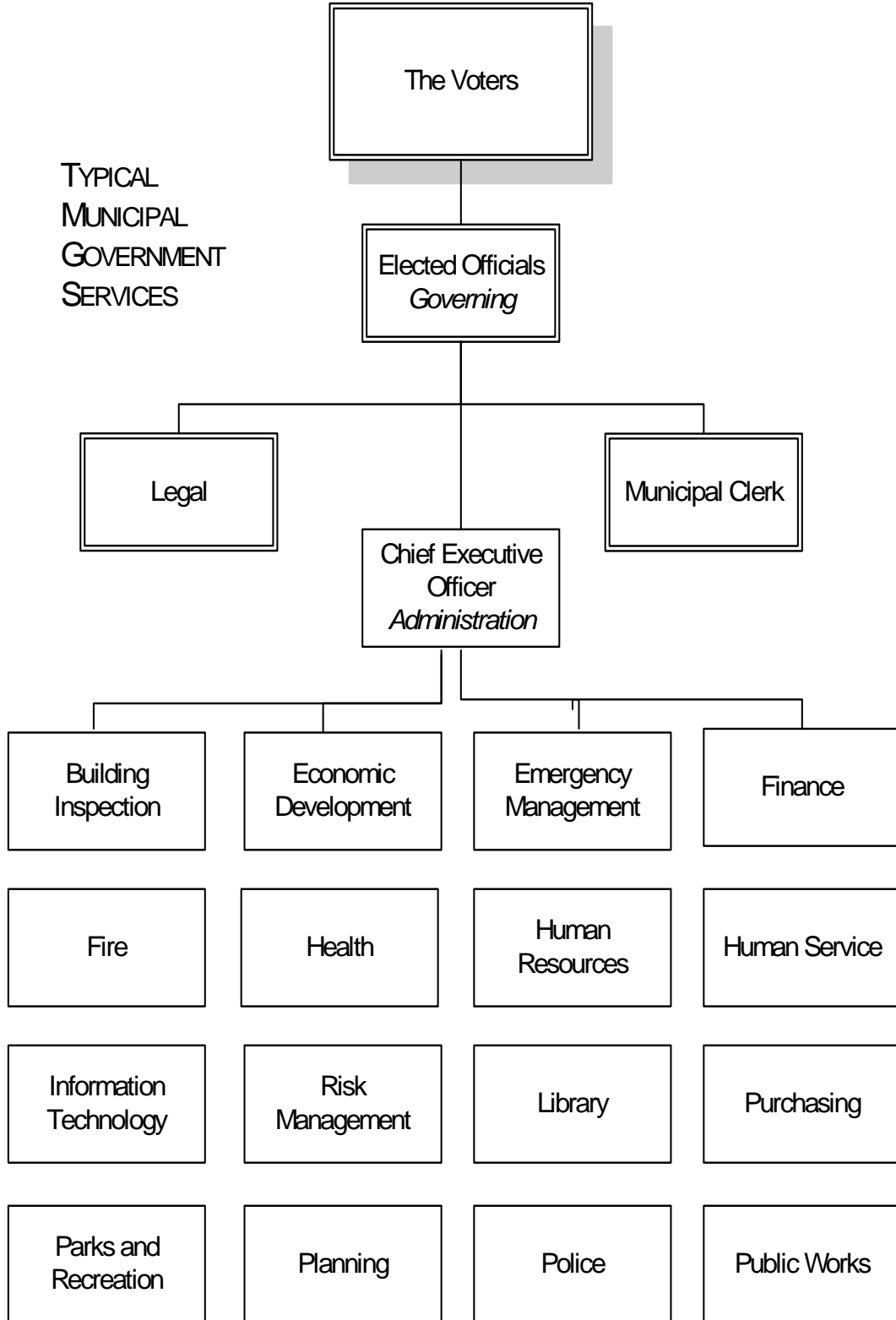
- **Council-Manager Plan** – A municipal chief executive officer, frequently called a town or city manager, is hired by the council to run the day-to-day operations of the municipal government. The town/city manager is hired based on her/his education and experience. All department managers are appointed by, and report to, the municipal manager, who has overall responsibility for all functions within the municipal government. The town/city manager is hired by, carries out the policies of, and serves at the pleasure of the municipal council. This form of municipal governments results in the professional administration of all major functions relating to town/city government. The town/city council serves as the legislative body.
- **First Selectman/Town Meeting Plan** – Under this plan, a Board of Selectmen are directly elected by the voters, and the First Selectman is recognized as the chief elected official of the municipal government. He/she has responsibility to run the day-to-day operations of the municipal government. The first selectman usually has the authority to appoint and remove department managers, and has responsibility for all functions within the municipal government. Those citizens attending the open town meeting serve as the town/city’s legislative body. Selectmen, and a number of elected boards and commission members, have various powers and responsibilities depending upon the municipal charter.
- **Mayor-Council Plan** – Under this plan the mayor is directly elected, and is recognized as the formal head, or chief executive officer, of the municipal government. Depending upon local laws, the powers of the mayor vary greatly from limited administrative duties to authority to appoint department managers. The mayor sometimes has veto power over the policies adopted by the town/city council, which can be overruled by a two-third vote of the town/city council. The Strong-Mayor Plan is a variation of this form of government, whereby the Mayor runs the day-to-day operations of the municipal government. The Mayor, under this form of government, would also have legal responsibility for all of the personnel and purchasing functions of the municipal organizations. The town/city council serves as the legislative body.

Notes:

1 – Many Connecticut towns and cities hold “town meetings” or “representative town meetings” to adopt their annual budget, as well as to conduct other municipal business.

2 – Regardless of a town or city’s form of government, the enclosed model practices for municipal governments should be used when managing the various functions within a municipal organization.

TYPICAL
MUNICIPAL
GOVERNMENT
SERVICES



Section II

Model Practices for Municipal Governments

Governing

Governing – This function is carried out by the elected leaders of a community, which typically involves mayors and council members but, depending upon the form of government, may include first selectmen and selectmen.

1. Have the elected officials defined their mission, set goals, and adopted a strategic plan? Is there community participation in preparing and updating the plan?
2. Are there Rules of Order which set forth procedural requirements, conduct at meetings, administrative rules, and state laws governing the actions of elected officials?
3. Has a Code of Ethics been adopted which covers all municipal and board of education elected officials, appointed officials, and employees?
4. Do the elected officials actively seek to communicate with constituents through the media, website, periodic publications, posting of agenda and minutes, etc?
5. Are active efforts being taken by the elected officials to contribute to the improvement of intergovernmental relations with other neighboring communities and regional governments, as well as the state and federal governments?
6. Do the elected officials review financial statements monthly in order to assure that revenues and expenditures are meeting budget projections? (This responsibility may be shared with a Board of Finance.)
7. Do the elected officials publicly receive all financial audits and audit comments cited in the annual management letter, as well as all other matters brought to their attention by the independent auditors?
8. Have the elected officials established performance measures to judge the organization's effectiveness?
9. Do the elected officials regularly recognize the volunteers who staff the municipality's boards and commissions, fire department, and other agencies, and those who participate in producing town/city celebrations and events?
10. Do the elected officials conduct an annual evaluation of their own key administration officials, as well as review the progress being made towards major municipal programs?

Administration

Administration – The Chief Executive Officer (CEO) may be appointed. The CEO administers the day-to-day affairs of the municipal organization, and also implements new programs and policies approved by the governing body. In small communities, the CEO is sometimes responsible for personnel/human resources, labor relations, handling citizen inquiries, and recommending policies and procedures to the elected officials. The size of the CEO’s staff varies greatly, depending upon the geographic size and population of the community.

1. Does the chief executive officer meet with elected officials to annually determine a mission statement for the community, as well as determine the desired accomplishments for their community’s services (e.g., the respective departments that perform these programs)?
2. Does the CEO of the town or city government prepare annual objectives for respective department managers to achieve? Does the CEO meet periodically with department managers to review their progress towards these objectives? Are these results/achievements reported periodically to the community?
3. Does the head of the municipal government have a policy to handle responses to citizen complaints? Are these citizen complaints responded to in a timely and professional manner?
4. Does the chief executive officer annually evaluate the performance of respective department managers based on these objectives?
5. Does the chief executive officer have the discretion to grant annual salary adjustments to department managers based on their “evaluated” performance towards achieving agreed upon municipal objectives?
6. Is there a procedure in place to annually evaluate and compensate non-union employees (i.e., those employees that do not belong to any recognized bargaining unit)?
7. Is there a file of all legal opinions in one location for future reference (for not only the CEO but for the public and other elected or appointed officials that may inquire about past legal opinions)?
8. Are there joint municipal services, such as purchasing, IT services, and insurance, with the Board of Education or other outside agencies?
9. Does the CEO keep abreast of the latest innovations and productivity trends for those functions performed by the municipal government?
10. Does the CEO periodically meet with department managers to discuss these innovations and productivity trends to ensure that they are appropriately implemented within the municipal organization on an ongoing basis?

Building Inspection

Building Inspection – This function is responsible for the enforcement of building codes that must be followed by property owners, contractors, and developers, when improvements are made to real property. The Chief Building Official (CBO) is usually in charge of this program, with a number of code inspectors (e.g., building, electrical, heating, and plumbing), as required. The Department reviews building plans, approves them, and issues building permits to allow construction. Inspections are also often conducted, and a final Certificate of Occupancy is issued when signed-off by a Building Inspector. These employees are also in charge of other code enforcement practices.

1. Is the Building Official certified and appointed for a four-year term in accordance with Section 29-260(a) of Connecticut state law? Do all inspectors meet the qualifications required by law? (*Sections 29-261(a) and 29-262(a)*)
2. Are building permit applications reviewed within 30 days of receipt? (*Section 29-263(a)*) Are efforts underway to improve the process for review, approval, and inspections? (*e.g. electronic permitting*)
3. Does the Building Official share information with the Fire Marshal and other code enforcement departments and participate in meetings with the development staff and developers to coordinate permit activity among departments e.g. planning, public works, fire, tax assessing, Inland Wetland and Watercourses, etc.?
4. Does the building staff attend annual training in order to stay current with the State Building Code? (*Section 29-262(b)*)
5. Are performance measures being kept of the number and type of inspections per day, category and monthly value of building permits issued, amount of money collected, etc?
6. Is there a program to detect construction that is taking place in violation of the law?
7. Are copies of all Building Permits routinely forwarded to the Assessor so adjustments can be properly and promptly made to assessed valuations of properties that reflect increase on new construction?
8. Are all Building Permit fees collected deposited in a timely manner with the Finance Department?

Economic Development

Economic Development – The employees in this function attempt to facilitate the right development, create business opportunities, and expand the local job and tax base, through the administration of economic development incentives. Typical financial incentives may include low-cost financing, tax incentives, and tax rebates. Land-based incentives usually include density bonuses, land subsidies, and relaxed development regulations. In addition to expanding the local economy, new business and industry generates additional property taxes, development fees, and personal property taxes. Elected officials must approve of all incentives received by private sector developers, contractors, and property owners.

1. Has the municipality adopted an ordinance that establishes zones for commercial and industrial property tax revenue sources such as shopping centers, office buildings, warehouses, light and heavy industry, etc.?
2. Is there an economic development commission to assist with advice and recruitment of new businesses and retention of existing businesses? Is the commission actively involved in the community's economic development program?
3. Is someone in charge of the economic development program on a daily basis and is the program supported with sufficient resources in the annual budget?
4. Does the Economic Development Director work with the Planning Director to review the municipality's development approval processes so that a client can receive an affirmative commitment from all municipal agencies, boards, and commissions within a 30 to 60 day period?
5. Does the municipality have an established policy adopted by the legislative body that defines the conditions and scope of the incentives that the community will provide to attract new businesses and retain existing businesses?
6. Has a database of information needed for a successful economic development program been developed? For example, is there a record for each available parcel showing name, address and telephone numbers of the owner, availability of parcels, price, utility lines, company policies regarding extensions of utility lines if needed, assessment, lot, block and parcel number, all current taxes including special districts, distance to nearest interstate and airport, labor market statistics, demographics of the community and region, etc.
7. Is all available information on a municipality's available land and building parcels being forwarded to the State Department of Economic and Community Development (DECD) as well as the Connecticut Economic Resource Center (CERC) for entry into their databases?

8. Have publications, maps, and websites been prepared professionally for maximum impact on prospective clients and those who the municipality recruits to help interest foreign and domestic firms for future consideration?

Emergency Management

Emergency Management – The purpose of emergency management is to limit the loss of life and property during a disaster, whether natural or human-made. This function is typically housed within the police and fire departments. It is not unusual for police and fire officers to have this assigned as a collateral duty. In many communities, a part-time or full-time employee typically manages this function. If housed in either the police or fire departments, those employees involved report to their respective chiefs. If this function is a freestanding department, the Emergency Management Director usually reports to the CEO. These employees also coordinate the activities of other departments, and hold disaster training exercises, to improve the skills of all municipal responders.

1. Has the municipality prepared, and does it maintain, a current Emergency Management Plan (EMP), which includes clear lines of authority and decision-making?
2. Is there an Emergency Operations Center (EOC) available for coordinating municipal activities in the event of a declared emergency?
3. Has the municipality prepared a hazards analysis that identifies areas that pose a serious threat to the community in the event of a natural or man-made disaster or emergency?
4. Has the municipality planned for the documenting of possible high-risk areas within the community by using mapping, photographing, and/or videotaping technology?
5. Is a financial management system in place that can properly deal with emergency conditions, as well as for providing relief, and reimbursement to citizens?
6. Is a communications network in place to adequately and promptly notify municipal and other government officials, private and nonprofit sector representatives that provide assistance, as well as the public, in the event of an emergency?
7. Does the emergency communications system have interoperability within the municipality for all first-responders, as well as within the region to communicate with other emergency officials outside of the community?
8. Are all municipal officials responsible for assisting during an emergency properly trained as may be required by federal, state, or local government requirements?
9. Are simulated emergency disaster exercises conducted periodically to fine-tune the community's first-responder skills should a real emergency occur?

10. Is there a written legal mutual aid agreement with all other appropriate emergency providers (e.g., other communities and nonprofit organizations)?
11. Are the IT Director and support staff actively involved in the planning of the town or city's Emergency Operations Center (EOC) to ensure that it is state-of-the-art from a technology standpoint to properly serve the public during an emergency?
12. Does the community have an active Local Emergency Planning Committee (LEPC)?

Finance

Finance – The finance function is usually headed by a Director of Finance, who also usually serves as the Treasurer and Comptroller. The finance duties include financial planning and policy-making, purchasing, treasury management, debt management, revenue collection, budgeting, and financial statement preparation. The Finance Director usually oversees the real property assessment function, the sending of property tax notices to taxpayers, and the collection of real estate taxes, including personal property. The Director typically tracks revenues and expenses, and prepares monthly reports to keep the community’s department managers abreast of their respective budgets. Periodic reports are also prepared and distributed to elected officials. The Finance Director assists the CEO with the preparation of the municipality’s annual budget.

1. Is there a fund balance reserve policy (e.g., whereby the annual General Fund balance is between 5% to 10% of the General Fund portion of the town/city’s annual budget)?
2. Does the municipality prepare annual multi-year revenue and expenditure forecasts (e.g., usually prepared for a five year period) to attempt to predict its financial future, and is this information provided to elected officials to assist them in determining their community’s future financial condition?
3. Are monthly or quarterly financial reports of revenues and expenses prepared, and is this information available to department heads and elected officials to keep them abreast of the revenue and budget estimates upon which the annual financial plan was based? Are these reports made available to the public as well as the investment community?
4. Is there a contingency plan setting forth what actions will be taken by elected officials and/or the administration if revenue estimates fall short, or budget projections are greater than anticipated?
5. Is there a policy regarding the use of one-time, nonrecurring, revenues (e.g., to limit their use to fund one-time expenses, rather than annual recurring expenditures)?
6. Is there a policy regarding an annual debt service limit, which is usually expressed as a percentage of the annual General Fund budget (i.e., an amount between 5% to 15% of the community’s annual operating budget)? Does your community have a minimum bond rating of “A” from a recognized bonding agency?
7. Is the annual independent audit and management letter free of major or material findings that would jeopardize the community financially – either now or in the not-to-distant future)?

8. Does your town or city finance its capital projects so the term of the debt service does not exceed the actual useful life of the capital projects (e.g., the useful life of public streets versus police vehicles or computers)?
9. Is there a multi-year capital improvement plan, and is this financial plan (e.g., usually 5 years) updated annually? Also, is the financial impact of future capital projects on your community's annual operating budget published?
10. Are the community's pension funds, and other fringe benefits, fully funded, and is funding based on sound actuarial planning practices? If not, is there a plan to accomplish this goal?
11. Is the Comprehensive Annual Financial Report (CAFR) prepared in accordance with the Governmental Accounting Standards Board (GASB) standards?
12. Are departmental user fees and charges periodically reviewed to make sure they are updated and adjusted to reflect the cost of providing these services?
13. Are building permit fees, and other development fees, reviewed and adjusted annually to cover the costs of operating the community's Building Inspection Office, including its services to the Zoning Board of Appeals and the Building Code Board of Appeals?
14. Are development impact fees levied and collected for all new residential, commercial, and industrial development in the community? Are they reviewed periodically to make sure that these fees cover the costs of public services for these projects?

Fire

Fire – The typical Fire Department handles fire suppression, fire prevention, fire inspections, emergency services, and is responsible for responding to all hazardous materials incidents. The Fire Chief, and other members of the department, are highly involved in emergency management. While fire suppression services are handled from neighborhood fire stations, fire prevention and fire inspection are typically performed from a Fire Department office at the town/city hall. Some communities contract out ambulance services. While some communities have full-time paid professional fire fighters, many communities have volunteer fire departments. Some towns/cities use a combination of both paid and volunteers fire fighters.

1. Is the Department accredited by the Commission on Fire Accreditation International, Inc. (CFAI)? If not, is the Department pursuing this goal?
2. Has the municipality received at least a mid-point rating (5 points or lower) from the Insurance Services Office (ISO)?
3. Are all sworn fire personnel certified, and are they regularly trained to meet National Fire Protection Association (NFPA) requirements?
4. Is fire equipment, both apparatus and personal fire-fighting equipment, adequate, and does it meet current NFPA standards for safety?
5. Are the procedures and equipment used to dispatch fire apparatus and personnel adequate to support rapid response to fire calls-for-service, as well as other emergencies?
6. Are fire services provided seven days a week, 24-hours a day, to the citizens of the community?
7. Are there a sufficient number of sworn fire personnel to support each fire apparatus?
8. Are fire apparatus response times to calls-for-service adequate (e.g., does the fire apparatus, fully staffed, respond to the point-of-origin of the call-for-service within a timeframe of 8 minutes)?
9. Are formal written mutual aid agreements in place with all neighboring communities?
10. Does the municipality follow the State Fire Code when reviewing development applications?
11. Does the community's Fire Marshal participate in the review of all development and construction plans?
12. Are all fire lanes and fire hydrants properly identified and maintained?

13. Are regular fire inspections and fire drills periodically held at schools and other public places within the community?
14. Are fire records properly kept, maintained, and reviewed by appropriate authorities from time to time, as well as submitted to the State as required by law?
15. Is water available in appropriate volumes and pressures to provide adequate fire suppression services to the public?

Health

Health – Health programs usually include public health services provided to the community, health education programs, environmental services, and code enforcement. Traditional areas of concern focus on the prevention and control of communicable and chronic diseases, as well as the health concerns of young people and senior citizens. Environmental health issues include limiting exposure to hazardous materials, the promotion of safe drinking water, and programs relating to clean air. Many communities use the services of a contract physician to provide some of their services. Some smaller towns have formed interagency organizations, called Health Districts, to provide health services to member towns.

1. Is the Health Department a part of a regional health district? If so, does the District have a properly trained Board of Directors consisting of members who have a background in the health disciplines?
2. Does the Health Department have access to laboratory expertise and capacity, and a current list available of labs and written protocols or guidelines for handling lab samples?
3. Does the Health Department, on a yearly basis, evaluate the effectiveness and quality of its programming and activities so it addresses the health concerns of the target populations, and improves the performance and health outcomes of the population?
4. Does the Health Department determine the health indicators and issues facing residents?
5. Does the Health Department have written procedures and policies on investigating, and following up on, all complaints?
6. Have all appropriate staff members attained a degree in the health sciences?
7. Does the Health Department, on a yearly basis, develop a comprehensive public relations campaign to make residents aware of health issues in your community?
8. Are Health Department officials aware of the operational requirements recommended for municipal health departments by the National Association of County and City Health Officials (NACCHO)?

Human Resources

Human Resources – This function, a separate department in large cities, is also called personnel, or sometimes referred to as civil service systems. The personnel system is based on merit, and the administration of this system without regard to race, color, national origin, sex, religion, or political affiliation. A job classification system, employee compensation plan, ongoing training, and a performance evaluation process are all essential to modern human resources management practices. The “HR” staff also performs labor relations duties, including the administration of ongoing labor agreements with municipal employee unions.

1. Does the municipality have a recruitment process in place that tests for, hires, and promotes applicants based on merit or ability to meet the essential function of the position?
2. Does the municipality have personnel rules and regulations that have been updated in the past five years? Do these personnel rules also include policies on ethics, family leave, sexual harassment, leave policies, grievance procedure, workplace violence, flextime, drug free workplace, exit interviews, etc.?
3. Does the municipality have a Classification and Compensation Plan that has been updated in the past 5 years including job descriptions and review of the market value of positions?
4. Does the municipality have a completed personnel file on each employee as well as a confidential medical file that is kept and filed separately and secured? Is there a process for the review of these files?
5. Does the municipality have an orientation program for new and promoted employees? Does the orientation program include copies of personnel rules, union contracts, employee benefits including health and pension booklets, safety procedures, etc.?
6. Does the municipality have a formal training program for all employees, especially supervisors, in the areas of ADA, FMLA, workers’ compensation, discipline, and grievance handling?
7. Does the municipality have a labor/management committee to address concerns related to labor relations, such as morale, social events, innovations, etc.?
8. Does the community have a trained person to conduct labor negotiations and labor contract administration? Is this person knowledgeable about the State’s labor laws?
9. Does the municipality have an up-to-date Employee Assistance Program (EAP) as required by federal law?

10. Does the organization's workforce reflect the demographic composition of the community?

Human Services

Human Services – The human service programs performed by municipal government are usually designed to serve low-income and disadvantaged citizens. Typical human services programs deal with such issues as juvenile delinquency, low-income, senior citizens, housing discrimination, unemployment, affordable childcare, alcoholism, drug abuse, and poverty. Typically these services are provided free of charge, for a nominal fee, or for a fee based on one's ability to pay. The employees in this function frequently serve as a clearinghouse for social services, referring citizens to other public and nonprofit agencies as appropriate.

1. Does the municipality on a yearly basis assess the needs of the community's population (i.e., youth, elderly, family, school population) and retool the programs to fit these needs?
2. Does the municipality have a citizens' Human Services Advisory Board, whose members are properly trained in this field?
3. Are formal orientation sessions held for new Board members?
4. Does the Program Manager for this function have the appropriate training in the social services?
5. Do other employees possess the appropriate training or professional credentials?
6. Does the Department have proper contracts and oversight requirements with the various non-profit organizations they work with?
7. Is there a confidentiality policy in place, and is the staff properly trained on how to use this policy?
8. Are all client records current and complete, and maintained for future reference?
9. Are client profiles maintained in a written format for each person who is served or assisted by the municipality's services?

Information Technology

Information Technology Services – The trend in recent years, especially in large communities, is to centralize information technology (“IT”) services in a single department. All hardware and software are maintained centrally. This includes the acquisition of any new hardware and software applications. The goal of this effort has been to standardize hardware and software throughout all departments. The “IT” staff is also responsible for training new and existing employees on how to use hardware and software, and handle troubleshooting for all departments when problems occur. It is not unusual to have an “IT” Users Committee to ensure that the technology needs of both staff and line departments are being properly met on an ongoing basis. A new IT trend includes providing e-government services to the public (e.g., online recruiting, online payments, etc., etc.).

1. Does the municipality have a designated person to perform IT Services (i.e., either on the staff or on a consulting basis)?
2. Does the town or city have a Technology Master Plan, whereby hardware and software are planned for, funded, and purchased annually, so municipal departments can provide state-of-the-art services to the citizens they serve?
3. Are the municipal computer records stored off-site in case of an emergency (e.g., fire, flood) where existing computer records could be damaged?
4. Does your municipality back-up its computer system on a daily basis to ensure the continuity of its operations?
5. Does the municipal staff provide technical assistance to ensure that the town or city has an up-to-date GIS (Geographic Information System) Plan?
6. Did the municipal staff oversee the development of your local government’s website, and is it continually maintained by the staff? Can citizens make complaints and ask questions using the community’s website?
7. Does the IT Department assist all municipal departments to ensure that they use the most modern computer hardware and software to ensure they provide the best possible services to the public?
8. Does the IT staff, or a consultant, provide training for appropriate new municipal employees in the operation of their existing departmental computer software applications, and provide updated training to existing employees if these software applications are changed?
9. Does the IT Director periodically survey the municipal marketplace to ensure that the community has the most appropriate hardware, and up-to-date software applications?

10. Is every effort being made by the IT staff to ensure that the town or city's computer website is citizen friendly, so members of the public can interact with departments to facilitate the delivery of municipal services?
11. Does the municipality have an IT Services Users Committee to provide users with the opportunity to state their concerns about existing systems (e.g., both hardware and software), as well as their desire for future applications?

Legal

Legal – The Corporation Counsel reviews all proposed legislation to be considered by elected officials, typically prepares and reviews all legal documents on behalf of the municipal organization, and serves as legal counsel to elected officials, department managers, as well as its boards and commissions. In many communities, different types of litigation are handled by contract attorneys, some of which may be very specialized, depending upon the nature and extent of pending litigation. The Corporation Counsel, sometimes called Town or City Attorney, is appointed by the elected officials, and like the CEO, serves at their pleasure.

1. Does the Corporation Counsel periodically brief the town/city’s elected officials and chief executive officer on major pieces of pending litigation?
2. Are department managers required to go through the municipal chief executive officer when seeking legal options, so he/she has an awareness of what is being asked by managers of the legal staff?
3. Are all proposed municipal ordinances reviewed by the Corporation Counsel before being presented to the Municipal Council?
4. Are all major contracts, agreements, leases, deeds, and other legal documents, reviewed by the Corporation Counsel before being presented to the community’s elected officials?
5. Are all significant claims received by the municipality routinely referred to the Corporation Counsel for review and disposition? Is appropriate feedback provided to the municipality’s elected officials and management staff on the disposition of all claims filed against the community?
6. Are all requests for legal opinions from elected officials, as well as board and commission members, required to be presented to the elected officials before being acted upon by the legal staff?
7. Is there a process in place to annually review the use of outside special legal counsels with the community’s elected officials, as well as the chief executive officer, so everyone is aware of the cost and use of these consulting attorneys?
8. Do the community’s elected officials establish the monetary thresholds for the settlement of all lawsuits that are settled “out of court?”
9. Does the legal staff have access to state-of-the-art legal databases to facilitate their research and rendering of legal opinions?
10. Is the legal staff used when necessary on matters relating to labor relations to hold down these municipal legal expenses?

11. Is the CEO sent copies of all correspondence relating to municipal lawsuits, legal correspondence, and legal opinions?

Library

Library – This function typically involves public programs relating to information services, services to children and adults, and community services. Internal library programs include technical services, dealing with automation, systems applications, cataloging, and bibliographic control. Circulation management is also a basic program to all libraries. Community services include, but are not limited to, workshops and discussion groups, housing various exhibits, and conducting educational programs. A major expense for libraries is their acquisitions budget. Books, periodicals, and other materials, are purchased out of these funds to make sure that a library's collection is up-to-date and reflects the changing needs of the community. Literacy programs are also conducted, usually with the use of volunteers, from library facilities.

1. Is the Department accredited by the American Library Association (ALA)? If not, is the Department pursuing this goal?
2. Does the town or city have a Library Master Plan for the future development of its municipal library, including its capital assets, technology, as well as the types and levels of services provided to the public?
3. Does the Library Director, or his or her staff, periodically survey library users to make sure that the funds available for municipal library services are spent according to the type and level of services desired by the citizens it serves?
4. Does a Friends of the Library organization exist to assist the library in ways deemed appropriate by the Library Director (e.g., volunteer services, arranging book donations, fundraisers for library services, etc.)?
5. Does the Library Director, or his or her staff, work with community nonprofit organizations to seek donations, goods, and services to assist the library in providing needed services to the public they serve?
6. Is the library involved with providing specialized services to the public, based on their needs, with funds and products being provided by local nonprofit organizations (e.g., adult and/or teen job centers, family health centers, computer training centers, etc.)?
7. Is the Library Director involved in seeking grants from higher levels of government; as well as local, state, and national nonprofit organizations; to expand library services to various segments of the public it serves (e.g., young people, senior citizens, handicapped, etc.)?
8. Does the Library Director work with the local School Superintendent to assist your public school systems in providing needed library services to its students (e.g., some community libraries provide “mini” libraries at municipal schools for students, if local education funding is not available for weekday, weekend, or evening services)?

9. Is the town or city actively involved in the Literary Volunteers of America Program to provide needed services to adults (e.g., either by using its staff to coordinate this program, or by providing free space so that this program can be provided free-of-charge to the public)?
10. Does the Library Director, and his or her staff, work with the local Chamber of Commerce, local nonprofit economic development organizations, as well as the town/city's Economic Development Office, to provide the latest information available in this field to these organizations, their members, as well as members of the public?
11. Does the town or city library provide an adequate number of free-to-use and easy-to-access computer terminals for the public to use (e.g., young people, old people, and others who may not have a computer at home) to connect to the Internet as well as use other applications (e.g., research, document preparation, charts and tables, etc.)?
12. Does the municipal library have a variety of media to properly serve the public (e.g., books-on-tape, videos, DVD's, large-print books, periodicals, etc., etc.)?

Municipal Clerk

Municipal Clerk – This function includes the housing of all public documents, including agendas and minutes, maintaining the vital statistics of a community (e.g., birth, death, and marriage records), and assists the Registrar of Voters. Licenses and permits are also available from the Office of the Municipal Clerk. Notices of all public meetings, including those of boards and commissions, are posted. This office handles records management, including storage and retrieval systems, and elections administration. This office is also an important source of public information for citizens with questions about their municipal government.

1. Are all marginal notations made and land recordings returned to the owners within one month of being presented for recording or in accordance with State Statutes? Is an index of land recording prepared and available to the public each day? Are land recordings audited and errors in indices corrected in accordance with State Statutes?
2. Are the Historic Records Preservation Report and Recording Fees sent to the State Library on time each month? Is the grant available to each municipality for Historic Document Preservation applied for each year? (see footnote)
3. Are other licensing reports produced and fees paid to the State in accordance with State Statutes? (*There are fines to the town/city if reports aren't done.*)
4. Are all birth, death and marriage record indices computerized? Have all land record books, vital statistics and other historic documents held in the town/city Vault been microfilmed and printed on acid free paper? Have all documents needing restoration been restored?
5. Are offices cross-trained with other municipal employees so that coverage is available to provide public services during lunch hours, vacations, and sick days?
6. Are all maps recorded, numbered, indexed and microfilmed? Have all maps and land recordings been digitized on CD's? (*Not required by Statute, but the above grant will pay for this*)
7. Are all agency agendas and minutes filed with the Municipal Clerk, and are these items bound annually to facilitate reference by the public?
8. Is the Municipal Clerk using the municipality's website to inform the public about all aspects of voting, obtaining licenses and certificates, and the procedures and costs associated with obtaining any records? Is the town/city's website being used to post minutes of various meetings? Is this website being used to post the results of elections? Are land record indices available to the public through the town/city's website? Are municipal ordinances current and posted on the website.

9. Is a program in place for all town/city government offices to receive a copy of the State's Records Retention Schedule? Has each employee who generates or receives a paper record, telephone message, or email been educated by the Clerk's Office on proper handling of these records? Does anyone oversee that records are retained and/or destroyed in accordance with State law?
10. Are all lawsuits filed with the Municipal Clerk according to State Statutes distributed with urgency to those who should be informed – the CEO, Finance Officer, Municipal Attorney, and the department involved (e.g., Police Chief, Finance Director, School Superintendent, etc.)?
11. Does the Municipal Clerk periodically review, codify, and update all municipal ordinances at least every two years to make sure that local laws reflect up-to-date amendments?

Footnote:

Item 2: This grant is guaranteed to those town/city clerks who apply if they file each month on time and send \$2 of the \$3 collected with the report. The annual amount is estimated to be \$5,000 for small towns and up to \$20,000 for larger towns/cities. There is also a competitive grant available for \$50,000 – it is required that a town/city records assessment be done before applying – the first grant (\$5,000 – \$20,000) can be used for this assessment. It can also be used to merge land record indices, restore any historic document, purchase equipment for scanning – almost anything related to the town/city clerk's office.

Parks and Recreation

Parks and Recreation – This department handles the provision of recreational services to the community, may maintain parks and recreational facilities, and provides specialized services, frequently to young people and senior citizens. Many league sports, such as baseball, football, and soccer, are played on ball fields owned and maintained by the municipal government. Frequently, many part-time employees are hired during the summer months to meet the enhanced service demands during this time period. Larger communities typically have more specialized programs involving golf courses, gymnasiums, and boating rentals at municipal lakes. These special programs are determined by a community's service preferences, the quality-of-life, and the ability of citizens to pay for these services. Many parks and recreational programs also include advisory and support groups.

1. Is the Department accredited by the National Recreation and Parks Association (NRPA)? If not, is the Department pursuing this goal?
2. Does the town or city have a Parks and Open Space Master Plan to guide the future development of parks and open spaces within the community?
3. Are the citizens of the community surveyed periodically to determine if sufficient recreational (e.g., both in terms of the types and numbers) programs are provided in light of the town or city's changing demographics?
4. Is the Parks and Recreation Department actively involved in the preparation of the town or city's Multi-Year Capital Projects Plan to ensure that appropriate steps are being taken to develop new and improved existing parks within the community?
5. Are up-to-date risk management practices used to adequately evaluate the levels of public risk associated with existing and planned recreational activities within the community?
6. Are seasonal, part-time employees used to provide recreational programs and other services during the summer months to provide employment opportunities for young people in your community? Are these part-time employees properly trained, and is this training documented?
7. Are the community's parks and open spaces periodically reviewed and assessed to determine if appropriate maintenance services are being provided to ensure the quality-of-life for the citizens?
8. Does the Parks and Recreation Department annually review and update its user fees and charges to ensure that the revenues generated cover the cost of the service being provided?

9. Are provisions made to provide services to those segments of the population that cannot afford to pay the adopted fees (e.g., the use of discounted fees, free use periods, and/or other “equity” measures)?
10. Does the Parks and Recreation Department have a long-range planning process that involves the public, and are citizens invited to those public meetings at which these plans are considered for approval?
11. Are all public parks and recreational facilities properly staffed with qualified employees to provide adequate service levels, and are young people properly supervised when services are provided at these parks and recreational facilities?
12. Are there clearly defined policies and procedures for departmental operations, including facility usage, preventative maintenance programs, staff policies, safety, first aide, and OSHA requirements?

Planning

Planning – Every Connecticut municipality has the responsibility to adopt a Plan of Conservation and Development, which forms the basis for zoning areas within a municipality’s jurisdiction. Development controls, in the form of zoning, subdivision, and inland wetlands/watercourses regulations, exist in most towns and cities. Available professional staff review all plans and development proposals, make recommendations to regulatory bodies such as Planning and Zoning Commissions, and monitor developments to ensure that projects are built according to the “approved” plans. Available staff enforce regulatory provisions and handle citizen questions and complaints about zoning and development regulations, as well as current projects. In many municipalities, staff also provides services relating to economic development, affordable housing, and the development of a municipality’s Capital Improvement Plan.

1. Is professional assistance provided to the Planning and Zoning Commission(s) and the Inland Wetlands and Watercourses Commission (IWWC) to aid in the discharge of their duties and responsibilities? *(It is recommended that there be one FTE professional planner, environmentalist, engineer, etc., per 10,000 population.)*
2. Has the Plan of Conservation and Development been prepared or updated within the last ten years as required by Section 8-23 CGS?
3. Is there a multi-year Capital Improvement Program (CIP) that is updated annually and approved by the planning commission as part of the annual budget process? Are all proposals for land acquisition and improvement projects submitted to P&Z for comment in accordance with Sec 8-24 CGS?
4. Are the subdivision regulations published with examples of recommended designs?
5. Are the zoning, subdivision, and inland wetlands and watercourses regulations, and the zoning map, current and published?
6. Is there GIS capability and is there coordination with other town/city departments and access to state and national data?
7. Is there a building/landscape design review program in place using the standards set forth by the American Institute of Architects and the American Society of Landscape Architects?
8. Are meetings scheduled between developers and municipal departments involved with community development to review new proposals by developers, and is there a written record of proposed agreements reached? *(It is recommended that these staff development meetings be held on a regular basis e.g. once a week.)*

9. Does the government's planning website section contain reports, agendas, minutes, regulations, a copy of the Plan of Conservation and Development, and appropriate contact information, to properly serve the public?
10. Are the municipality's development approval processes coordinated so that a prospective developer can receive decisions from all municipal agencies, boards, and commissions, in an expedited manner?

Police

Police – The Police Department encompasses several related programs, the most significant of which is patrol services. Many departments have initiated community-policing programs. Many departments have active crime prevention programs, where Police Officers are trained to educate school children and the public in ways to reduce crime. Training and development is also a major program since sworn personnel must be up-to-date on the latest laws, court decisions, and policing practices. The dispatching function in most communities is housed within the Police Department, may be supervised by sworn personnel.

1. Does the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) accredit the Department? If not, is the Department pursuing this goal?
2. Has an operational strategic plan been adopted and is the Department actively pursuing the goals developed from that process? Are there performance measures and periodic reports provided on the effectiveness of the strategy and/or its implementation?
3. Is community policing a philosophy and not simply a specific program of the Department? Are residents actively encouraged to cooperate with police by providing information and assistance to prevent and solve crime and to prevent and control any unprofessional behavior by the police?
4. Have information programs and computer systems been developed to produce timely and accurate information about organization performance and other reports for the public? Are accurate documents from the records office available speedily upon request by customers of the Department's services?
5. Is the Department actively pursuing communications with the public and the media through press releases, annual reports, monthly statistics, community meetings, neighborhood gatherings, etc?
6. Has the Department adopted a policy of video taping interrogations and are video recorders installed in patrol cars?
7. Do all officers meet the training standards of the State and is there training conducted during the year on service excellence, ethics, and customer service?
8. Does the Department have a "General Orders" manual?
9. Is there a special policy for prioritizing responses to calls-for-service?
10. Are dispatching services provided seven days a week, 24 hours a day? Does the Dispatch Center and the two-way radio system used provide access to other local, state, and federal agencies? Is there a back-up power system for the Department's communications equipment?

11. Are the Police Officer's vehicles properly equipped and maintained, as well as replaced at regular intervals?

Public Works

Public Works – This function usually encompasses municipal engineering services transportation systems, solid waste management, the maintenance of buildings and grounds, and central garage services. Engineering services includes reviewing all municipal development plans, as well as those submitted by private developers. The development and maintenance of all roadways is performed by this staff. When a street project is contracted out to the private sector, it is the Public Works staff that inspects the project. Many towns and cities contract out their refuse collection services. In those communities that have a wastewater treatment plant, and/or water supply and distribution system, these programs are typically placed within the Public Works Department.

1. Is the Department accredited by the American Public Works Association (APWA)? If not, is the Department pursuing this goal?
2. Does the municipality have a list of all fixed assets including infrastructure (e.g., pavement/road maintenance system, etc.) and equipment, and a maintenance or replacement schedule for each fixed asset?
3. Does the municipality have a Vehicle Maintenance Program that indicates cost and types of repair performed, and when routine preventative maintenance is needed on municipal vehicles?
4. Does the municipality have a Sewer and Stormwater Master Plan?
5. Does the municipality have a Snow Emergency Plan, which includes routes, alternative routes, as well as the assignment of vehicles and staff to meet various snow conditions?
6. Does the municipality have a Solid Waste Management and Recycling Plan to meet the current and future needs of the community?
7. Does the municipality have a manager who is responsible for such projects as building construction/repair and infrastructure construction/repair (i.e. roads and drainage systems, etc.)?
8. Does the community have an A-2 Survey recorded with the Municipal Clerk for all town/city-owned properties?
9. Does the Department have adequate and properly maintained equipment to properly conduct all public works related work assignments?
10. Is there a Water Supply and Distribution Master Plan for your community?
11. Are all municipal buildings and facilities attractive, clean, and well maintained?

12. Is there a periodic review of the use of consulting engineer services to make sure that the municipal government is receiving the most cost-effective type of engineering services available?
13. Does the community have an ongoing Sidewalk Inspection and Replacement Program? Does the municipality provide an incentive program to encourage citizens to replace their aging/damaged sidewalks?
14. Does the staff review flood control measures on an ongoing basis to ensure that appropriate steps are being taken to prevent flooding during periods of inclement weather?
15. Does the community have a Bridge Inspection and Replacement Program, whereby old/obsolete bridges are routinely replaced to ensure the safety of the motoring public?
16. Does the Department have appropriate training programs for operations and engineering staff to comply with regulations and keep people abreast of new skills and technologies?
17. Does the Department have a system for handling complaints and tracking costs associated with its various work efforts and projects?

Purchasing

Purchasing – The trend over the years in municipal governments has been to centralize all purchasing functions at a single location. The best prices are obtained when cost quotes, formal bids, and an economy of scale are received in the purchasing process. Checks-and-balances are also common, whereby multiple signatures are required before making significant purchases. Every community has monetary thresholds, above which formal bids must be received for products and services. Sealed bids are typically used for goods, while a Request for Qualifications (RFQ) or a Request for Proposal (RFP) are used for professional consulting services, where the qualifications of the service provider mean more than the cost of the service rendered.

1. Is the Purchasing function placed in a strategic location within the municipal government's organization to ensure that it is independent from major user departments to ensure the objectivity of its purchasing recommendations and decisions?
2. Does the Purchasing function follow recommended standards for records management as prescribed by local regulations and/or state statutes?
3. Are sufficient checks-and-balances in place to ensure the integrity of the town or city's requisitioning, ordering, and receiving functions?
4. Are there formal policies in place (e.g., written in a manual form) that govern the authority and practices of those employees working in the purchasing function of your community?
5. Are dollar limits and thresholds established (by the town or city's elected officials) concerning the varying degrees of formality used in the community's purchasing process (e.g., those purchases that require a formal written bid, those purchases that require three price quotes from different sources, and those purchases that can be made directly by employees with the approval of their supervisor)?
6. Does the Purchasing function establish the criteria by which a contractor's responsiveness to a municipal bid solicitation is determined, as well as the contractor's capacity and anticipated ability to perform is evaluated?
7. Does a separate vendor selection process exist when choosing a consultant to perform professional services, whereby other criteria than the lowest responsible bid are utilized in the selection process? Does the Purchasing Agency have control of this selection process (such as using an RFP or RFQ process)?
8. Does the Purchasing function have the authority to prepare, review, and modify the specifications used when selecting a contractor or consultant to perform work for the community? Are there cooperative purchasing agreements with

other towns and cities, and/or other government agencies (e.g., the school district)?

9. Does a review process exist for vendors to appeal a purchasing decision made by the Purchasing staff should the vendor feel dissatisfied with the process or the final decision made by the Purchasing Officer?
10. Is there a formal Set-Aside Program available for minority- and female-owned companies to facilitate their participation in the public procurement process?

Risk Management

Risk Management – The purpose of this function is to reduce the risk associated with providing municipal services, managing a town or city’s exposure to public liability, and to create a safe workplace for all employees. Municipal insurance policies of all types are usually handled by risk management employees. Specialized services, both medical and legal, are usually contracted out to the private sector. All municipal governments now have Employee Safety Committees to reduce the likelihood of accidents. Likewise, the staff works with those employees with on-the-job injuries to ensure that they receive the proper medical treatment and return to work as expeditiously as possible. Many communities have light-duty assignments for those employees who can work, but maybe not in their typical job classification.

1. Is there an active Employee Safety Committee that meets at least quarterly, and do their minutes show what accidents have been reviewed, as well as the actions taken to correct the circumstances that caused the accident(s)?
2. Has a Preferred Provider Network for the Municipality’s Workers’ Compensation Program and a Return-to-Work Program been implemented for employees?
3. Is someone assigned to review and monitor property, casualty, and liability cases, and is a records system maintained for these cases?
4. Is there a formal bidding policy in place to select insurance companies, and insurance agents-of-record, every three years?
5. Is safety training required by OSHA being provided to appropriate staff, and are employee records maintained to reflect this training?
6. Is there a process in place to report all accidents for workers’ compensation and liability/property cases in a timely manner, and do all department managers and employees understand and use this process?
7. Are light-duty assignments in place for injured municipal employees that can work?
8. Is there a process in place to report all on-the-job accidents/injuries within 24-hours after they have taken place?
9. Has the community explored self-insurance options, and compared these costs against the market price of insurance policies?
10. Are workers’ compensation cases, and employee on-the-job injury cases, reviewed periodically with the Chief Executive Officer to make him/her aware of the status of these ongoing programs, including the number of employees who are not at work, their status, and when they are expected to return to the workplace?

Section III

Appendices

Municipal Resource Directory

Municipal Resource Directory

American Library Association

50 East Hurton Street
Chicago, IL 60611
Tele: (312) 944-6780
FAX: (312) 944-2641
Internet: <http://www.ala.org>

American Planning Association

122 South Michigan Avenue, Suite 1600
Chicago, IL 60603
Tele: (312) 431-9100
FAX: (312) 431-9985
Internet: <http://www.planning.org>

American Public Health Association

800 "I" Street, NW
Washington, DC 20001-3710
Tele: (202) 777-2742
FAX: (202) 777-2534
Internet: <http://www.apha.org>

American Public Works Association

106 West 11th Street, Suite 1800
Kansas City, MO 64105-1806
Tele: (816) 472-6100
FAX: (816) 472-1610
Internet: <http://www.apwa.net>

Association of Public Treasurers of the U.S. and Canada

962 Wayne Avenue, Suite 910
Silver Spring, MD 20910
Tele: (301) 495-5560
FAX: (301) 495-5561
Internet: <http://www.apusc.org>

Building Officials & Code Administrators International

4051 Flossmoor Road
Country Club Hills, IL 60478-5795
Tele: (708) 799-2300
FAX: (708) 799-4981
Internet: <http://www.bocai.org>

Commission on Accreditation for Law Enforcement Agencies

10302 Eaton Place, Suite 100

Fairfax, VA 22030-2215

Tele: (703) 352-4225

FAX: (703) 591-2206

Internet: <http://www.calea.org>

Commission on Fire Accreditation International

4501 Singer Court, Suite 180

Chantilly, VA 20151

Tele: (866) 866-2324

FAX: (703) 961-0113

Internet: <http://www.cfainet.org>

Connecticut Town and City Management Association

c/o Town Manager

Town Hall

761 Middle Turnpike

Mansfield, CT 06268-1302

Tele: (860) 429-3339

FAX: (860) 429-6863

Internet: <http://www.mansfield.org>

Connecticut Conference of Municipalities

900 Chapel Street, 9th Floor

New Haven, CT 06510

Tele: (203) 498-3000

FAX: (203) 562-6314

Internet: <http://www.ccm-ct.org>

Connecticut Council of Small Towns

1245 Farmington Avenue, Suite 101

West Hartford, CT 06107

Tele: (860) 676-0770

FAX: (860) 676-2662

Internet: <http://www.ctcost.org>

Government Finance Officers Association

180 North Michigan Avenue, Suite 800

Chicago, IL 60601

Tele: (312) 977-9700

FAX: (312) 977-4806

Internet: <http://www.gfoa.org>

Institute of Internal Auditors

249 Maitland Avenue
Altamonte Springs, FL 32701-4201
Tele: (407) 830-7600
FAX: (407) 831-5171
Internet: <http://www.theiia.org>

International Association of Assessing Officers

130 East Randolph Street, Suite 850
Chicago, IL 60601
Tele: (312) 819-6100
FAX: (312) 819-6149
Internet: <http://www.iaao.org>

International Association of Chiefs of Police

515 North Washington Street
Alexandria, VA 22314-2357
Tele: (703) 836-6767
FAX: (703) 836-4543
Internet: <http://www.theiacp.org>

International Association of Emergency Managers

201 Park Washington Court
Falls Church, VA 22046-4527
Tele: (703) 538-1795
FAX: (703) 241-5603
Internet: <http://www.iaem.com>

International Association of Fire Chiefs

4025 Fair Ridge Drive
Fairfax, VA 22033-2868
Tele: (703) 273-9011
FAX: (703) 273-9363
Internet: <http://www.iafc.org>

International City/County Management Association

777 North Capitol St., NE, 5th Floor
Washington, DC 20002
Tele: (202) 289-4262
FAX: (202) 962-3500
Internet: <http://www.icma.org>

International Conference of Building Officials

5360 South Workman Mill Road
Whittier, CA 90601-2258
Tele: (310) 699-0541
FAX: (310) 692-3853
Internet: <http://www.icbm.org>

International Downtown Association

915 – 15th Street, N.W., Suite 600
Washington, DC 20005
Tele: (202) 783-4963
FAX: (202) 347-2161
Internet: <http://www.ida-downtown.org>

International Economic Development Council

734 – 15th Street, NW, Suite 900
Washington, DC 20005
Tele: (202) 223-7800
FAX: (202) 223-4745
Internet: <http://www.iedconline.org>

International Institute of Municipal Clerks

1206 North San Dimas Canyon Road
San Dimas, CA 91773
Tele: (909) 592-4462
FAX: (909) 592-1555
Internet: <http://www.iimc.com>

International Municipal Lawyers Association

1100 Vermont Avenue, NW, Suite 200
Washington, DC 20005
Tele: (202) 466-5424
FAX: (202) 785-0152
Internet: <http://www.imla.org>

International Public Management Association for Human Resources

1617 Duke Street
Alexandria, VA 22315
Tele: (703) 549-7100
FAX: (703) 684-0948
Internet: <http://www.ipma-hr.org>

National Association of County & City Health Officials

1100 – 17th Street, NW, Second Floor
Washington, DC 20036
Tele: (202) 783-5550
FAX: (202) 783-1583
Internet: <http://www.naccho.org>

National Association of Housing & Redevelopment Officials

1320 – 18th Street, N.W.
Washington, DC 20036
Tele: (202) 429-2960
FAX: (202) 429-9684
Internet: <http://www.nahro.org>

National Civic League

1445 Market Street, Suite 300
Denver, CO 80202-1728
Tele: (303) 571-4343
FAX: (303) 571-4404
Internet: <http://www.ncl.org>

National Community Development Association

552 – 21st Street, NW, Suite 120
Washington, DC 20006
Tele: (202) 293-7587
FAX: (202) 877-5546
Internet: <http://www.ncdaonline.org>

National Fire Protection Association

1 Batterymarch Park
Quincy, MA 02269-9101
Tele: (617) 770-3000
FAX: (617) 770-0700
Internet: <http://www.nfpa.org>

National Institute of Government Purchasing

11800 Sunrise Valley Drive, Suite 1050
Reston, VA 22091
Tele: (703) 715-9400
FAX: (703) 715-9897
Internet: <http://www.nigp.com>

National League of Cities

1301 Pennsylvania Avenue, N.W. 6th Floor
Washington, DC 20004
Tele: (202) 626-3000
FAX: (202) 626-3043
Internet: <http://www.nlc.org>

National Public Employer Labor Relations Association

1012 South Coast Highway, Suite M
Oceanside, CA 92054
Tele: (760) 433-1686
FAX: (760) 433-1687
Internet: <http://www.npelra.org>

National Recreation & Park Association

22377 Belmont Ridge Road
Ashburn, VA 20148-4150
Tele: (703) 858-0748
FAX: (703) 858-0794
Internet: <http://www.nrpa.org>

Regional Planning Organizations

c/o State Office of Policy and Management
Intergovernmental Policy Division
450 Capitol Avenue- MS #54SLP
Hartford, CT 06106-1308
Tele: (860) 418-6432
FAX: (860) 418-6493
Internet: <http://www.opm.state.ct.us>

The Urban Institute

2100 "M" Street, N.W.
Washington, DC 20037
Tele: (202) 833-7200
FAX: (202) 331-9747
Internet: <http://www.urban.org>

U. S. Conference of Mayors

1620 Eye Street, N.W., 4th Floor
Washington, DC 20006
Tele: (202) 293-7330
FAX: (202) 293-2352
Internet: <http://www.usmayors.org>

Evaluation Form for Model Practices

Model Practices Evaluation Form

The purpose of this form is to assist local elected and appointed officials in evaluating the functions of their municipal government using the suggested “model practices” guidelines contained in the preceding pages. This is a generic form and can be used for each function.

The key to the “status” of each Model Practice, as well as the overall rating for this function, are shown at the end of this form.

(List Function being Reviewed)

~~ Model Practices ~~

1. Description: _____

Status: _____

Action Plan: _____

Assigned to: _____

Date Assigned: _____ Due Date: _____

If Model Practice does not apply, please explain why: _____

2. Description: _____

Status: _____

Action Plan: _____

Assigned to: _____

Date Assigned: _____ Due Date: _____

If Model Practice does not apply, please explain why: _____

3. Description: _____

Status: _____

Action Plan: _____

Assigned to: _____

Date Assigned: _____ Due Date: _____

If Model Practice does not apply, please explain why: _____

4. Description: _____

Status: _____

Action Plan: _____

Assigned to: _____

Date Assigned: _____ Due Date: _____

If Model Practice does not apply, please explain why: _____

5. Description: _____

Status: _____

Action Plan: _____

Assigned to: _____

Date Assigned: _____ Due Date: _____

If Model Practice does not apply, please explain why: _____

6. Description: _____

Status: _____

Action Plan: _____

Assigned to: _____

Date Assigned: _____ Due Date: _____

If Model Practice does not apply, please explain why: _____

7. Description: _____

Status: _____

Action Plan: _____

Assigned to: _____

Date Assigned: _____ Due Date: _____

If Model Practice does not apply, please explain why: _____

8. Description: _____

Status: _____

Action Plan: _____

Assigned to: _____

Date Assigned: _____ Due Date: _____

If Model Practice does not apply, please explain why: _____

9. Description: _____

Status: _____

Action Plan: _____

Assigned to: _____

Date Assigned: _____ Due Date: _____

If Model Practice does not apply, please explain why: _____

10. Description: _____

Status: _____

Action Plan: _____

Assigned to: _____

Date Assigned: _____ Due Date: _____

If Model Practice does not apply, please explain why: _____

11. Description: _____

Status: _____

Action Plan: _____

Assigned to: _____

Date Assigned: _____ Due Date: _____

If Model Practice does not apply, please explain why: _____

12. Description: _____

Status: _____

Action Plan: _____

Assigned to: _____

Date Assigned: _____ Due Date: _____

If Model Practice does not apply, please explain why: _____

13. Description: _____

Status: _____

Action Plan: _____

Assigned to: _____

Date Assigned: _____ Due Date: _____

If Model Practice does not apply, please explain why: _____

14. Description: _____

Status: _____

Action Plan: _____

Assigned to: _____

Date Assigned: _____ Due Date: _____

If Model Practice does not apply, please explain why: _____

15. Description: _____

Status: _____

Action Plan: _____

Assigned to: _____

Date Assigned: _____ Due Date: _____

If Model Practice does not apply, please explain why: _____

Status of Model Practice:

- 1 = Standard Met
- 2 = Standard Partially Met
- 3 = Standard Not Met
- 4 = Standard Does Not Apply

~ ~ ~ ~

Overall Rating for this function:

- All Standards Met (100%) _____
- Most Standards Met (75%) _____
- About Half of the Standards Met (50%) _____
- Less than Half of the Standards Met _____

Typical Municipal Government Services

(Listed by Major Function)

1. Governing ~~ Ten (10) model practices.
2. Administration ~~ Ten (10) model practices.
3. Building Inspection ~~ Eight (8) model practices.
4. Economic Development ~~ Eight (8) model practices.
5. Emergency Management ~~ Twelve (12) model practices.
6. Finance ~~ Fourteen (14) model practices.
7. Fire ~~ Fifteen (15) model practices.
8. Health ~~ Eight (8) model practices.
9. Human Resources ~~ Ten (10) model practices.
10. Human Services ~~ Nine (9) model practices.
11. Information Technology ~~ Eleven (11) model practices.
12. Legal ~~ Eleven (11) model practices.
13. Library ~~ Twelve (12) model practices.
14. Municipal Clerk ~~ Eleven (11) model practices.
15. Parks and Recreation ~~ Twelve (12) model practices.
16. Planning ~~ Ten (10) model practices.
17. Police ~~ Eleven (11) model practices.
18. Public Works ~~ Seventeen (17) model practices.
19. Purchasing ~~ Ten (10) model practices.
20. Risk Management ~~ Ten (10) model practices.

About the Authors

The authors of this volume, collectively, have over a century of experience serving as municipal chief executive officers in towns and cities throughout the nation. Their current, or most recent, affiliation, is shown below.

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Council-Manager

Form of Government



**Frequently Asked
Questions**

ICMA

Leaders at the Core of Better Communities

What is the council-manager form of government, which is used today by so many cities, towns, and counties?

Council-manager government combines the strong political leadership of elected officials with the strong managerial experience of an appointed manager or administrator. All power and authority to set policy rests with an elected governing body, which includes a mayor or chairperson and members of the council, commission, or board. The governing body in turn hires a nonpartisan manager who has very broad authority to run the organization.

Born out of the U.S. progressive reform movement at the turn of the 20th century, the council-manager system was designed to combat corruption and unethical activity in local government by promoting effective management within a transparent, responsive, and accountable structure.

Since its establishment, the council-manager form has become the most popular structure of local government in the United States. The form is also widely used throughout the world in countries such as Canada, Australia, the Netherlands, New Zealand, and the United Kingdom.

How does council-manager government work?

The elected council or board represent their community and develop a long-range vision for its future. They establish policies that affect the overall operation of the community and are responsive to residents' needs and wishes.

To ensure that these policies are carried out and that the entire community is equitably served, the governing body appoints a *highly trained professional manager* on the basis of his/her education, experience, skills, and abilities (and not their political allegiances). If the manager is not responsive to the governing body, it has the authority to terminate the manager at any time.

How can council-manager government benefit my community?

A city, town, or county benefits from the council-manager form of government in a number of important ways:

1. Political power is concentrated in the *entire* governing body. The mayor and council share legislative functions
2. Policy making resides with elected officials, while oversight of the day-to-day operations of the community resides with the manager. In this way, the elected officials are free to devote time to policy planning and development

3. The manager carries out the policies established by the elected governing body with an emphasis on effective, efficient, and equitable service delivery
4. Because decisions on policy and the future of the community are made by the entire governing body rather than a single individual, council-manager governments more often engage and involve their residents in decision making. Residents guide their community by serving on boards and commissions, participating in visioning and strategic planning, and designing community-oriented local government services
5. The form is flexible enough to adapt to local needs and demands. For example, some communities elect their councils at large, while others elect them by district or by a combination of an at-large-and-by-district system. Also, the mayor can be directly elected by voters or selected by and from among the council.

What is the role of the manager under council-manager government?

The manager is hired to serve the council and the community and brings to the local government the benefits of his/her training and experience in administering municipal or county projects and programs. The manager prepares a budget for the council's consideration; recruits, hires, terminates, and supervises government staff; serves as the council's chief advisor; and carries out the council's policies. Council members and residents count on the manager to provide complete and objective information about local operations, discuss the pros and cons of alternatives, and offer an assessment of the long-term consequences of their decisions.

Appointed managers serve at the pleasure of the governing body. They can be fired by a majority of the council, consistent with local laws, or any employment agreements they may enter into with the council. The manager makes policy recommendations to the council for consideration and final decision. The manager is bound by whatever action the council takes, and control is always in the hands of the elected representatives of the people.

What is the role of the council?

The council is the community's legislative and policy-making body. Power is centralized in the elected council, which, for example, approves the budget and determines the tax rate. The council also focuses on the community's goals, major projects, and such long-term considerations

as community growth, land use development, capital improvement and financing, and strategic planning. The council hires a professional manager to implement the administrative responsibilities related to these goals and supervises the manager's performance.

What is the role of the mayor or chairperson?

Mayors or chairpersons in council-manager communities are key political and policy leaders, and their specific duties, responsibilities, and authorities depend on the organization's charter. In council-manager communities, typically the mayor or chairperson is a voting member of the city council who presides at council meetings, represents the city in intergovernmental relationships, appoints members of citizen advisory boards and commissions (with the advice and consent of council), assigns agenda items to committees, facilitates communication and understanding between elected and appointed officials, and assists the council in setting goals and advocating policy decisions.

What value does a professional manager contribute to a community?

Professional managers contribute value to a community because they:

- Work in partnership with elected officials to develop sound approaches to community challenges by bringing together resources to make the right things happen and produce results that matter
- Bring a community-wide perspective to policy discussions and strive to connect the past and future while focusing on the present. They help the governing body develop the long-term vision for the community that provides a framework for policy development and goal setting
- Promote ethical government through commitment to a set of ethical standards that goes beyond those required by law. Managers who are members of ICMA subscribe to the organization's Code of Ethics, which requires them to "affirm the dignity and worth of the services rendered by government and maintain...a deep sense of social responsibility as a trusted public servant"
- Encourage inclusion and build consensus among diverse interests (including those of elected officials, the business community, and citizens) by focusing on the entire community rather than the centralized interests of one or two individuals

- Promote equity and fairness by ensuring that services are fairly distributed and that administrative decisions (such as hiring and contracting) are based on merit rather than favoritism
- Develop and sustain organizational excellence and promote innovation. Professional managers focus relentlessly on efficient and equitable service delivery, policy implementation, and evaluation. They align the local government's administrative systems with the values, mission, and policy goals defined by the community and elected officials.

Does it cost more for a community to adopt the council-manager form and hire a professional manager?

Many local governments have found that their overall costs are actually reduced under competent management. Savings can come from decreased operating costs, increased efficiency and productivity, improved revenue collection, and effective use of technology. The economic health of the community may also benefit from implementation of improved business development and retention strategies.

What kinds of communities use the council-manager form of government?

In 2007, more than 3,500 (49 percent) of the 7,171 U.S. cities and towns with populations of 2,500 residents or more operated under the council-manager form. This structure is also used by more than 370 counties. More than 92 million people in the U.S. live in communities that operate under this form.

Is the council-manager form popular among larger communities?

Of the 247 U.S. cities with populations greater than 100,000 residents, 144 (58 percent) use this form of government. Larger cities and counties that use the form include:

- Broward County, Florida (pop. 1,623,000)
- Charlotte, North Carolina (pop. 540,000)
- Dallas, Texas (pop. 1,188,000)
- Fairfax County, Virginia (pop. 969,000)
- Las Vegas, Nevada (pop. 535,000)
- Mecklenburg County, North Carolina (pop. 695,000)
- Oklahoma City, Oklahoma (pop. 506,000) *(continued)*

(continued)

- Phoenix, Arizona (pop. 1,321,000)
- San Antonio, Texas (pop. 1,144,000)
- San Jose, California (pop. 894,000)
- Virginia Beach, Virginia (pop. 425,000)
- Wichita, Kansas (pop. 344,000)

How can a community adopt the council-manager form of government?

Most communities can adopt council-manager government through a charter, local ordinance, state enabling law, or by voter referendum. For information on how your community can adopt council-manager government, contact your state municipal league or association of counties. You can locate the addresses of these organizations on the Internet, or in the back section of ICMA's *Municipal Year Book*, which you may find in your local library.

Once a community adopts council-manager government, how does it choose a professional manager?

The vacancy usually is announced in the *ICMA Newsletter*, and managers, assistants, and other individuals from across the country are invited to apply. Interested parties apply directly to the council, which reviews the applications and interviews qualified candidates. ICMA makes no recommendations regarding candidates. Additional information is available in ICMA's *Recruitment Guidelines Handbook*. To download a copy, visit <http://jobs.icma.org> and click on "Recruitment Guidelines Handbook" under "Resources."

What kind of educational and professional experience do professional local government managers possess?

Nearly 67% of managers surveyed by ICMA in 2006 indicated that they had earned a master's (usually in public administration, business, or public policy), or other advanced degree. Respondents to the same survey said they had spent an average of 19 years in the local government management profession.

Do professional local government managers have a membership organization?

Yes. ICMA (the International City/County Management Association) is the premier local government leadership and management organization that serves as the

professional and educational “home” for appointed professional managers and administrators. ICMA’s membership also includes directors of state associations of local governments, other local government employees, academics, students, and concerned citizens who share the goal of improving local government.

ICMA’s mission is to create excellence in local governance by developing and fostering professional local government management worldwide. To that end, the organization provides technical assistance and publications for management professionals to help them improve their skills and increase their knowledge. ICMA also serves as a clearinghouse for the collection, analysis, and dissemination of information and data about local government.

Why is membership in ICMA important for a professional local government manager?

In addition to gaining access to valuable resources and lifelong professional development opportunities, managers who belong to ICMA are bound by its Code of Ethics, which states that every member of the organization shall act with integrity in all personal and professional matters so that they will merit the respect and trust of elected officials, employees, and the public. This stringently enforced Code specifies 12 ethical principles of personal and professional conduct, including dedication to the cause of good government.

ICMA members believe in the effectiveness of representative democracy and the value of government services provided equitably to residents within a community. ICMA members are also committed to standards of honesty and integrity that go beyond those required by the law. For more information, contact ICMA or visit <http://icma.org/ethics>.

Finally, ICMA defines professional management and recognizes individual members who are qualified by a combination of education and experience, adherence to high standards of integrity, and an assessed commitment to lifelong learning and professional development. ICMA members who meet these requirements may earn designation as an ICMA Credentialed Manager. For more information on ICMA’s Voluntary Credentialing Program, visit <http://icma.org/credentialing>.

Are there other, independent organizations that support council-manager government?

The National Civic League (NCL) is America's original advocate for community democracy. This nonprofit, nonpartisan membership organization is dedicated to strengthening citizen democracy by transforming democratic institutions. NCL accomplishes its mission through technical assistance, training, publishing, research, and promoting the All-America City Awards, America's original and most prestigious community recognition program.

Founded in 1895, NCL serves as a clearinghouse for information on methods of improving state and local government. The League's *Model City Charter*, now in its eighth edition, has endorsed council-manager government since 1915.

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Massachusetts Municipal Managers Association
Form of Government Committee

A Study on Structural Changes in Local Government in the
Commonwealth of Massachusetts

Clark University
Master's of Public Administration Capstone Project
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By

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Executive Summary

The Commonwealth of Massachusetts has a long history of civic engagement dating back to the Mayflower Compact in 1620. This rich history has allowed the Commonwealth's local government participation to flourish over the proceeding centuries. It was not until the mid twentieth century that communities began to question their local government structure and truly attempt to find the perfect structure. There is still no consensus to what form of government is best. This document looks at nine communities who have experienced either successful or failed attempted changes within the last decade as case studies.

The document begins with a brief history of the Commonwealth of Massachusetts local government structure. It discusses pertinent literature that has been written on the different forms of local government that are available to communities.

The case study communities are: Amherst, Braintree, Needham, North Attleborough, Palmer, Pembroke, Plymouth, Randolph and Winthrop. GIS maps were also constructed in an effort to better understand factors that relate to the change of local government process.

After analyzing these components, the identification of common themes found throughout the case studies and the GIS maps are presented. These factors and their relationship to the overall process of local government change in Massachusetts were then analyzed. The document concludes with the final thoughts and findings relative to the subject of local government change in the Commonwealth of Massachusetts.

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Section 1: Introduction

New England, Massachusetts in particular, is in a unique situation relative to local government; since often the structure of local government pre-dates the United States Constitution. Since the first settlement hundreds of years ago in the Commonwealth of Massachusetts many communities have changed the structure of their local government. This document examines recent changes in nine communities in the Commonwealth while also providing 21 Geographic Information Systems (GIS) maps, in an attempt to identify specific factors that lead to a change in local governmental structure. The case study communities are: Amherst, Braintree, Needham, North Attleborough, Palmer, Pembroke, Plymouth, Randolph and Winthrop. The combination of the nine case studies and the GIS maps, produce a clear picture of the process of change in local government structure within the Commonwealth of Massachusetts.

Section 2: Literature Review

History of Local Government in Massachusetts

The history of governmental structures in the United States dictates that the first time Massachusetts became nationally prominent was during colonial period when revolution was stirring. Massachusetts is known as the, “hotbed of sedition” due to the activity of the Whigs leadership in the area. The Whigs earliest stronghold was in Massachusetts where they implanted the idea of self-rule and breaking away from the United Kingdom. Town Meetings and other early local governmental structures are sighted as the first democratic structure seen in what would become the United States (Hoerder, pg.7-8). The activity of the Whigs and the strong government structure in Massachusetts seen during this time still affect Massachusetts today. This long line of history can be said to create strong ties to tradition throughout the state. This can be seen in present time through the construction of town offices.

Remnants of positions held in 1760 can still be seen in today’s local government structure throughout Massachusetts. It is documented that from the year 1760 to 1780 the selectmen in a given town would call for the annual Town Meeting in March for the purpose of publicly electing the town officers. The first official to be elected was the town clerk. He was seen to be the most important since he was the town’s general manager.

A town’s main officials were the Selectmen. At times they would also hold other offices in a town. The selectmen were the main decision making body of the town deciding on such things as location of the market place and roads and ensuring the health of a town during a time period when disease especially small pox was rampant. The finances of the town were overseen by the assessors, town treasurer, town auditors and collectors of taxes. There was also a position

to oversee the poor. Those who supervised the upkeep of the town were surveyors of highways and firewards. It was the warden whose job it was to uphold the moral principles of the towns. This position was of importance during this time period due to the prevalence of the Puritans and their beliefs. There were also tithingmen and constables that worked in the same field. There were officers that were concerned with particular trades and those who oversaw the treatment of domestic animals. In summary there are four groups that historians use to categorize all officers during this time period. Group 1: are the most powerful i.e. the policy makers, Group 2: are those who have high power but less than Group 1 and those who have high social prestige. Group 3 oversees specific laws and Group 4: are the minor town officials (Hoerder, pg.15-21). Although some of these positions have faded out due to lack of necessity, the responsibilities associated with it and at times the title have remained intact throughout that years.

The basic way that a resident could participate in the town governance and political system was the Town Meeting. Within that there were two ways that people could invoke their political rights: first by voting and the second by running in the election. Voters had to be white males over the age of twenty-one and be a freeholder. According to Charters at this point a freeholder was one who had, “[an] estate or freehold...to the value of forty shillings per annu at the least or other estate to the value of Forty pounds Sterl’,” Town Meetings according to law were called by selectmen very similar to today’s system (Hoerder, pg.67-70).

The notion of employing a professional manager is also common in the 17th century. In 1815, a committee in the town of Boston suggested that a person be hired to oversee daily issues of the public office. However, it was not till 1914 that the first professional administrator position was written into statue in Massachusetts. In this year Norwood became the first municipality in Massachusetts to have a professional administrator (Morse, pg. 12).

Emergence of Professional Administrative

In the 1940's and 1950's towns in Massachusetts began to adopt Town Managers through special laws. The earliest Town Manager plan was seen in Norwood, MA in 1915. This began a trend of towns experimenting with Council-Manager forms. From 1918 to 1959 there were twelve municipalities that adopted a form of Council-Manager government. In the recent past the largest trend that has been documented is the rapid growth of professional administrative positions in towns throughout Massachusetts. There was an eleven percent increase of towns with a professional position in 1965, whereas in 2005, 259 towns, which is eighty-six percent of Massachusetts municipalities, have an employed a professional administrator. Within this time period the largest growth was from 1965 to 1975 when the amount nearly tripled. In 1975, thirty percent of towns had a Town Manager, town administrator, an executive secretary, or a manager with a different title. Within the forty years from 1965 to 2005 professional positions have grown by 662% (Morse, pg. 12-14).

The commonwealth created two initiatives, "circuit riders" and "Incentive Aid Program," in the 1970s and 1980s in order to promote professional management. The first was in the 1970s when the Commonwealth funded "circuit riders," the practice of having a single professional manager working for two, three or four towns at once. Many of these circuit riders now hold upper level positions in single towns. From 1984 to 1989 the Executive Office of Communities and Development created a program helping with funds for local government improvements in management; this was called The Incentive Aid Program. The main goal of the program was to fund the creation of multiple management positions over a three year period. Initially the position was paid by the State with a portion paid by the municipality. During the three year

period funding for the position would incrementally transfer from the State over to the municipality (Morse, pg.14).

Forms of Local Government in Massachusetts

There are four basic forms of government that municipalities in Massachusetts can implement according to state legislation. Massachusetts as a part of New England has an aspect of local government, the Town Meeting that is not seen in other parts of the United States. This is due to the history these states have with the creation of the United States and the separation from the United Kingdom. The four forms are: Mayor-Council, Council-Manager, Open Town Meeting/Board of Selectmen/Town Manager or Administrator, and Representative Town Meeting/Board of Selectmen/Town Manager or Administrator.

Mayor-Council Form:

The Mayor-Council form of government is seen mostly in cities in Massachusetts, however being a city is not a prerequisite for the Mayor-Council form. The Mayor-Council form of local government parallels the federal American government almost exactly. Both have an elected legislature and executive branches that are elected separately (ICMA Forms of Local Govt). Appendix A shows chart that outlines the flow of power in this form of government.

Voters elect a Mayor and a Council through open election. As the chief executive the Mayor appoints key officials and boards, however the Council may also have the power to appoint certain boards. In this system very few boards and/or commissions can be elected by the public. In most cases there is only one board that the Mayor has a vote on that being the School Committee; however this is not the case in all communities. The Mayor is also the creator of the

budget and oversees unions, contracts, and the complete town administration. Depending on the Charter the Mayor may have the power to veto particular actions of the Council (MMMA, Forms of Local Gov't. pg.3). Mayors will on average have a term of two-years although some communities have terms that last four-years. Although the Mayor as chief executive is also responsible for day to day dealings, certain municipalities will appoint an administrator to take care of these issues leaving the larger policy issues to the Mayor.

The legislative duties belong to the Council which ranges in size from seven to fifteen people while ensuring that it is an odd number of people. As legislative branch they adopt all budgets, laws, etc and may have the power to approve or veto appointments made by the Mayor. The Council is also charged with the responsibility of assessing the overall performance of the government's work and functionality. The Council is permanently in session meaning that Council meetings do not need to be called through a warrant. The members of the Council hold two year terms (MMMA, Forms of Local Gov't. pg.3).

There are multiple benefits that have been outlined by scholars for this form of government. The chief executive is elected directly by the people of the municipality giving the voters more power. The legislative body becomes smaller and meets more frequently allowing more issues to be dealt with. One negative aspect of this system is the possibility that political appointed officer would have to take over administrative duties which they may not have the knowledge base to fulfill. There is a smaller percentage of citizen participation in decision making process since there is no forum for their voices to be heard officially (MMMA, Forms of Local Gov't. pg.3).

Council-Manager Form:

The one-hundredth year anniversary of the beginning of the Council-Manager form of government in the United States was celebrated in 2008. In 1908, Staunton, Virginia was the first city to create a manager position that eventually led to the Council-Manager form of government that is in use today (Svara, pg. 6). Appendix B shows an organization chart that outlines the flow of power in this form of government.

The governing legislative body in this system is the Council whom are elected by the voters of the municipality. Their main responsibility is to provide legislative direction for the Manager. The Council also adopts budgets, laws, and may be able to approve or veto certain appointments made by the Manager. In this system the Council is comprised of five to nine members that involve a Council president or Mayor as head. The Council President or Mayor are either appointed by the Council or elected by the residents as it is outlined in the Charter. The Mayor/Council president tends to be the political head of the municipality while being a member of the legislative body however he or she cannot veto decisions made by the legislative body as a whole (Svara, pg. 6).

The Manager acts as the chief executive and is appointed by the Council. His or her responsibilities include the day to day administrative operations such as appointment of key officials, budgets, contracts, and unions. The Manager is the liaison between the staff, the Mayor, and the Council and by being so must attend all meetings of the Council. During such meetings it is the job of the Manager to brief the Council on agenda matters and other importance issues that are occurring in the municipality. The Manager also serves as a representative for the Council and Mayor/ Council President at particular events, (Forms of Local Gov't. pg.4).

Perhaps the Manager's most important role is that of advisor to the Council and his or her relationship with the Council on a whole. This relationship is what determines how effective the Manager is at carrying out his or her job and how well the Council is doing in guiding the community and making its decisions. It is imperative for the Manager to have solid interaction with his or her Council. Ninety-five percent of managers have reported through the ICMA that the interaction that takes places with their Council is on a formal basis when all members are present. The next type of interaction is informing the Council of information through periodically written reports, this is reported to occur 91% of the time. Not only did these two forms score highest in practice but is also the desired practice by managers that were interviewed. There are a number of managers that also maintain a less formal relationship with Council members in order to be adaptable to the personalities of Council members (DeSantis, pg.11).

Communications between the Manager and Council is an additional aspect that is relevant to their relationship. The key to a successful relationship is that the communication occurs on a regular basis and to what extent is the future planned for. A divided Council can become less useful and can diminish the relationship with the Manager. In order to keep the interest of all Council members during a meeting the Manager may decided to discuss certain topics with members informally before the meeting in order to have a better understanding of the information that must be presented by the Manager during the Council meeting. The development of goals and objectives are very important in order to have an effective administration. The Council should create a list of goals yearly that citizens can use to hold the Council accountable. A similar list should be created by department heads so that the Manager can hold them accountable in their positions. By having these lists there is a shared aspiration for

reaching and fulfilling these goals for the Council and manager/department heads which creates a strong bond between the Council and Manager (DeSantis, pg.12-13).

There are particular advantages to the Council-Manager form of governance. Firstly, there is a smaller legislative body making decision which meets regularly keeping them involved. The Council has the ability to create guidelines and qualifications that the chief executive must meet in order to be appointed. When necessary, the Council can remove the chief executive at any point. One negative that stands out in this form is that there is a small amount of citizen participation in the decision-making process (MMMA, Forms of Local Gov't. pg. 4).

Differentiating Mayor-Council and Council-Manager Form of Government

Academics debate over which is the more efficient form of local government, Mayor-Council or Council-Manager. The Council-Manager form is still growing and has been adopted more and more by municipalities in Massachusetts. The Council-Manager form can be combined with multiple different structural features to create a governing body whereas the Mayor-Council cannot. Council-Manager also has a more balanced relationship between politics and professionalism because of the administrative manager that is appointed and not elected.

There are three main points that clearly define the difference between the Mayor-Council and Council-Manager forms of government. The first has been named "allocation of authority" which parallel's a presidential-parliamentary system. In the Council-Manager form all authority is given to the Council with particular aspects under the Manager as written into the law. The authority for the municipality is collected under the Council which enables the Council to be very powerful. However, when power is separated as in the Mayor-Council form, the Mayor can limit the amount of information and advice that is given to the Council which could have

negative reactions. In this form the Mayor who has the responsibilities of a manager is a separate executive entity from the Council without any oversight (Svara, pg.7-8).

There are some other differentiating characteristics that have been identified within this category. A positive factor of the Council-Manager form is the open communication between the government and the citizens of the municipality since every member of the governing body is a part of the policy making process. Whereas with Mayor he or she has the sole power to create policy without any input from the other elected members however before it becomes law it must be approved by the legislative body to ensure a system of checks and balances, the same way that government is structured at the state and federal levels. Furthermore by involving the whole Council in decision making processes a more balanced decision can be made (ICMA: Council-Manager or “Strong Mayor).

The second difference is the assignment of executive responsibilities to an elected versus an appointed administrator. With a Council-Manager system the executive duties are given to the appointed administrator by the Council making the administrator the chief executive but still reporting to the legislative or Council. In the Mayor-Council form the duties are under the authority of the Mayor who can chose to have a central coordinating administrator officer (CAO). This position would be assigned tasks by the Mayor and is not empowered to work on their own authority (Svara, pg. 8). By choosing to have executive responsibilities in a Mayoral form it is more likely that the decisions will be based on partisan politics and not merit-based. When an appointed professional manager is chosen by the Council there is a degree of accountability created. The Manager will then tend to run the day to day operations similar to a business chief executive that allows him or her to ensure that all policies from the elected body are upheld. With a strong Mayor form of government the Mayor oversees the day to day which

could be problematic since he or she may not have the proper training or experience to do so. There is also the possibility that the Mayor will choose department head positions based on political favoritism and not qualifications (IMCA, Council-Manager or “Strong Mayor”).

The last differentiating feature is to whom the top administrator (when not a Town Manager) reports: the entire Council or solely to the Mayor. Being accountable to the entire Council is the basic characteristic of the Council-Manager form creating transparency and putting public interest at the forefront. When a CAO is present under a Mayor in the Mayor-Council form there is still a lack of professional advice to the legislative Council. This situation can also push the manager to work exclusively for the Mayor’s agenda because that is the only one the manager is accountable too (Svara, pg.8).

There are multiple studies that show how Councils handle governance of a municipality and oversee the administrative performance better than a Mayor position. Council-Manager municipalities have shown to have better efficiency, finances, and management performance. Appendix C shows how the Council-Manager form has been chosen more than the Mayor-Council type in the year 2009. This chart’s groupings are based on population size. Appendix D shows that the most prevalent form of local government in the United States is Council-Manager. This trend began in 2000 and experiences a continual increase.

The debate between Mayor-Council and Council-Manager has been a long and detailed one. However, recently a different school of thought has emerged which thinks the issue between Mayor-Council and Council-Manager is of non-importance and should not be an ‘either/or’ choice. Rather what should be the focus of government is implementing a:

“Strong political leadership, strong policy development, a relentless focus on execution and results, a commitment to transparent and ethical government, and a strategy for representing and engaging every segment of the community.” (O’Neill, pg. 1)

By looking at what seems to be the most important issues of a community, such as population and job growth and financial stability, those having strong political leadership and effective management capacity are the ones whom succeed in these area the most throughout the United States. The reason for having this hybrid is in order to create vision and have it executed. The political side of the spectrum is there to develop and articulate future goals and vision for a community. The professional than makes the vision a reality by overseeing the policy implementation in the community. With this hybrid of strong political and professional leadership there is a fear that the voices of the elected officials besides the Mayor and the voices of the residents would not be heard. According to Robert O’Neill, Jr., Executive Director of the ICMA, having a single person in charge may seem like a more accountable method but it is not since the elected representatives have the potential to be left out of the process (O’Neill, pg. 1-2). It is the belief of this school of thought, that recent economic and political challenges have pushed communities into strong political leadership however this will not help them. In order to create an efficient local government a balance between a strong political and strong professional style of leadership must be struck.

Open Town Meeting (OTM)-Board of Selectmen-Town Manager or Administrator

This form of government has three different aspects to it: Town Meeting, Board of Selectmen, and Town Manager or Administrator. Since the legislative body is made up of all citizens of the municipality there are many different opinions taken into account. Appendix E shows chart that outlines the flow of power in this form of government.

The Open Town Meeting acts as the legislative body of the town. All citizens that are registered voters in the town meet on a given day and place in order to elect the Board of Selectmen and make other policy decisions. The voters are given the opportunity to debate and then vote on budgets, by-laws, and all issues that are brought forth during the meeting. The executive branch is created by the Board of Selectmen and Manager. The Board of Selectmen is generally three to five members who are elected during the Town Meeting. The Selectmen appoint the Manager, boards, committees, set policy according to the voice of the Town Meetings, and approve union contracts. Depending on the Charter, the Selectmen may also have the ability to veto some of the Manager's appointments (MMMA, Forms of Local Gov't. pg.5).

The Town Manager or Administrator is part of the executive body of the town as well as the chief administrator officer (CAO) which allows him or her to appoint department heads, creates budgets, gives contracts, negotiates with unions and run the administration. The Manager is a voting member of the school committee in relation to union contracts (MMMA, Forms of Local Gov't. pg.5). Certain Charters will divide the power in order to give the Town Manager the title and responsibilities of chief executive authority. The amount of power that a Town Manager or Administrator has depends on the wording of the Charter adopted by a municipality. Town Managers tend to have more central authority than an administrator. As CAO the person has many different obligations that range from supervising the administration to ensure its efficiency to coordinating activities of town departments (MMA, Charter Basics).

The benefits to this form of government are direct and extensive citizen participation. The Board of Selectmen has the ability to appoint a well qualified chief executive and to remove the chief executive when the Selectmen see fit. The downside to this form is the lengthy decision making process by the legislative branch as well as the legislative branch may not be as

knowledgeable on issues as it should be. Lastly, the shared executive branch responsibilities between the Board of Selectmen and the Town Manager may cause confusion as to what responsibilities belong to whom (MMMA, Forms of Local Gov't. pg.5). The large size of the legislative body increases the chances that members are not well versed on issues prior to voting.

Representative Town Meeting (RTM)-Board of Selectmen-Town Manager or Administrator:

Like the pervious form of government this too has three aspects to it: Representative Town Meeting (RTM), Board of Selectmen and Town Manger or Administrator. Appendix F contains a chart that outlines the flow of power in this form of government.

In order to create the Representative Town Meeting a limited number of community members are elected, usually by district, who then represent all citizens in the Town Meeting. The size of the RTM varies but can range from smaller than one hundred to more than three hundred. The RTM is the legislative body for the municipality meaning that it debates and passes budgets, by-laws, and all other issues that arise during the Town Meetings.

The executive branch is the same as in the Open Town Meeting for of government. The Board of Selectmen and Town Manager share the responsibilities of the executive branch. Additionally, the individual roles of the Board of Selectmen and Town Manager are the same as the Open Town Meeting (MMMA, Forms of Local Gov't. pg.6).

The Representative Town Meeting allows for a more representative legislative body to be involved in the government in comparison to a Council form. Since the Town Meeting members are elected they are more likely to be well versed in issues than those who participate in an Open Town Meeting. Once again the ability to have guidelines while appointing the Town Manager and removing the Town Manager is available for the Board of Selectmen. However, certain

issues arise with this form as well. Creating a diverse representative community can be complicated. It can be difficult for the RTM's to reach the required quorum and to ensure that all members are current with pertinent issues. The large size of the legislative body increases the chances that members are not well versed on issues prior to voting (MMMA, Forms of Local Gov't. pg.6).

Charter Change Procedures

All 351 municipalities in Massachusetts must conform to state statutes when forming a city or town charters. Charters are required to outline all details of how the city or town will be run. The Charter must include the form of government chosen and then must detail who has what powers. A Charter is the basic framework of the government form in a community. It outlines officials that are elected and those that are appointed. For the legislative branch it details the size, term, composition and what authority it encompasses. If a community operates under a Charter in order to change the form of government that a municipality uses the city or town Charter must be amended.

There are three ways for a Charter to be amended: by-laws and "permissive" legislation, Home Rule Charter, and Special Municipal Legislation/ Special Act Charter. These three paths are not all the same. All three can be used for a variety of changes such as: changing an elected office to appointed and/or consolidating departments into one better functioning department. A change done through by-law and permissive legislation is limited by the types of changes it can make. Home Rule Charter and Special Municipal Legislation/ Special Act Charter have the power to change other aspects that by-laws do not (Contreas, pg. 23).

By-laws and Permissive Legislation:

By-law and permissive legislation allows for basic structural, administrative and organizational changes in a municipal's governance. Chapter 41, Section 1B of 1997, gives annual Town Meeting/election the right to change certain positions from elected to appointed status. First there must be a vote of Town Meeting then a ballot vote at the annual Town Meeting. Chapter 41 Section 21, allows crossover between Selectmen and other positions: Water and Sewer Board, Water Commission, Water and Municipal Light Commissioners, Municipal Light Board, Sewer Commissioners, Park Commissioners, Board of Public Works, Board of Health, Board of Assessors, and Commission on Public Safety. It is stipulated that in order for these changes to be made questions must be placed on the ballot that would give the Selectmen the proper authority. These questions must be put onto the election ballot sixty days before the town election. Permissive legislation can also be used to appoint assessors by Selectmen (Ch.41, Sect. 25), combining the positions of Treasurer and Collector (Ch.41, Sect.1), and appointing Town Clerk as Town Accountant if the individual holds another office (Ch.41, Sect. 55). Finally this path can be used to create the position of Town Administrator (Ch.41, Sect.23A) which was the favored means of changes for many years. The statute gives the Board of Selectmen the authority to transfer responsibilities of the Board of Selectmen to the Town Administrator (Contreas, pg.23-24).

Towns that still utilize this are those that have not centralized their government in a major restructuring as well as those that have more elected positions. Towns may utilize by-laws and permissive legislation when individuals whom hold the position that are in question are retiring.

At times when such openings occur people are more willing to serve if appointed than elected which is where by-law change is beneficial (Contreas, pg. 23-24).

Home Rule Charter:

In 1966, the Home Rule Amendment to the Constitution of the Commonwealth of Massachusetts was adopted. Although Massachusetts does not legislate what type of government a community must use according to population, tax base or other category there are loose guidelines that are generally followed. A population of 12,000 or higher may adopt a city form, 6,000 or above may adopt a Representative Town Meeting form of government and towns with a population below 6,000 must have an Open Town Meeting form (Contreas, pg.24-25).

Before 1966 and the implementation of the Home Rule Charter Amendment, the Charter change process, first adopted in 1915 (Massachusetts General Law Chapter 43), was very different. If communities wanted to change their form of local government they had these options to choose from: Plan A (Strong Mayor), Plan B (Weak Mayor), Plan C (Commission), and Plan D (Council-Manager). In 1938, Plan E, Council-Manager with proportional representation was added to the original 1915 statute. In 1959, Plan F, was added to the 1915 statute that allowed the election of Mayor and Council whom had party affiliations. However after 1966 and the Home Rule Amendment Chapter 43 was seen as inefficient and no longer used (Contreas, pg. 25).

In order to implement the Home Rule Charter a Charter Commission must be created. A petition of fifteen percent of voters must be presented and then a nine-person Charter Commission can be elected. The Charter Commission has a maximum of eighteen months (but may choose to use ten months) to create a proposal for a new Charter. Most times when such a

commission is created it is to change large aspects of the Charter. Some examples are creating a management position or change of elected boards to appointed status. After elected the commission debates all changes that can be made to the government structure while ensuring that public opinion is heard through multiple venues. Key points that are discussed are: legislative body (if not choosing an Open Town Meeting), chief executive, other elected offices, chief administrative officer, administrative organization, operating and capital budget preparation, citizen participation /safeguard mechanisms and other features (DHCD, Charter Commission Procedures). After the committee proposes changes the majority of voters must vote yes at a municipal election. If this whole process occurs then a new Charter is adopted and the changes are put into place (MMA, Changing Mass. Local Gov't Structure).

Special Municipal Legislation/ Special Act Charter:

Before the Home Rule Amendment the most pervasive changes to charters were made through special municipal legislation (better known as Special Act Charter). Towns have used this path in order to create Selectmen-Town Manager governments and this method is still used today to change government structure. There is a four step procedure for this type of Charter change. Step one: passage by majority vote, warrant article or resolution proposing the Special Act. Step two: petition to the General Court to enact the proposal. Step three: approval of the petition by the State House of Representatives and Senate. Step four: signing by the Governor. Although it may sound tedious this can take as little as a year. The petition may stipulate that the act only becomes effective during the next municipal election when voted on by the majority or it may have a particular date written in. This form of change can also be used to implement

smaller changes such as combining of appointed collector and treasurer (MMA, Changing Mass. Local Gov't Structure).

Section 3: Case Studies

Amherst

The community of Amherst is situated in Hampshire County in the Connecticut River Valley, the population as of the 2000 census was 34,874. From 1980-1990 there was an increase in population of 2,424 and 1990-2000 there was a decrease of 354 people. There have been a positive six percent (6%) population growth. The voter registration within Amherst is 49% registered Democrat and 6% registered Republican. The averages for the commonwealth are 36.95% Democrat, 11.62% Republican, 50.7% unaffiliated, and 0.73% minority parties.

Recent Charter Activity

The town of Amherst has had the same basic structure of government since the 1950's when it first adopted using a Town Manager. There have been multiple commissions that have been elected to change the structure of the Charter but none have been successful since 2001 (DHCD, Summary). On April 3, 2001 a Charter Commission was elected through the annual ballot process after the Board of Selectmen decided on October 30, 2000 to put the creation of a commission to a vote. The creation of the Charter Commission was under the Home Rule amendment provisions.

The commission published a report in the fiscal year 2002 on the Charter Commission process. This document outlines the basic steps taken by the committee in order to review the current system and produce suggestions for change. Under the Home Rule law the commission had eighteen months to fulfill this process. The commission chair was Bryan C. Harvey, vice-chair was James D. Pitts III and the clerk was Joan R. Golowich. The particular areas that they

reviewed were the Town Meeting, the select board, and the Town Manager. In order to have a fuller understanding of local governance in the area the committee members researched other communities and how their governments ran (Harvey).

During this process many committee members saw a widening gap between the promises made by Town Meetings and what was being implemented. Worries on participation, representation, accountability, contention and consensus, and effectiveness and efficiency also arose. There was a majority opinion that these concerns were pointing towards a needed change to Council form of government instead of Town Meeting. However in the end the committee decided to recommend a redistribution of powers and duties while retaining the current government structure. This suggestion was voted on and passed by the residents of Amherst (Harvey).

By looking at the current Charter that was changed in 2001 one can fully understand the distribution of power in the Representative Town Meeting- Select Board- Town Manager government form utilized in Amherst. The Representative Town Meeting acts as the legislative body for the town thus having the responsibilities outlined above in the description of a Representative Town Meeting form. The town's people can act through the Town Meeting but are also bound by what the representatives' vote on. Basically all that occurs in the Representative Town Meeting is as though an Open Town Meeting occurred since the residents elect their representatives. The Select Board is comprised of five members that are elected to be the town's chief elected officials. They are instilled with the powers given to a Board of Selectmen as written in the General Laws that are associated with the Home Rule Charter Act. Other powers that are given to them include: policy making, appointing certain positions, giving recommendations to the Town Meeting, regulatory items, by-law enforcement and certain

financial items as well as others that are not specified. Lastly, the Town Manager holds the power to appoint officers and employees, supervises committees, and is the chief administrative and fiscal officer of Amherst. The appointment of the Town Manager is done by the Select Board under the guidelines outlined in the Charter. Such as the Town Manager does not need to be a native to Amherst but most move there, he or she must have experience in the field and the town cannot enter a contract with the manager for more than five years at a time.

As mentioned before Amherst tried to change their government structure again in 2003 and 2005. Amherst has an active community relative to their participation in local government. This is a very important point to understand while examining why the Charter changes in 2003 and 2005 failed to pass. There is a sense of tradition especially since they were one of the first towns to adopt a Town Manager in the 1950s. The Representative Town Meeting is also seen as the purest form of democracy. The way that John Musante, Assistant Town Manager, describes the 2003 push for change is that it became a, “pitched political battle.” In 2003 there was a group of people that thought the Town Meeting was inefficient and unrepresentative. The governance model had all its power concentrated, the elections for the representatives were barely contested if there was even enough people to run furthermore the people wanted a distinct political leader. They proposed a Mayor (chief executive) - Council (legislative) - Town Manager (chief administrative officer) form of government. The argument was that this form would have more accountability and a full time Council more focused. This side also saw the Representative Town Meetings as long and tedious sighting one meeting that lasted fourteen nights.

The anti-change position is to remain with the current form and that data shows how the Town Meeting still works. In 2006 there was letter to the Editor of the Amherst Bulletin that outlined how attendance at meetings had increased. There were five sessions in the year where

only eight seats were vacant out of 240 seats. 80 members attended all sessions, one hundred and thirty six missed one session meaning that over 70% attendance was had for these sessions (Brooks). Another editorial writes of how great the Town Meeting structure is, “[where] discussion can be driven from below, and cannot be censored by authority from above except in a public forum. Any citizen with an issue of personal importance can ask that his or her fellow citizens engage that concern with discussion and a vote,” (Acherman). These are just some example of how strong feelings there were on both sides of the debate. The division between pro and anti Charter change mirrored opposing political parties during a state or national election.

In 2003, the vote to replace the Representative Town Meeting with a Town Council form and distinct political leader was defeated by 14 votes. There was a petition by citizens to revote on the issue and a second vote for a Mayor-Council government form took place in 2005. Although both sides held vigorous campaigns it was once again defeated: 2,953 votes for the current structure and 2,701 votes for change. “The government structure is not seen as broken by people in Amherst,” leading to the unlikely chance of having the structure changed to a Mayor-Council form in the near future according to Mr. Musante. The idea that is circulating in the majority right now is why fix something that is not broken? This along with the strong sense of tradition and pure form of democracy in a Town Meeting will make a Charter change almost impossible in the current climate.

Observation

According to Mr. Musante, “The government structure is not seen as broken by people in Amherst,” leading to the unlikely chance of having the structure changed to a Mayor-Council form. With the thought of ‘why fix something that is not broken,’ circulating within the

population of Amherst a change of government will not occur. The close margins in the 2003 and 2005 votes further proves that Amherst will not adopt a Mayoral form of government till a significant number of residents believe that the government is no longer working for them.

Another reason that the 2003 and 2005 votes failed can be faulted too the strong sense of tradition and history in the town of Amherst. The residents seem to have strong ties to the Town Meeting and do not want to dismantle it permanently. There is a popular and wide spread belief that the Town Meeting is the purest form of democracy that can be used by local government. This idea can explain why a change to Mayor form of government did not occur in 2003 or 2005. It is the belief of Mr. Musante that if there was a proposal to adopt a Mayor form of government again it would fail once again because the community has not changed drastically since 2005.

Braintree

The community of Braintree is situated on the south shore in Norfolk County, the population as of the 2000 census was 33,828. The community itself has experienced a decrease in population over the preceding two decades. From 1980-1990 there was a decrease in population of 1,615 and 1990-2000 there was a decrease of 8 in the population level. There have been a negative five percent (-5%) population growth from 1980-2000. The voter registration within Braintree is 39% registered Democrat, 12% registered Republican. The averages for the commonwealth are 36.95% Democrat, 11.62% Republican, 50.7% unaffiliated, and 0.73% minority parties. This shows that Braintree is slightly above the Commonwealth's average with registered Democrats but on par with the Republican average.

Recent Charter Action

In 2006 the community of Braintree realized their desire for a change in their governmental structure. The desire for change can be traced back to 1998-1999 when a disagreement between the Town Meeting and the Board of Selectmen became so intense legal suits were filed (Powers). From 2002-2004 an Elected Charter Committee operated in Braintree but they were unsuccessful in producing a document which was approved by the people. There were two factions that emerged as the process to determine the new form of government progressed, those in favor of a Town Manager form of government and those in favor of a Mayor form of government. The most outspoken proponents of the Town Manager form of government were the members of the Government Study Committee, which was a semi-autonomous body operating under within the Town Meeting.

In the Town election of 2005, there were two non-binding questions placed on the ballot: Question #2 asking if residents would be in favor of or opposed to a Mayor-Council form of government and Question #3 asking if residents would be in favor of or opposed to a Town Manager form of government. The results from the election stated that the community of Braintree wanted a Mayor-Council form of government. Question #2, the Mayor-Council option had 1,104 more votes in favor than against, while Question #3 the Town Manager option had 405 votes against it. On May 2, 2005 the Town Meeting approved the Town Manager form of government as proposed by the Government Study Committee. At the same meeting, May 2, 2005 a Mayor/Town Council Study Committee was established with the charge of creating a document which would change the government of Braintree to a Mayor/Town Council, they were given the statutory 18 months to produce such a document. Only five months later the Mayor/Town Council Study Committee presented their proposal at the October 25, 2005, Town

Meeting. The Town Meeting subsequently accepted the proposal and passed it on to the General Court for enactment. Both forms which had been approved by the Town Meeting were enacted by the General Court, Chapter 189 of the Acts of 2005 established the Mayor-Town Council form of government and Chapter 113 of the Acts of 2005 established the Town Manager form of government.

The Government Study Committee strongly advised the Town Meeting as well as the public that the Mayor/Town Council was the wrong form of government to adopt and they favored the Town Manager form of government. At the October 24, 2005 Special Town Meeting the Government Study Committee stated they did not “believe that this proposal [Mayor/Town Council], because of the conflict within the document and lack of appropriate checks and balances, is sufficiently refined to the point that it should be brought to the voters.”

George Kokoros, a citizen of Braintree, advocated for the gradual progression of government, for Braintree to adopt the Town Manager form. Kokoros wrote an editorial which he stated,

“It is difficult to expect that these part-time, dedicated individuals can continue to lead us into the future without more seasoned assistance. A Town Manager will give that knowledge and day-to-day commitment to our current government structure. It's a small change that needs to be brought forward before abandoning our grassroots system.” (Kokoros)

Kokoros also cautioned that the fundamental founding principal of democracy, to have everyone’s voice heard, would be lost if the town adopted the politicized Mayor-Council form of government and did away with the Town Meeting.

It is interesting to note that in the time between the October 2005 Town Meeting and the April 2006 election the Town Manager form of government proponents established a Political Action Committee (PAC) which advocated for the Town Manager form. Those in favor of a

Mayor/Town Council form of government did not respond and simply trusted the vote of 2005 would repeat itself in 2006 with Mayor/Town Council form winning out (Powers).

While there were multiple outspoken proponents of the Town Manager form of government it turned out that they were only a very vocal minority with the silent majority of Braintree residents favoring the Mayor/Town Council form of government. The Mayor form of government won the day in the Town election of April 2006. The Town election of 2006 clearly displayed the people of Braintree's desire for local government structure. With almost a 2-1 margin the Mayor Council won the day. Binding Question #1, Town Manager, received 2,225 YES votes, 3,389 NO votes; while Binding Question #2 received 3,935 YES votes and 2,005 NO votes. These results clearly show the public's desire for a Mayor/Town Council form of government and their desire not to have a Town Manager form of government. The Mayor and Town Council were elected in November 2007.

This change was the first change in the government of Braintree since 1920 when they moved from an Open Town Meeting to a Representative Town Meeting. The Town Meeting of Braintree was the third oldest in the state before it was abolished. The new Mayor-Council form established a nine member Council with six members being elected by district, the town's districts were shrunk from 12 to 6 by the town clerk and the board of registrars, and three Councilors elected at large. The Mayor was granted the authority to appoint former elected department heads such as the Town Clerk, Treasurer, Collector, and Planning Board.

In 2009 a Braintree resident, Angela Geso wrote an editorial which she expressed her mixed feelings about the change in Braintree's government two years after the change. The biggest theme in her editorial was that the change was bitter sweet. It was easier to hold someone accountable for the direction of the town, the Mayor, while at the same time she missed

the openness and inclusiveness of the Town Meeting where residents were kept better informed of happenings in the town. Another salient point was her dissatisfaction with the change from the election of to the appointment of such crucial positions, such as the Planning Board, that shape the future of the town.

Observations

While the Town Meeting form of government is without a doubt a Democracy, whether as pure a form of direct democracy as the Open Town Meeting is or a more representative form as with the Representative Town Meeting, the Mayor-Council system certainly is better classified as a Republic than a Democracy. Perhaps the adoption of more Republic style government of Mayor-Council over the Town Manager by a 2-1 margin is an expression of the increased desire to see individuals who will represent the will of the people and be held accountable to the people to run government.

The Mayor-Council form of government was pitched as a drastic change which mimics the government seen in Washington and in Boston and presented residents with a more accountable to the people form of government. It offered citizens the most drastic option for change and sometimes when people are as disheartened with a system they opt for the most drastic change in hopes that the severe change will bring about the best result.

The resounding call for change of government in Braintree may only be present in that community one of the resounding factors which can without a doubt be applied to all communities is that with the increase in availability of information, increased coverage of government on all levels by the media, and increased voter participation and registration in the

last few years certainly has increased the value placed on accountability in government, regardless of the form of that government.

Needham

The community of Needham is a suburb located in Norfolk County, just west of Boston with a population of 28,924 according to the 2000 census. Needham has experienced a population increase in the last two decades of six percent (+6%) with the influx of 1,367 people from 1990-2000. The voter registration in the suburb of 35% Democrat and 14% Republican registered voters. Both of are two percentage points different from the state average which suggests the makeup of the community is identify themselves as more conservative than the state average.

Recent Charter Action

Needham is has a very strong affinity to cultural heritage, which they have tried to balance with their desire to have an effective and efficient government. By the beginning of the decade Needham's population felt they needed a change in their municipal government to become more efficient but they did not want to lose the small town community feel. In 2003, the Board of Selectmen began the process of assessing the current government and starting to determine the best course of action for the future.

The town of Needham officially changed their Charter in 2005 they switched over to a Town Manager type of government. In 2004 Needham in created the Town Manager position by voting in support of the change in the November 2004 general election; subsequently the action was approved by the State Legislature and Governor. The second phase of the Town Manager

reform occurred in 2005; the “Proposed By-Law Revision” gave the responsibility of crafting a budget to the Town Manager. The third phase revision affected the Municipal Building Maintenance Board which was changed to Public Facilities Department which has to report to the Town Manager, which previously was an independent agency.

While the idea of change may be something Needham has historically shied away from changes in tradition at the May 2005 Annual Town Meeting the Town voted to establish a special committee under Article 64 to “authorized and directed to make a study and investigation of ways and means of (a) strengthening the Representative Town Meeting as the legislative branch of the Town government, and (b) of reducing absenteeism among Town Meeting Members, said special committee to report its findings and recommendation to the next Annual Town Meeting or sooner.” (Needhamma.gov) The committee was sustained by the Annual Town Meetings of 2006, 2007 and 2008 respectively. A report was generated for the 2009 Annual Town Meeting detailing their findings regarding increased participation and decreased absenteeism at Needham’s RTMs.

The study found that there was a need to keep the RTM in Needham and change was not welcome in the structure of the legislative branch of government, only internal reforms regarding the level of participation were needed. The study stated: “We reject the notion that Town Meeting is an obsolete institution in a complex and rapidly changing world” (Needham TMSC 2/2/09). The committee was initiative was spearheaded by longtime Needham resident and Representative to the Town Meeting, James Hugh Powers (Ryan). Powers is very active in the RTM his name has surfaced many times, writing editorials and also publishing formal reports, regarding local government in Needham, however, due to his failing health, his future involvement remains unclear. The 2009 Annual Town Meeting voted down the proposed

Warrant Article submitted by the Town Meeting Study Committee suggesting that imposing a cutoff date for items to be placed on the Agenda for the Annual Town Meeting of early February would hinder free speech.

Observations

While collecting research materials I asked a woman working at the Town Clerk's office about information regarding recent Charter changes she commented that "we have not had a Charter change in decades" but once I inquired further about their change to a Town Manager in 2005 she was helpful in locating language regarding that change. The tone of the woman working at the Town Clerk's office sounded as if she was rather insulted I had suggested their Charter had changed recently reinforcing the observation of a high value placed on tradition and importance of heritage Needham possesses.

While the mood of Needham may have been welcoming for the change to a weak Town Manager the general culture has not changed. The town of Needham still appears to pride itself on preserving its heritage and tradition by maintaining the RTM as it currently is established. The culture also seems to desire to stay as efficient and effective, illustrated by the change over to a Town Manager form of government. Needham seemed more concerned with changing their chief official's title to Town Manager than actually changing the powers and duties, as evidence of their weak Town Manager (Contreas). The future of Needham's government is stable for the foreseeable future. The culture of historic preservation is one which coupled with a homogeneous socioeconomic status of the population produces a culture higher civic involvement than the more heterogeneous populations of the Commonwealth. The only changes which may result in the future would likely be alterations to the RTM structure as was attempted

in 2009, resulting from clashing ideologies, reformers v. preservationists, of what the RTM should represent.

North Attleborough

Located in Bristol County Massachusetts a border town to Rhode Island, North Attleborough has a population of 27,143 at the time of the 2000 census. The population in this community has increased by twenty five (+25%) from 1980-2000. The voter breakdown for North Attleborough is 23% Democratic and 18% Republican which are significantly different from the state averages. The Democratic registration is down fourteen points from the state average and the Republican registration is up six points from the state average.

Recent Charter Action

In April 2002 the community of North Attleborough voted to form a Charter Commission consisting of: Sherry N. Rhyno, Chairman, Bart Steele, Vice-Chairman, John Kraskouskas, Clerk, Donald Baker, Garry Billingford, Louise Cote, David Manogian, James McKenna, and James C. Wood. The Charter Commission crafted a mission statement for themselves: “to review and critique the present structure of our town government and to recommend to the voters a structure of local government in the form of a Home Rule Charter which ensures open citizen participation in the decision-making processes, enhances the delivery of service to the community, and preserves the quality of life we enjoy here.”

The commission laid out a timeline which adhered to the state statues of 18 month with a Preliminary Charter scheduled for August 1, 2003 with the Final Charter Repost due on October 1, 2003. In order to produce a document which represented the will of the people the

Commission held sixty public meetings which were broadcast on the local public access channel which the Commission provided time for public comments and questions regarding the current government and where the public would like to see the government of North Attleborough evolve into. During these meetings the Commission not only sought help and assistance from the community but also from individuals experienced in the Charter change process. After the public hearings the Commission was able to distill all the information gathered and identify two main recurring themes: “the Town of North Attleborough does need some restructuring of its government and there is a need for ‘someone to be in charge’ in order for there to be increased efficiency and day-to-day accountability in government.”

The final Charter which was accepted by the Charter Commission with a vote of 5-3 on September 23, 2003 set forth these two changes to the government of North Attleborough: the Charter created Town Manager position to replace the Town Administrator, and the size of the Representative Town Meeting (RTM) was decreased in size by 2/3, from 162 to 54. The Board of Selectmen was left untouched by the proposed Charter at 5 Selectmen. The town election to decide the fate of the proposed Home Rule Charter was set for April 5, 2004.

The way the Town Administrator position is structured the Town Administrator only responsible for overseeing the departments whose heads are appointed by the Board of Selectmen. In an effort to help streamline the government of North Attleborough the Charter established the Town Manager who would be in charge or overseeing all department heads save for the school board. The RTM regulations were changed so that elected or appointed members of town board, commissions and committees, members of the finance committee, and town and school employees were not allowed to serve simultaneously as voting members of the RTM but they still had speaking privileges.

The proposed Charter also replaced the Election Commission with a Board of Registrars, appointed by the Board of Selectmen, which combined the Town Clerk and Election Offices with the Town Clerk, appointed by the Town Manager, to serve as the department head. The elected Electric Commissioners would still continue to set the rates but the department would report to the Town Manager.

The four members of the Charter Commission who disagreed, Baker, Cote, Manoogian, McKenna, with the final version of the Charter wrote dissenting opinions included in the Final Report of the Charter Commission, Town of North Attleborough. The main issues which the dissenting members of the Charter Commission identified in the proposed Charter were: the North Attleborough Electric Company reporting to the Town Manager/Board of Selectmen, the 2/3 decrease in the size of the RTM, the lack of any restructuring of the School Department, some members felt the voters wished a Mayor form of government, the creation of the Election Commission combined with the Town Clerk moved back to a form which was abandoned in the 1970s because of “opportunities for fraud at the ballot box.”

Observations

The fractioned Charter Commission was certainly a major factor in the failed adoption of the proposed Home Rule Charter in 2004. Often is the case with change even if there is a movement for change unless the voters can be convinced and shown that the current option is the best course of action the majority of the time the proposed Charter action will fail (Contreas). If the Charter Commission, the people who crafted the vision of the new government, cannot agree that it is the best option for the community it is hard to convince the community at large they should vote to adopt the proposed change.

Palmer

Palmer is located in Hampden County in Western Massachusetts. The 2000 Census documented the population of Palmer as 12,497. Over a twenty year span from 1980 to 2000 the population change grew six percent with a population increase of 298 from 1980-1990 and an increase of 443 from 1990-2000. Of these 12,497 residents thirty-one percent identified themselves as Democrats and twelve percent as Republican. The number of registered Democrats is six percentage points lower than the state average however the Republican registration rate matches the average.

Recent Charter Activity

The most recent Charter activity that Palmer has experienced was in the year 2004. 1,500 voters in Palmer signed a petition to have the Town elect a Charter Commission; this need was fulfilled on April 16, 2002 when the residents of Palmer elected a Charter Commission through the Home Rule Charter Act. The chairman was Paul Wisnewski and the vice-chairman was Keith Parent. The then current form of governance was an Open Town Meeting- three member Board of Selectmen- Town Administrator however the commission found after its initial review of the Charter that legislative and executive authority needed to be reconsidered. The commission used multiple different paths of research in order to reach its proposal. Firstly the commission analyzed current Charter structures of comparable municipalities to Palmer. In order to have citizen opinions the commission held public hearings and open meetings, surveyed random citizens, and met with elected and appointed boards and committees within Palmer. Finally they had discussions with the Massachusetts Department of Community Development (Wisnewski, ii).

It was the decision of the commission to suggest a new form of government be implemented in Palmer using a nine member Town Council- Town Manager structure with newly structured departments. The town departments would become department of public works, department of municipal finance, department of public safety, and department of public service. Although this would be a dramatic and severe change for Palmer the commission, “strongly feel...is by far the best way for the town of Palmer to meet the challenges of the 21st century,” (Wisnewski, ii).

The new division of powers, as outlined in the Charter that was voted into effect, is the Town Council being the legislative branch and executive branch lead by the Town Manager whom would also oversee all fiscal, business and municipal affairs. More specifically the legislative branch or the Town Council would be comprised of nine elected members with Council president, vice president, and clerk that the Council would elect from among themselves. The Town Council is vested with all powers of the Town besides those that are outlined to go elsewhere by the Charter or general law. The Council’s basic powers are appointments of certain officers, ordinances, etc. The Town Manager is appointed by the Town Council whom must follow the qualification outline in the Charter. All executive powers are the responsibility of the Town Manager however they can be exercised through town agencies as supervised by the Town Manager. The Charter goes on to outline the powers and duties of the manager some of which are: be responsible for an effective administration, attend all Town Council meetings, to keep the Town Council informed of the needs of the town, and prepare and submit an annual budget. This new structure of government was passed in the annual elections of 2004.

In the 2004 annual report of the town of Palmer the Selectmen report spoke on how the town voted in the new system. “This enormous change is a historical event in Palmer history that

will streamline operations, eliminate bureaucracy and provide a more accountable framework for town operations,” (annual report 2004). From this sentence one can gather the environment that Palmer was in during the time of the Charter Commission change. It seems there was a feeling among the residents of inadequacy in the Town’s governance. The lack of accountability can occur with a Town Meeting form since there is a lack of responsibility. An editorial that was written during this time expresses how the part-time Board of Selectmen was not a beneficial form for Palmer pinpointed that since it was part-time nothing could get done.

Observations

Palmer system of changing the Charter in 2004 seems to be the perfect way to change a Charter. Palmer was a municipality that decided it was ready for change, chose a good process and implemented its change in a simple and proficient matter. By having the review process begin through petition straight from the residents the whole process was predestined to succeed because the change purely came from the citizens. It can be extrapolated that since the Charter commission came from a resident petition there was little to no opposition to a change in government. Even though the change was a drastic one for Palmer it seems as though the time was ripe for such a leap to be made.

A point that jumps out about this case is that of geography and the domino theory. It is strongly believed by Ms. Contreas and other local government scholars that areas that experience significant Charter changes will be surrounded by other municipalities that have had similar experiences. However, Palmer breaks this mold having been the first in its area to make such a drastic change. This could be accredited to the flawless method that the town’s people followed in order to achieve this change.

Pembroke

Located in Plymouth County the community of Pembroke has seen a population expansion of 22% from 1980 to 2000 with the majority of that expansion occurring in the last decade of the 20th century. The population at the time of the 2000 census was 16,927 which was 2,383 more than in 1990. The current voter registration, according to the most recent data available from the Secretary of State is 14% of registered voters are registered Republican and 26% registered Democrat. This is a significant difference, ten percentage points, between the state average of 36.95% registered Democrat. While there is a ten point spread between the Democratic state average and the number of registered Democrats in Pembroke the number of registered Republicans is only two and a half points above the average, leaving eight percent of the voter unaffiliated above the state average.

Current Charter Actions

The community of Pembroke established a Town Government Study Committee (TGSC) in June of 2009. It is important to note that this is a Town Government Study Committee and not a Charter Commission, this commission is tasked only to investigate and determine what the best executive official for the town is to be enacted by special action of the legislature, not to draft an official Charter. Pembroke does not currently have a Charter and operates under Town By-laws and the laws of the Commonwealth (Tobin).

The chairman of the Town Government Study Committee and member of the board of selectman, Lew Stone, stated in a Public Hearing on April 13, 2010,

“When I got to be on the board of selectmen we had some issues and to my surprise we had to take a vote to ask the town administrator to take over the day-to-day operations of the board of health. When you read through the job description, although charged with many things, most must be approved by the board of Selectmen. After asking some question about what other towns did, I found out many had managers and they outlined what their responsibilities were. There was goal-setting and certain types of authority outlined and I presented to the board of selectmen to set up a committee to look into it. Following that, the town government study committee was formed and when we got involved in that it quickly became apparent that this (the Town Manager) would be the first item of business and this would be a priority” (Annear).

Stone is a new member of the Board of Selectman, elected in April of 2009, and the chair of the Town Government Study Committee, formed June 2009. It seems reasonable to conclude that Stone was a catalyst for change, or at least a driving force behind the creation of the TGSC. Stone has expressed a desire to streamline government and increase efficiency by providing a more businesslike approach with a central office head centralizing the now loosely connected departments. Stone stresses that the change from Town Administrator to Town Manager will also free up the Selectmen to focus more on executive duties, such as setting policies/enacting legislation rather than the daily administrative duties.

Another member of the TGSC, Anthony Marino, stated that the course the TGSC charted is “similar to what Hanover did” (Manning). The Brain Krause, member of the TGSC, at the April 13, 2010 public hearing stated that, “What we did was look at what other towns did and we are in a good position to be late to the party, because we get a chance to see what works and what doesn’t and see where we can improve on certain pieces. We’ve taken the best of what we can find and sharpened what they have done and we feel strongly ours is better than theirs because we had the chance to hit at the bottom of the inning.” This statement gives some credence to the theory that geographical proximity to change is another factor in changing the local form of government.

In Plymouth County consists of 27 communities 5 of which employ a Town Manager. The neighboring community of Hanover recently changed over to the Town Manager form of government. The Executive Assistant for the Selectman's Office of Pembroke provided this group with the Town Manager Article which will be placed on the agenda at the annual town held at the end of April 2010, included the line: "Recently, two other surrounding towns that still operate with the Open Town Meeting form of government also changed from Town Administrator or Executive Secretary to a Town Manager." This once again gives some insight into the degree to which Pembroke culture is influenced by the actions of surrounding towns.

However, while there is evidence that Pembroke has been experiencing social pressures to examine their form of government because of changes in surrounding towns evidence is also present that not all members of the TGSC were locked in on changing the form of government. Peter Isham, TGSC member and civics teacher said he "wasn't getting on the committee saying we need a change; I just wanted to look and see how it was operating" (Manning).

The proposed document leaves the government structure of the Board of Selectmen intact and establishes a Town Manager position to replace the Town Administrator. The town manger will serve a term of 3 years and may be appointed for successive terms of office. The town manger will act as the chief administrative officer for the town of Pembroke. The Town Manager will have the power to appoint and remove all non-elected department heads excluding those employees or the school and fire departments. The Town Manager will also be responsible for assembling a budget.

Pembroke will hold its annual Town Meeting on the 27th of April. Article 30, the article which will amend the town by-laws and change the form of government to a Town Manager will

be voted on at this meeting. The Board of Selectmen have urged favorable action from the town on Article 30.

Despite the urging from the Board of Selectmen for favorable action by the Town Meeting the Town Meeting rejected the Town Manager warrant article on April 27, 2010 at the annual Town Meeting. Current Assessor and member for the first government study committee in 1997, Libby Bates, was one of several people who spoke against the proposal at the meeting. The others who spoke out opposing the action were the Fire Chief Jim Neenan, Department of Public Works Commissioners Jim Kilcommons and Hank Dagget. Bates challenged the proposal by saying, "Has the Government Study Committee offered any real evidence of how this is going to save the town money and time beyond the tools we already have at our disposal?" (Manning) Bates followed up by suggesting that a Charter Commission be formed in order to change the government instead of attempting to alter the structure by changing the by-laws. Jeanne Gigliotti, who works in the assessor's office, spoke publicly as well, "I find it very hard to believe that one person is going to be able to take care of the entire Town Hall. I think department heads right now have a lot better understanding of what goes on in their departments." (Manning)

On the losing side Lew Stone, selectman and chair of the Town Government Study Committee, expressed his sadness that Pembroke was not ready for the change they suggested but still maintained that it was time for change in the community. Interestingly only one person spoke in favor of the plan who was not on the Town Government Study Committee, Gerry Dempsey a former member of the Zoning Board of Appeals.

Observations

It appears that the Pembroke movement for a change in government has been a very top down approach which little grass roots support. While the role of leaders obviously is important in spearheading change, it is possible for the leaders to push for change without grass root support as appears to be the case in Pembroke. Lew Stone, selectmen and community leader, was certainly a driving force for change in Pembroke however he was not on the same page as the people which resulted in the failure of the proposal.

Plymouth

Plymouth is located in southern Massachusetts, in Plymouth County and is known as “America’s Home Town” a title that they take great pride in. The population was recorded as 51,701 people in the 2000 Census. The population increased 7,224 from 1980-1990 and 6,093 from 1990-2000. This increase of 13,317 people over the last two decades of the 20th century translates into a thirty-five percent increase in population change from the year 1980 to 2000. Only 25% of the registered voters in Plymouth are registered as Democrats, twelve points below the state average. Interestingly, the number of registered Republicans, 14%, is only two percentage points above the state average meaning that Plymouth has ten percent more unaffiliated voters than the state average.

Recent Charter Activity

For the first 350 years of its existence it ran under an Open Town Meeting with Board of Selectmen form of governance changing to a Representative Town Meeting in 1952. It is

interesting to note that for a town that would eventually have more Charter votes than elsewhere it was not till 1974 that Plymouth had a Charter in writing (Meserve).

There is great division in the community of Plymouth when it comes to forms of government, which leads to difficulties in passing a proposed Charter by an elected Charter Commission. When the Charter was first written down in 1974 the Charter that was adopted was one that established a Representative Town Meeting- Board of Selectmen- Executive Secretary (Contreas). In 1988, the next commission was established in part due to the population growth that Plymouth experienced putting the population over 40,000 residents. This Charter Commission was charged with trying to modernize the government so that it could address issues that stemmed from the population growth such as property tax. After careful research the Commission offered two options, one that retained Representative Town Meeting but added a Town Manager while the other created a Town Council with Manager position. John Chaffee, a member of the 1988 Commission, recalls how the Commission wanted, “a Town Manager and Town Council and eliminate Town Meeting (Meserve).” These suggestions came to fruition during a vote in 1991. The option that retained Representative Town Meeting was adopted. The choice of retaining the Representative Town Meeting can be attributed to an editorial written which made a simple equation. A Town Council-Town Manager government is really a city form turning Plymouth into a city which in turn would raise the crime rates (Contreas Interview). The editorial had a negative impact on the passing of this proposal because it played to stereotypical beliefs held by residents that a “city” naturally has higher crime rates than a town.

The 1988 Charter revised the 1973 Charter through Special Acts. Essentially it established and defined the powers and duties of a Town Manager, consolidated the Department of Public Works, created a Finance Department and Director of the Finance Department and a

Department of Planning and Development, and changed Town Clerk, Treasurer, and Collector to appointed positions (Contreas Interview). Although this was not the ideal outcome for the commission it did ensure that the position they changed were no longer political which was a goal for the committee.

A third commission was elected in 1997 because there were those who believed the Town Meeting had become confusing and the Finance Committee was overly vocal. The Representative that attended Town Meetings were not always informed about topics to be discussed at the meeting which made it cumbersome and unproductive. Mr. Lawrence Pizer, Plymouth's Town Clerk, recalls how the substance of the meetings had become superficial and did not center on the core of the issues that were brought before Town Meeting (Meserve). The major change that the Charter proposed was having precinct caucuses before Town Meetings ensuring that Representatives were more informed and knowledgeable on issues and topics. This was done through Home Rule Charter—the Representative Town Meeting-Board of Selectmen-Town Manager form was modified by the adoption of the Home Rule Charter vote in 1999.

Only two years passed before a fourth commission was elected in 2001 with William Nolan heading the Commission as chair, a commission which sought drastic and swift changes that had not yet occurred in Plymouth. According to Nolan, “the Commission was elected because people were tired of slow changed and the slow reaction of government to their needs.” In reaction to a center group of residents that wanted a Town Council the commission voted to write a whole new Charter at its very first meeting. The Commission decided to look at Weymouth as a guide in this process since they changed to the Mayor form of government in 2000. Weymouth is a town that shares many characteristics with Plymouth, they are both located on the South Shore, have similar population size and town age. Although they are similarities the

Commission made certain to shape the Charter for Plymouth taking into account changing or omitting sections that Weymouth had written which did not fit with Plymouth. The process of writing the new Charter took eight months and was added to the 2002 election. An important point to note about this Commission was that not all members supported the change to Mayor form, four of whom wrote a minority report. The report outlined their feelings of the proposed Charter being flawed and placing power in the hands of too few, in particular the quality of Plymouth's schools and rise of taxes without residential input was at stake. The proposed Charter received forty-eight percent of the vote failing to pass however since it received more than one-third of the vote the exact same proposal was placed on the 2003 ballot only gaining forty-five percent of the voters in favor so failing once again (Meserve).

When asked in retrospect why the Charter failed Nolan responded by saying that the proposal was wrong that a Mayor-Town Council- Town Manager form would be best-- "the Mayor should be a figurehead, a Town Manger would deal with [day to day operations]" (Meserve). This lead to the creation of a Charter Review Committee who were appointed by the Town Moderator and charged with offering improvements on the Charter. Mikki Chaffe was appointed chair of the Review Committee. Her Committee used a Special Act Charter that retained Representative Town Meeting-Board of Selectmen- Town Manager structure while simplifying and reorganizing the Charter from 1999. The major change suggested by the Commission was the establishment of a committee of precinct chairs and a decrease in the Town Meeting membership from 126 representatives to 98, translating to seven members per district instead of nine. The smaller changes that the Review Committee recommended were approved by the Town Meeting in 2005; however, the reduction of the size of Town Meeting was not accepted (Meserve).

The most recent Charter activity began in May 2006 a mere six months after the previous Charter Review Committee. In 2006, The Mayor for Plymouth Committee was created and spearheaded by Michael Jones. This was a group of residents that strongly believed Plymouth would benefit from a Mayoral form of government and pushed for a proposal similar to that of 2003. With the birth of Mayor for Plymouth Committee came the opposition committee called, OPEN who claimed to be unbiased on the form of town governance even though many of the members had been part of the government for many years. The 2006 Charter Commission was comprised of nine OPEN members and one Mayor member. The Commission was given until November 2008 to present its proposal (Meserve). The Commission published a report on the proposed Charter changes which included both majority (5 members) and minority (3 members) opinions with one member resigning from the Commission.

The majority report outlines the goals that were set by the Commission previous to the start of the revisions. Their goals for the new Charter were: accountability, effectiveness, efficiency, transparency, communication and cooperation between branches of Town government, long-term planning, and professional Management. During the sixteen months of review the commission studied past Charter of Plymouth, and listened to testimony from: people whom were involved in past Charter studies, experts of local governance, representatives of the Massachusetts Municipal Association and the Massachusetts Municipal Management Association, people whom held elected office at some time period, members of multiple Plymouth boards, Town Meeting representative, and Town Managers and Administrators from neighboring municipalities. After this careful and detailed oriented review process the commission proposed the following substantial changes to the current Charter. Mr. Withinton, the Chairman, described the new Charter proposal as a hybrid between city and town

government. The proposed Charter recommended the creation of a noticeable difference between operational and strategic aspects of government. A popular elected position of Mayor would be created, who would be responsible for the operational issues of the Town. With the elected Mayor would come a five person executive board which the Mayor would be a member of. In order to retain the idea of Town Meeting a Representative Assembly would be created with three members from every precinct and meet at minimum four times a year. Within the Representative Assembly a President would be elected through popular vote and hold significant power such as appointments. There would be standing committees within the assembly such as finance and by-laws and administration. In order to help the Representative Assembly create strategic goals, long-range plans and policies there would be a Strategic Planning Board. There would also be an elected Planning Board outside of the scope of the Strategic Planning Board. This Charter would still include a Town Manager that all Town departments would be accountable too. The majority of the Committee (5 members) as written in the 2007 Charter Report felt that this mixture government, “recognized the unique nature of the Town of Plymouth,” and obliges, “the ongoing growth and evolution of the Town [by] increasing the accountability of Town government and enhancing the ability to serve the citizens.”

However, within that same 2007 report the minority (3 members) opinion was given which can be summarized in one statement, “complex and confusing in scope, direction and accountability, the proposed Charter does not assign to anyone the ability to lead.” The executive branch is a part-time Mayor who is mostly ceremonial with a part-time Executive board which is essentially a Board of Selectmen. The Executive Board is able to execute its own policies which essentially eliminate the Mayor’s legitimacy. The Town Manager who is a full time position would have to go through a part-time bodying leaving no one fully in charge.

Lastly within the Executive board there would be a lack of structure leading to more confusion. Within the Legislative branch there are issues too such as the branch being only part time. The Representative Assembly would be the Town Meeting once again simply smaller in size. The powers given to the Assembly President further reduce the role of Mayor. The minority report concludes that the citizens wanted a “streamlined form of government with a clear line of authority,” which was not produced by the majority and thus should not gain support of Plymouth’s citizens. The Home Rule Charter proposal was voted on in 2008 was defeated once again.

Observations

This new form of government that was presented in 2008 was confusing and decentralized. The vice-chair of the 2006 commission, Anthony Schena, said that the accountability issue is solved by having multiple executives (Knox). However this seems to be creating less accountability and more confusion by creating an environment to where officials can be played off one another. For example if issue x is asked to one department head and their decision is not communicated to other department heads the person with the issue can raise it to another department head and possibly receive an answer he or she is content with. It is like a small child going to the other parent and looking for a ‘yes’ after the first one said ‘no’.

Plymouth’s population growth has negatively affected the usefulness of the Town Meeting. This negative affect has driven the creation of many of the Charter Commissions as outlined above. However, time and again people rally to save the Town Meeting, whether there is a better option or not. This action can be explained by the ties to tradition of Town Meeting that many municipalities in Massachusetts have, Plymouth being one of them.

“Sell the product to the voters, making them know the importance of the issue. Only then will the ‘yeas’ come out to vote, and either end or continue Plymouth’s long history of Charter review,” said Nolan before the 2008 Charter vote. This statement has been proven correct over and over in Plymouth’s history. There are a strong voiced group of constituents that want a Mayoral government because they believe it will be more effective and beneficial to Plymouth however they have yet to gain enough votes to fuel this change. Until enough people decided that Plymouth is in need of change and go out to vote for it this change to a Mayor Government structure that is continuously pushed for will not occur.

Randolph

Randolph is located on the South Shore of Massachusetts and is included in the Norfolk County. From 1980 to 2000 there was a nine percent population growth the population of Randolph was 30,936 as of the 2000 Census. Within the community of Randolph 49% of registered voters are registered as Democrats which is a staggering number and twelve points above the state average. Only seven percent of registered voters have registered as Republicans which is five percentage points below the state average.

Recent Charter Activity

Randolph’s Charter change restructured its whole town governance. Ever since its first Town Meeting in 1793 Randolph had utilized some form of Town Meeting. However in early 2009 a government reform commission was elected to review the Open Town Meeting- five member Board of Selectmen- Executive Secretary form of government. One particular point in that form was that the chief administrative officer was not the executive secretary but the

Chairman of the Board of Selectmen. Through detailed research the commission recommended that Randolph move to a Town Council-Town Manager form of government. Appendix G is the chart that outlined what the commission had gathered and was proposing to the town. The Town Council is to meet weekly and be comprised of nine members that are elected by the residents. The school commission grew from five members to seven including a town Council representative.

The Charter allocated all legislative powers to the Town Council. There will be a Council President and Vice-President. The Council President presides over all Council Meetings making sure that they run smoothly. He or she will also have the power to appoint all members of town Council committees, vote on any issue that is brought to the Council and will be the official leader of the town in any and all ceremonies. All powers of the Town are vested in the Council and the policy making power as well.

The Town Manager is the chief administrative officer and is elected by the Town Council to serve in the office for up to five years. The Manager must meet certain criteria that are outlined in the Charter for the Council to follow. The Manager will be accountable to the Council and charged with ensuring the proper administration of all town business. The Manager will also appoint all department heads and employees as outlined in the Charter. Submission of a town operating budget must be given to the Town Council by the Manager no later than February 1st. Overall the responsibility of the Town Manager would be the day to day operations.

This new Charter was voted into law by the residents in April 2009 and put into effect in January 2010. In order to produce and implement the new Charter the town used the Special Acts Charter path. Part of this process was to approve the appointment of the then Executive Secretary David Murphy as the first Town Manager.

There is one constant theme in the environment of Randolph that led to the Charter commission creation, transparency. There are multiple editorials and articles where town's people are quoted as saying the government needed to be more transparent in its actions and policy making. A need for an open government operations for the residents was also present. As the new Town Manger took office he promised, "to make our government more serviceable to the public," (Hanson).

Another perhaps smaller reason to have more day to day oversight through a Town Manager was the public school system. Two years prior to the Charter Commission creation the state of Massachusetts had threatened to take over the school system. There had been some progress made since that time however more is needed a task that a Town Manager could do quite well.

Observations

On December 12, 2009 an anonymous article was posted on the Patriot Ledger entitled, "Final Town Meeting will mark end of era in Randolph." It summarized the history of the Town Meeting in Randolph, occurring since 1793, and how the history would be commemorated. This article made a very strong point that seemed to be left out in coverage of the change, the history that Randolph was giving up. Although the reasoning behind the change is valid and proved time and time again tradition and history generally has a stronghold in Massachusetts. It is surprising that in this case the history of the Town Meeting did not have such a presences at least it was not reported on as much as the benefits of the change.

Winthrop

Winthrop is located in Suffolk County, Massachusetts. The 2000 Census stated that the population of Winthrop was 18,202 residents. Since 1980 the population has a net change of negative three percent. From 1980-1990 the population dropped by 769 inhabitants but from 1990-2000 the population increased by 176 residents. Forty-three percent of registered voters registered as Democrats and nine percent of registered voters registered Republican. It is important to note the high Democratic registration rate of 43%, though high is not as high as some of Winthrop's neighboring communities which have even higher Democratic registration percentages, Boston is 55% Democrat, and Cambridge is 58% Democrat.

Recent Charter Activity

The elected chair of the Winthrop Charter commission was Joe Ferrino. The commission was elected on November 7th, 2005 and given the task of implementing a new Charter. The commission was created in response to a report that discussed the benefits of having a Charter with a manger form. After reviewing the Charter the committee decided to suggest a Town Council- Town Manager form of government instead of the current form of Executive Secretary- Board of Selectmen and Town Meeting.

The new Charter proposed separation of powers between the Town Council and Town Manager as follows. The Town Council is comprised of nine members whom are elected by the community of Winthrop including the Town Council President. The Town Council as a whole will act as the sole legislative body for the town. The Council President under the new Charter is the town's executive and responsible for making appointments, overseeing the calendar of the Town Council and representing the Town's interest at intergovernmental affairs as well as in the

community. The Council President will be a voting member of both the Council and the school committee. As the executive power the Council President must uphold the Charter, the laws, the ordinances and all other orders of government in the town as well as all other normal executive powers. The Town Manager is charged with all administrative duties for Winthrop thus being entitled chief administrative officer. The Manager will also help the Council President with the formation of policy and implementation. He or she will also provide any information to the Council President or as a whole when requested. The Town Manager is appointed by the whole Town Council while ensuring the guidelines as written in the Charter under article 4. In order to help explain the proposal that was being made the Charter Commission created a question and answer sheet to be distributed to voters. The Charter Commission voted on this proposal 7-3 and the proposal was passed by 2789 to 2434 residents and took effect on January 1st, 2006.

Lastly it is important to take note of the delay in appointment of Town Manager that occurred after the new Charter was passed. It was not until April of 2006 that a Town Manager was appointed into office. Finally Winthrop hired Richard White as their first Town Manager whom had seventeen years of experience as Town Manager in Lexington, MA and twenty five years of experience sitting on other governmental committees (Domelowicz).

While talking to Mr. Ferrino about the Charter Commission process in Winthrop he identified a series of events that lead to the Charter Commission being elected. He recalls how there was a small interest group whom believed that the executive secretary and board of selectmen had become ineffective and inefficient. The Board of Selectmen was a part time position that was running a fulltime government. The division of power between the board and the executive secretary was not well done. In order to make any decision the executive secretary had to process it through the Board of Selectmen whom only worked part time. This lead to a lot

of frustration within the government and for the town's people as well. This small interest group strongly felt that Winthrop would greatly benefit from a Town Council-Town Manager form of governess. This group followed state legislature process and collected enough signatures of voting residents in order to put the creation of a Charter Commission on the upcoming ballot (Ferrino).

There are two distinct needs of town's people during this time as described in the Town Council President's annual report in 2006. The first is to have a Town Council as the new legislative body. This was wanted in order to have more accountable legislation. Secondly, a strong Town Manager whom could handle the day to day operations of the town was needed. The residents also wanted more transparency and sound financial policies. Overall it has been stated that the main reason for this Charter change was that the multiple government entities were working as completely spate entities with no communication. In order to be more efficient greater communication had to occur.

Observations

A year after Winthrop's first Town Manager was appointed an article ran in the newspaper reviewing Mr. White's performance. The article explains how there was hesitation of how an outsider, "[could] understand and work with the unique and dynamic political and community groups in town," (Domelowicz). However the article quotes multiple different town leaders that have been very happy with Mr. White's success. One of the hardest balancing acts a Manager must do is that between the large and small issue and a manager that can do this is seen as successful and efficient. Chamber of Commerce President Trudy Macero is quoted as saying,

Although he has a number of large issues that he is taking care of with the Council, he's always ready to listen to the smallest of issues and having someone paying attention to those details is something that the town has needed for a long time. (Domelowicz)

This proves that the town of Winthrop has succeeded in the change of government that the residents wanted. Furthermore it would seem that the issues citizens had with the older government system have diminished with the implementation and operation of a Town Council-Town Manager system of government.

Section 4: GIS Maps

The 21 GIS maps produced for this document may be found after the Appendixes. A picture is worth 1,000 words; however, this section is specifically dedicated to analyze some key things these maps show. The maps were constructed using: MassGIS data, voter registration files located on the Massachusetts Secretary of State site, data obtained from the Massachusetts Municipal Association (MMA), the archives of the General Court of Massachusetts and information gathered from the Department of Housing & Community Development relating to Home Rule Charter (HRC) action and Special Act Charter (SAC) action. The maps can be divided into four main sections with multiple maps in each section.

The first set is a grouping of maps which display census data and provides background data on the Commonwealth of Massachusetts. The map titled ‘MA Population Percent Change 1980-2000’ shows which communities in the Commonwealth have had negative change or different degrees of positive change in the population size. This map illustrates that although some communities have changed forms of government, these communities have not necessarily experienced large population changes as one may have anticipated. However, it is important to note that the simple change in population only measures numbers, not the fluctuation in the makeup of the population. It is possible that older members of the community who placed a higher value on the “old” form of government may have moved away or passed away and been replaced with new community members who may not have as strong an affinity to a specific government type. This could be a useful map to produce in order to gain a better understanding of local government change relative to individual turnover within a community.

The second grouping of maps, displays the voter registration data for communities using the current data available from the Secretary of State's website. The maps which display voter registration of Democrat over Republican and Republican over Democrat offer an interesting insight into the makeup of certain communities. The lowest percentage grouping of both Republican and Democrats is empty on the map and so those communities appear white. The maps, 'Voter Registration Democrat over Republican' and 'Voter Registration Republican over Democrat', show that while often when a community has a low registration rate of a party it does not always translate into a high registration rate for the opposite party.

The third grouping of maps displays current data regarding the current form of government. The 'Local Legislative Forms' map shows that while we are focusing on changes in local government there are still many communities which function under Open Town Meetings (OTM). Another interesting thing to note is the fact that Councils are clustered in and around Boston and around Springfield but not around Worcester. One would suspect that around the three largest cities in the Commonwealth a Council would be present because of the geographical proximity of the communities to a city that tends to have a Council. The 'Chief Municipal Officer' map displays the job titles as documented by the MMA. The Chief Municipal Officer Groupings were provided by Hans Larsen, Chairman of the Form of Government Committee, which attempted to better classify and display the forms of government within a community by generally accepted terms relative to the function of the job rather than the official job title. Some communities did not list a Chief Municipal Officer and so the 'CMO over Leg Form' map was created to show that those communities which do not have a CMO do in fact operate with an OTM.

The analysis of the maps displaying Home Rule Charter actions (HRC) and Special Act Charter (SAC) show most of the changes in government have been located in the eastern half of the state. A high concentration of communities on the Cape have also undergone Charter changes or attempted changes. These maps only display the most recent action within the decade for HRC communities and display only the most recent SAC action a community has taken. For a full list of the communities which have taken HRC or SAC action please refer to the Appendixes H and I. The regional, neighbor, or domino theory are supported by the maps as shown by the maps 'HRC over SAC' and 'SAC over HRC.' There are a few outliers but the vast majority of communities which have attempted change share a boarder with a community which has also attempted change.

Section 5: Analysis

Introduction

After concluding the nine case studies and creating the GIS maps, common themes and factors have been identified which contribute to a community's desire for change. One term that emerged through all nine case studies was the stress placed on efficiency of local government. Inefficiency which would seem to be the most logical variable for a government to be experiencing that would initiate a need for Charter change. Efficiency has many definitions; whether it is the amount of legislation passed or how quickly a request is processed through the bureaucracy. Unfortunately, 'efficiency' has turned into a rallying cry/ buzz word which is echoed on both sides of the equation with those in favor of change touting their new and improved structure as more efficient while those who do not want change claiming that the current form is more efficient. This complexity has lead to the decision not to use efficiency as one of the common trends found. It may though have been mentioned in the individual cases in order to portray the feelings and thoughts of the residents.

Population and Geography

The map titled 'MA Population Percent Change 1980-2000' shows which communities in the Commonwealth have had negative change or different degrees of positive change in the population size. This map illustrates that although some communities have changed forms of government, these communities have not necessarily experienced large population changes as one may have anticipated. However, it is important to note that the simple change in population only measures numbers, not the fluctuation in the makeup of the population. It is possible that

older members of the community who placed a higher value on the “old” form of government may have moved away or passed away and been replaced with new community members who may not have as strong an affinity to a specific government type.

The ‘Local Legislative Forms’ map shows that while we are focusing on changes in local government there are still many communities which function under Open Town Meetings (OTM). Another interesting thing to note is the fact that Councils are clustered in and around Boston and around Springfield but not around Worcester. One would suspect that around the three largest cities in the Commonwealth a Council would be present because of the geographical proximity of the communities to a city that tends to have a Council. The government of Worcester may have served as a deterrent for adoption of Council form of government due to the complexities of the Worcester government structure.

History

Massachusetts has a long history of Town Meetings that is unique feature of New England. The history of the Town Meeting that dates back to the early 1700s, as discussed in the Literature Review, plays a large role as to why certain communities that have undergone Charter Commissions. There is a feeling that democracy is operating in the best possible way since all citizens have the right to be heard at a Town Meeting. Not only is the Town Meeting historically important to communities but the ability to have high levels of civic engagement is a priority as well.

History and tradition has been seen to either hold a community back from change or to be acknowledged and memorialized while still implementing the change. This is seen in the case studies done of Amherst, Braintree, Needham, North Attleborough, Pembroke, and Randolph. In

Amherst, Needham, and Pembroke the history stops the town from voting for change. For Amherst and Pembroke traditionally roots of Town Meeting are cited as reasons for not removing Town Meeting altogether. Needham's stress on tradition comes into play through the pride they hold in their consistency of retaining their form of government. Whereas the communities of Braintree and Randolph, had long histories and traditions of Town Meetings changed to a Town Council form without problems. This was done by embracing their pasts and realizing that the change in government was best for their respective communities. North Attleborough falls between these other cases. Change was did not occur in North Attleborough in part due to their fear of the past and learning from their history. Within this factor population size can be a trigger to how strong history and tradition will affect the residents. In a place that is larger where people are more separated from the community's history perhaps it will not affect their decision to change the form of government as much.

Transparency and Accountability

Local government just like state and federal government can experience the issue where the constituents feel as though they are not well aware of government decision making processes. Citizens want the knowledge of how their government decides policies, since policies affect them as residents. The call for increased transparency can arise from concerns with financial matters. Residents who call for more transparency tend to be responding to fears that decisions are being made which do not value the input of the people and are occurring 'behind closed doors'. Civic engagement and the traditional ideals that it holds can account for this need of the people.

Throughout the case studies the idea of having a single person to vest power in and hold accountable is seen. A split occurs when deciding if a single person will be politically elected or professionally appointed. Amherst had a proposal beginning in 2003 to change to a Mayor form while already having a Town Manager. This is a case of changing from professional to political leadership citing that a distinct political leader would give the people the accountability they wanted. Although this change maintains a single person position that was wanted by residents of Amherst it did not pass due to the political aspect and fear of partisan politics.

Randolph and Braintree are neighboring communities with similar demographics. Randolph utilized Braintree as an example during Charter change due to their shared similarities. In both cases the need for a governmental structure that was more accountable to the residents was listed as a factor for change. Even though the two communities had this need in common they chose different paths to fulfill their desire for change. Braintree voted for a Mayor while Randolph chose a Town Manager position. In seeing the mirroring cases and the different outcomes it can be concluded that a single powerful position is desired by communities where the difference occurs is in the realization of the position placed into the power.

Preconceived notions with regard to change

A desire for change in government among residents of a municipality can stem from either the positive or negative preconceived notions relative to a specific title. In addition the notion that a change in governmental structure will be a panacea to issues a municipality is having.

“Words are everything in this game, a title means nothing [in and of itself]... the job description is what counts,” according to Marilyn Contreas, Senior Program and Policy Analyst

at the Commonwealth of Massachusetts Department of Housing & Community Development. This simple sentence summarizes the underlying ideal found throughout research of Charter Commissions. Residents push for a Town Manager position within their home towns simply to have a “Town Manager,” often they will not know the full extent of this position or the effect it will have on their lives. The community culture of municipalities in the Commonwealth has evolved away from the Executive Secretary and Town Administrator to a Town Manager form of government. This can be seen in Winthrop where they had an Executive Secretary which did not have the authority to make decisions even though the title’s implications were so. This lack of authority led to the establishment of a Charter Commission. However, when they moved to a Town Manager form they ensured specific responsibilities were written into the Charter in order to place power behind the title.

“Whenever an organization is not working people look for leadership to make it better,” (Bolman and Deal), as seen in local government changes in Massachusetts. Many communities want to change their form of government in order to elect a Mayor or appoint a Town Manager; all the while believing that this will solve all their issues especially when it comes to financial matters rather than addressing the source of the issue. During Braintree’s Charter change process there was an outcry for a Mayor position, citizens said that such a title would be able to solve the inefficiency that they were experiencing at the time. This same opinion was portrayed in Plymouth where people tried to move to a Mayor government as well. On the other side of the spectrum of preconceived notions is the dismissal of a Mayor position due to the negative connotations that are associated with having a political leader.

While the North Attleborough Charter Commission offered a Town Manager proposal one of the dissenting opinions expressed feelings that community members desired a Mayoral

form of government instead. In part due to the choice of the Commission to propose a Town Manager form instead of a Mayor form of government the proposal was defeated at the ballot box. Even though the Town Manager could have provided the change the community sought, the residents wanted a Mayor. As proven here preconceived notions can push a community in one way or another when it comes to implementing a governmental change.

Section 6: Rejected Change Analysis

Of the nine cases that were studied, four failed to pass their most recent attempts at a Charter change. To reiterate these were the towns of Amherst, North Attleborough, Pembroke and Plymouth. It is imperative to recognize if any of the attempted changes failed due to factors that were discussed above or for any other specific reasons.

Amherst did not vote yes at the ballot box when the question of adopting a Mayor form of government was proposed in either 2003 or 2005. Throughout discussions with those who are knowledgeable on the topic the theme of civic engagement is cited as a reason for the failed change. Amherst's population is a very civically engaged community who believe that public participation in government is of high importance. Their sense of civic duty can be traced to the importance of citizen participation in government which has been engrained in the Amherst culture since the first Amherst Town Meeting.

Along with all the reasons mentioned above it is believed that the main reason North Attleborough's Charter proposal was defeated was due to a division in the Charter Commission. The Commission was split 5-4 for and against the proposed change. Within the report that outlined the proposed change the minority's anti-change views were published as well. In situations like this when the minority opinion is against the proposed change they are most likely to win because a society needs to be fully convinced that the change is for the best. If members of the community, who are held in high esteem and are elected to the Charter Commission, do not believe in the change then the community will follow suit. In order to overcome a divided committee those in favor of the proposal must be able to articulate the rationale behind the change and how it will better the daily life of the average citizen. This a key point that was

missing in North Attleborough which is also seen in Plymouth's most recent Charter Commission.

Pembroke's July 2009 creation of the Town Government Study Committee can be directly attributed to one man, Lew Stone, who was elected to the Board of Selectmen in April of 2009. While the Town Government Study Committee consisted of individuals dedicated to changing the form of government, once their proposal was brought before Town Meeting, it was met with overwhelming opposition. Multiple key members of the community spoke out against the change while only one member of the community favored it. Stone appears to have been before his time calling for change in a community which is still happy to function under its current structure.

Plymouth has a vocal minority of residents that wanted a Mayor in their town government. The most recent Commission strongly believed that a Mayor should be put into place however when the final Charter was produced there was five votes for, three votes against and one resignation. This split in the Commission portrays the want for a Mayor form but in a different format than suggested. When residents read the dissenting opinion they voted to defeat the proposed Charter once again proving that the group wanting Mayor was in the minority.

Section 7: Final Thoughts

Multiple themes have emerged as discussed in the previous sections, but after examining the case studies and the GIS maps, one theme seems to be more prevalent than all the rest: each community is just that, an individual community. While individual factors and themes have been identified and discussed in an attempt to explain why a proposed governmental structural change passed or failed, no single factor has emerged that when examined will explain the desires of the communities relative to change. There is no particular precipitating cause which if identified in a community will surely be a sign of coming change. Rather, multiple factors have been identified which help explain what direction a community is headed in; if they are content with the status quo or are hungry for change. It is only through careful, intelligent, and rigorous investigation into the inner workings of the community that a hypothesis about a community's future be made. There are similarities between communities but no wide spread generalizations can be made relative to all 351 communities because of the intricacies of each individual community in the Commonwealth.

Unfortunately due to the time limitations this study was not able to address all aspects that arose during research. It is the authors hope that future studies will research these aspects. In order to further this hope some of the missing facets are offered here. Firstly, a statistical analysis of population, voter registration rates, socioeconomic status, etc should be conducted in order to gain a better understanding of correlation versus causation. There is a need for measurement of local government efficiency as this was cited during multiple Charter change processes. Lastly, while not noted in this study it would be interesting to examine if the change from a Mayor form to a Town Manager form has ever occurred and if so what were the causes.

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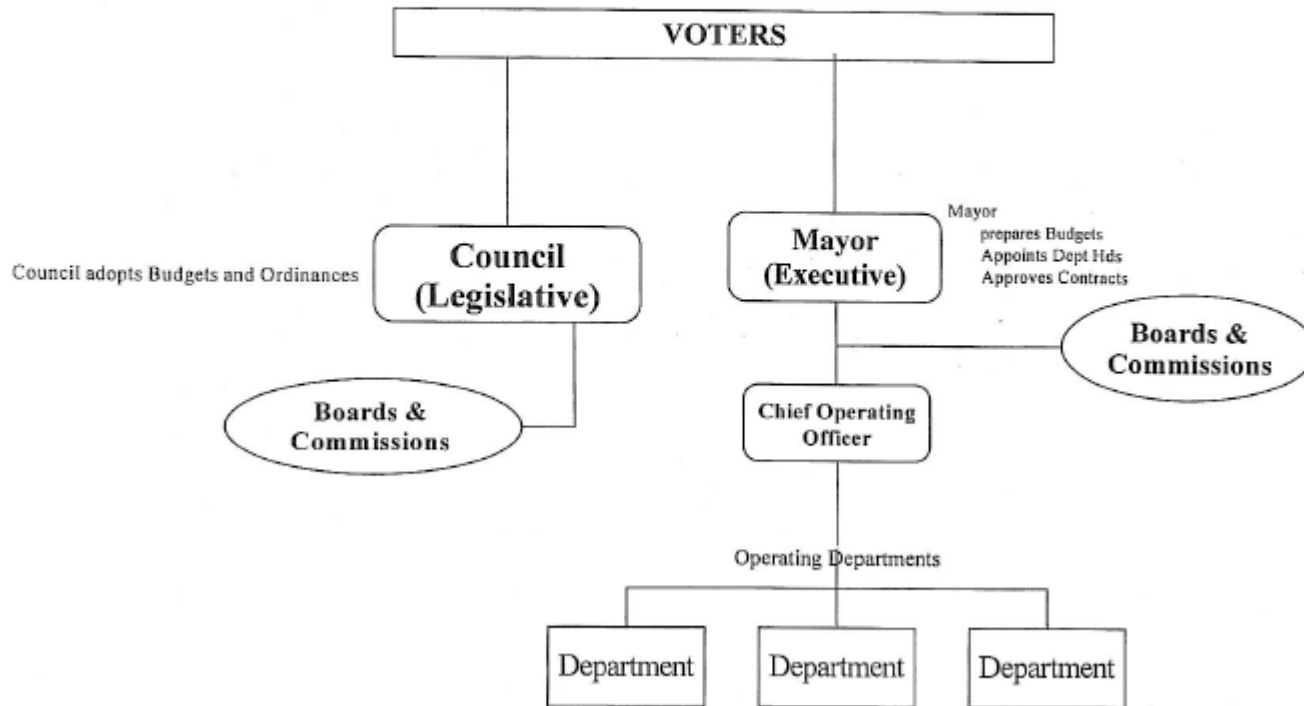
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Appendix A: Mayor/Council Organizational Structure

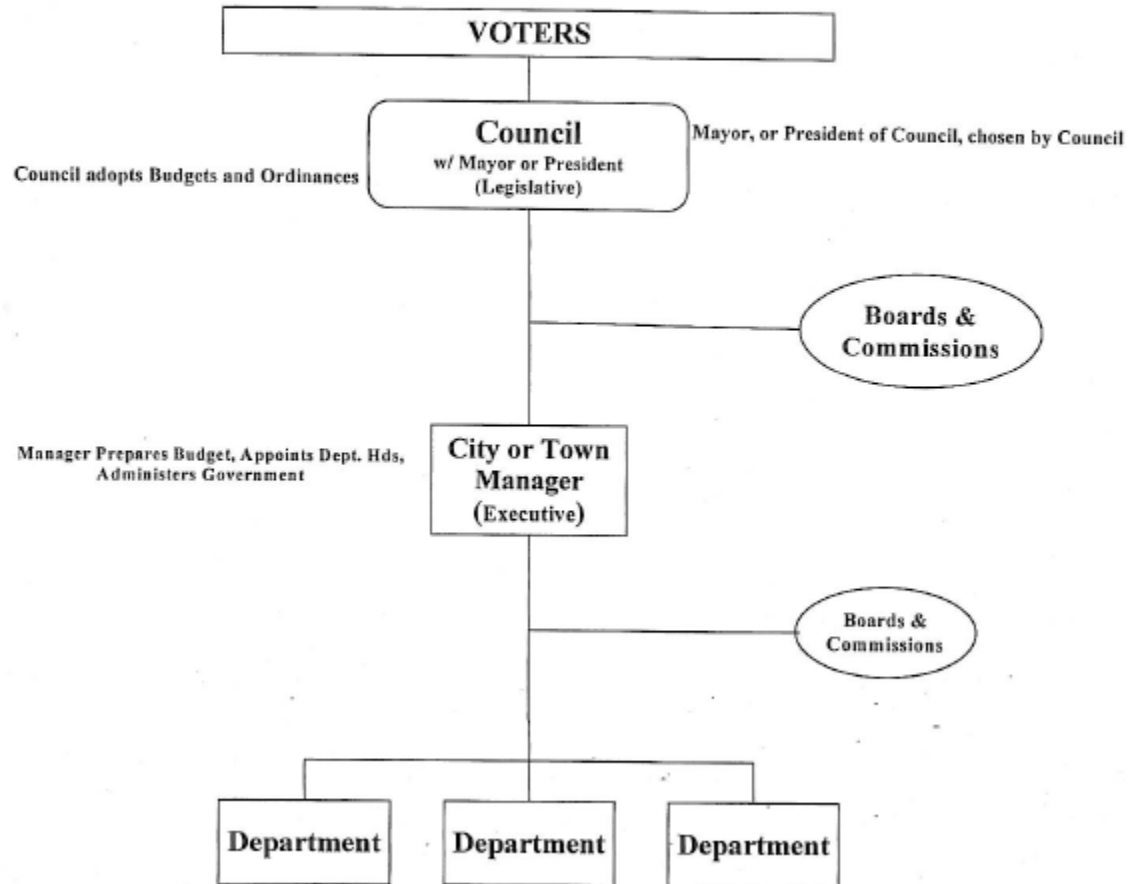
MAYOR / COUNCIL
(Strong Mayor
w/ Chief Operating Officer)



Source: <http://www.mma.org>

Appendix B: Council-Manager Organizational Structure

COUNCIL / MANAGER



Source: <http://www.mma.org>

Appendix C: Most Prevalent Form of Local Government in Specific Population Ranges

Most Prevalent Form of Local Government in Specific Population Ranges: Council-Manager (CM) vs. Mayor-Council (MC)

<u>Between</u> <u>2,500 and 4,999</u> (2,057)	<u>Between</u> <u>5,000 and 9,999</u> (1,907)	<u>Between</u> <u>10,000 and 24,999</u> (1,835)	<u>Between</u> <u>25,000 and 49,999</u> (784)	<u>Between</u> <u>50,000 and 99,999</u> (419)
CM: 771 (37%) MC: 1,139 (55%)	CM: 895 (47%) MC: 834 (44%)	CM: 968 (53%) MC: 696 (38%)	CM: 496 (63%) MC: 250 (32%)	CM: 269 (64%) MC: 141 (33%)

<u>Between</u> <u>100,000 and 249,999</u> (179)	<u>Between</u> <u>250,000 and 499,999</u> (36)	<u>Between</u> <u>500,000 and 1,000,000</u> (23)	<u>Over</u> <u>1,000,000</u> (9)
CM: 117 (65%) MC: 59 (33%)	CM: 17 (47%) MC: 18 (50%)	CM: 7 (30%) MC: 15 (65%)	CM: 3 (33%) MC: 6 (67%)

Note: The council-manager form of government is the most prevalent form in five of the nine ranges. Fifty-four percent (54%) of municipalities with a population between 5,000 and 250,000 residents are governed under the council-manager structure (2,745 out of 5,124).

Source: ICMA Municipal Yearbook, 2010.

Appendix D: The Most Prevalent Form of U.S. Local Government Structure

Council-Manager Government: The Most Prevalent Form of U.S. Local Government Structure

Fast Facts about U.S. cities:

- More than 92 million individuals live in cities operating under council-manager government.
- 62% of U.S. cities with populations of 50,000* or more operate under the council-manager form.
- 63% of U.S. cities with populations of 25,000* or more operate under the council-manager form.
- 57% of U.S. cities with populations of 10,000* or more operate under the council-manager form.
- 53% of U.S. cities with populations of 5,000* or more operate under the council-manager form.

*Source: *The 2010 Municipal Year Book*, published by ICMA, Washington, D.C. Percentages were derived by dividing the number of council-manager communities in a specific population range by the total number of cities in that population range.

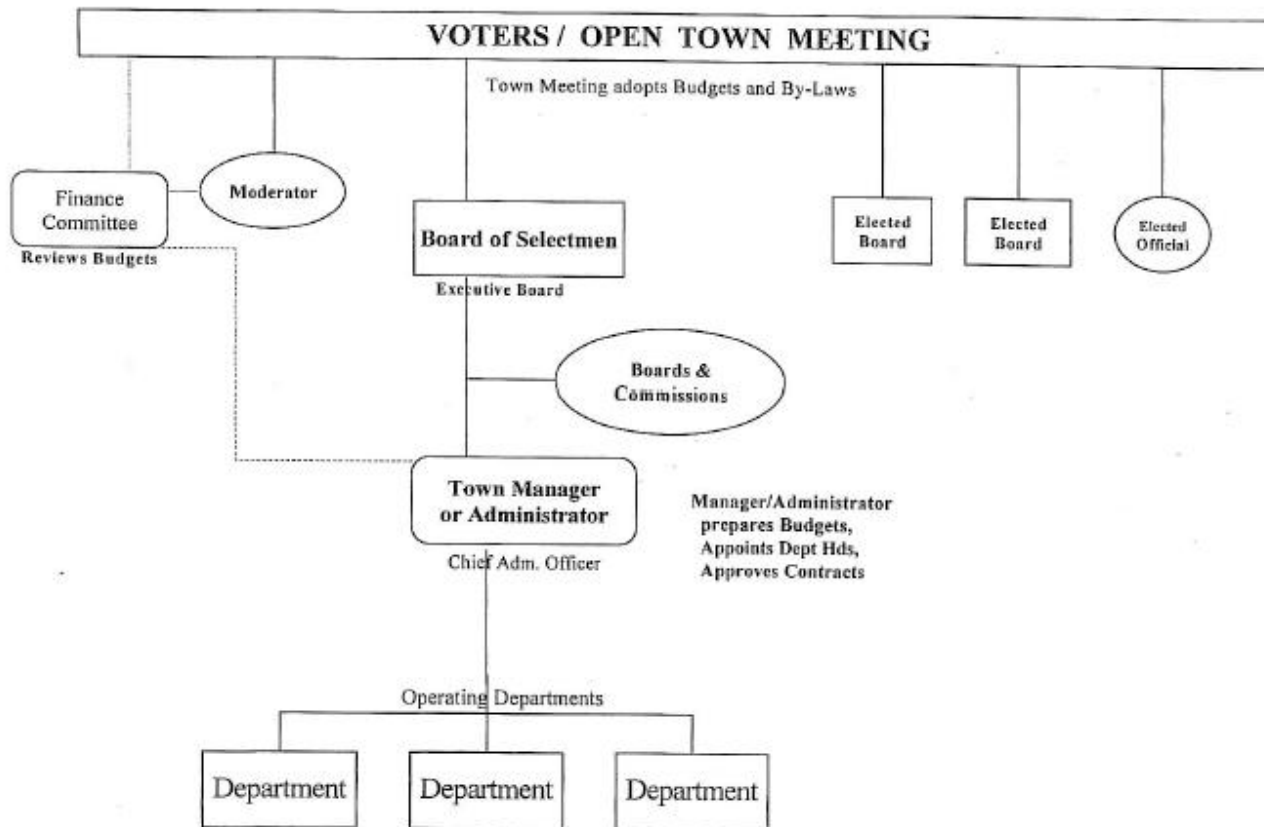
FORM OF GOVERNMENT	<u>2010</u>	<u>2008</u>	<u>2004</u>	<u>2000</u>	<u>1996</u>	<u>1992</u>	<u>1988</u>	<u>1984</u>
Council-Manager	3,543 (48.9%)	3,520	3,453	3,302	2,760	2,441	2,356	2,290 (34.7%)
Mayor-Council	3,158 (43.6%)	3,131	3,089	2,988	3,319	3,635	3,686	3,686 (55.8%)
Commission	143 (2.0%)	143	145	143	154	168	173	176 (2.7%)
Town Meeting	342 (4.7%)	338	338	334	365	363	369	370 (5.6%)
Representative Town Meeting	63 (0.87%)	62	63	65	70	79	82	81 (1.2%)
Unknown			3					
Total	**7,249 (100%)	**7,194	**7,091	**6,832	**6,668	**6,686	**6,666	**6,603

**Totals for the number of U.S. local governments represent only those municipalities with populations of 2,500 and greater. There are close to 30,000 local governments with populations fewer than 2,500.

Source for tabular statistics: "Inside the Year Book: Cumulative Distribution of U.S. Municipalities" in *The Municipal Year Books* 1984, 1988, 1992, 1996, 2000, 2004, 2008, and 2010 published by the premier local government leadership and management organization, ICMA, Washington, D.C.

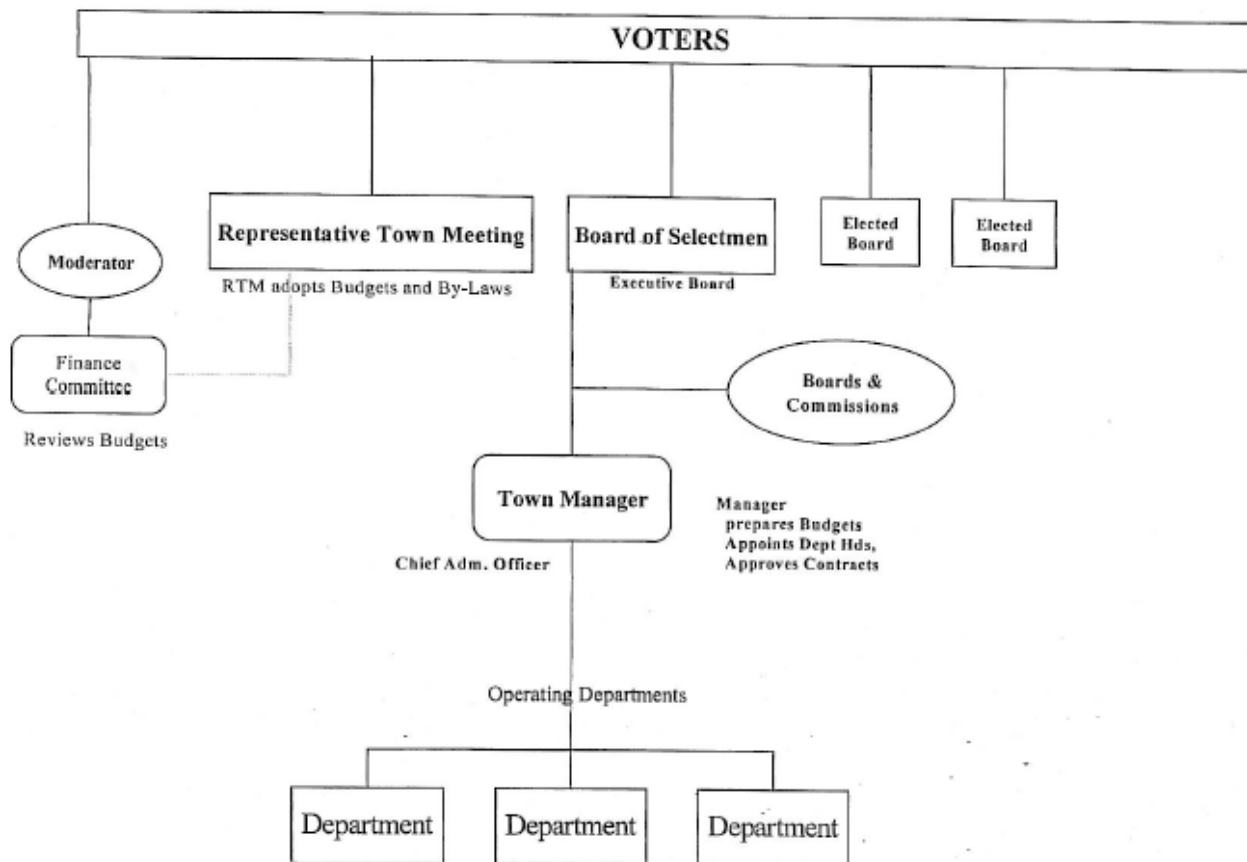
Appendix E: Open Town Meeting- Board of Selectmen- Town Manager or Administrator Organizational Structure

OPEN TOWN MEETING / SELECTMEN / TOWN MANAGER or ADMINISTRATOR



Appendix F: Representative Town Meeting Board of Selectmen – Town Manager or Administrator Organizational Structure

REPRESENTATIVE TOWN MEETING / SELECTMEN / TOWN MANAGER or ADMINISTRATOR



Appendix G: Randolph Government Change Proposals

	CURRENT	TOWN MANAGER/TOWN MEETING	TOWN MANAGER/COUNCIL
Legislative Body	Town Meeting	Town Meeting	Town Council
Size of Legislative Body	240	120	9
Attendance Policy	No (pending)	Yes	N/A
Ability to call Special Emergency Meetings	State Law: 14 days to mail warrant, plus 30 days preparation	State Law: 14 days to mail warrant, plus 30 days preparation	48 hours (emergency meetings can be called immediately)
Regular Meeting Schedule	Annual/Fall	Annual/Fall	Weekly Meetings
Elected Bodies	Moderator Town Clerk Treasurer/Collector 3 Board of Assessors 3 Board of Health 5 Selectmen 5 School Committee 5 Planning Board 5 DPW 3 Stetson Hall Trustees 5 Housing Authority Town Meeting	Moderator 5 Selectmen 6 School Committee 3 Stetson Hall Trustees Town Meeting	9 Town Council (5 At Large/4 District) 6 School Committee 3 Stetson Hall Trustees

Conflict of Interest (A) cannot serve on two elected boards at once	No	Yes	Yes
(B) No compensated position until one year from date of resignation from elected board	No	Yes	Yes
Appointment of Department Heads and Employees	Selectmen Treasurer/Collector Town Clerk DPW Board of Health Assessor Housing Authority	Town Manager Appoints all positions except: Town Counsel Town Accountant Registrar of Voters School Department Employees	Town Manager Appoints all positions except: Town Accountant Clerk of Council Registrar of Voters School Department Employees
Chief Administrative Officer	Chairman of the Board of Selectmen	Town Manager /Board Selectmen	Town Manager
Negotiation of Union and Non-Union Contracts	Board of Selectmen School Committee negotiates school contracts per M.G.L.	Town Manager School Committee negotiates school contracts per M.G.L.	Town Manager School Committee negotiates school contracts per M.G. L.
Personnel Administration	Board of Selectmen/Personnel Board	Town Manager/Personnel Board	Town Manager/Personnel Board
Submit Town Operating Budget	Board of Selectmen	Town Manager	Town Manager
Civil Defense and Emergency	Chairman of the Board of Selectmen	Town Manager	Town Manager

Management			
Town Manager and Executive Secretary Yearly Evaluation	No	Yes	Yes
Budget Process	Budgets submitted by individual departments to Finance Committee and Board of Selectmen	Superintendent of Schools and Town Manager develop Town budget based on Budget Policies of Board of Selectmen and School Committee	Town Council and School Committee shall meet no later than November 30th to develop budgetary goals and initiatives to be considered in the Town Manager's Budget
	Board of Selectmen and Finance Committee create separate Town budgets	Town Manager must file Budget by February 1st	Town Manager shall prepare and submit to Town Council no later than February 1st, a synopsis of proposed Budget for preliminary review and any requests for additional funding
	Finance Committee makes budget recommendations to Town Meeting, Selectmen often present competitive budget to Town Meeting (often the night of Town Meeting)	School Committee submits Budget to Town Manager 14 days prior to Town Manager's Budget Proposal	By the first Council meeting in April, Town Manager shall submit the Final proposed Fiscal Budget for the ensuing Fiscal Year
	Budget must be adopted by June 30th	Finance Committee reviews Budget	Town Council must hold public hearing and it must be published in the local newspaper

		Town Manager's Budget presented to Town Meeting with accompanying recommendations from the Finance Committee	Public Hearing held
		Budget must be adopted by June 30th	Town Council must adopt Budget within 60 days
			Town Council may decrease programs or amounts, but may not increase them
Financial/Capital Outlay Program Requirement	No	Yes	Yes
Recall Provision	Yes	Yes	Yes
Town By-laws	Only legislative body can change	Remain in effect; only legislative body can change	Remain in effect; only legislative body can change

Source: Randolph Town Clerk

Appendix H: Home Rule Charter Action List of Municipalities

Town	Year HRC	Action HRC
Amesbury	1996	Adopted
Amherst	1996	Defeated
Amherst	2003	Defeated
Ashland	1988	Adopted
Athol	2000	Adopted
Athol	2000	Adopted
Barnstable	2001	Defeated
Barnstable	1989	Adopted
Bellingham	1993	Adopted
Beverly	1993	Adopted
Blackstone	1997	Defeated
Bourne	2001	Adopted
Bourne	1994	Defeated
Bourne	2001	Adopted
Braintree	2004	Defeated
Chatham	1995	Adopted
Chelmsford	1989	Adopted
Clinton	2005	Defeated
Dalton	1984	Defeated
Dartmouth	2000	Adopted
Dartmouth	2000	Adopted
Dedham	1994	Defeated
Dracut	1984	Adopted
Dudley	1989	Defeated
East Longmeadow	2005	Defeated
Eastham	1991	Adopted
Easthampton	1996	Adopted
Falmouth	1990	Adopted
FRAMINGHAM	1992	Defeated
Franklin	1995	Adopted
Franklin	1983	Defeated
Grafton	1987	Adopted
Greenfield	2002	Adopted
Greensfield	1997	Defeated
Harwich	1987	Adopted
Holliston	1997	Defeated
Hopkinton	2006	Adopted

Longmeadow	2004	Adopted
Ludlow	2008	Defeated
Lunenburg	1999	Adopted
Lunenburg	1986	Defeated
Lynn	1997	Defeated
Mansfield	1999	Defeated
Mansfield	1999	Defeated
Mashpee	2004	Adopted
Maynard	1991	Adopted
Merrimac	1984	Defeated
Millbury	2000	Adopted
Millbury	1989	Defeated
Millbury	2000	Adopted
Nantucket	1996	Adopted
North Andover	1985	Adopted
North Attleborough	1995	Defeated
North Attleborough	1994	Defeated
North Attleborough	2004	Defeated
Northbridge	1991	Adopted
Northbridge	1988	Defeated
Northbridge	1991	Adopted
Norton	1989	Adopted
Orleans	1985	Adopted
Orleans	1987	Adopted
Palmer	2003	Defeated
Plymouth	1999	Adopted
Plymouth	1988	Defeated
Plymouth	1988	Defeated
Plymouth	2002	Defeated
Plymouth	2003	Defeated
Plymouth	2008	Defeated
Provincetown	1990	Adopted
Reading	1985	Adopted
Salem	2003	Defeated
Salisbury	1989	Adopted
Sciruate	2003	Adopted
Seekonk	1995	Adopted
South Hadley	2000	Defeated
South Hadley	1988	Defeated
South Hadley	2000	Defeated
South Hadley	2009	Defeated

Southbridge	2003	Adopted
Spencer	1987	Defeated
Stow	1991	Adopted
Strubridge	1991	Defeated
Sturbridge	1985	Adopted
Swansea	2006	Defeated
Tisbury	1985	Defeated
Townsend	1999	Adopted
Truro	1992	Adopted
Uxbridge	2002	Adopted
Wakefield	1998	Adopted
Wakefield	1998	Adopted
Ware	2007	Adopted
Warren	1987	Defeated
Wayland	1989	Defeated
Wayland	1989	Defeated
Webster	1986	Adopted
Wellfleet	1983	Adopted
West Springfield	2000	Adopted
West Springfield	2000	Adopted
Westborough	1988	Defeated
Westborough	1988	Defeated
Weymouth	1999	Adopted
Weymouth	1999	Adopted
Winthrop	2005	Adopted
Worcester	1983	Adopted

Source: Commonwealth of Massachusetts Department of Housing & Community

Appendix I: Special Act Charter List of Municipalities

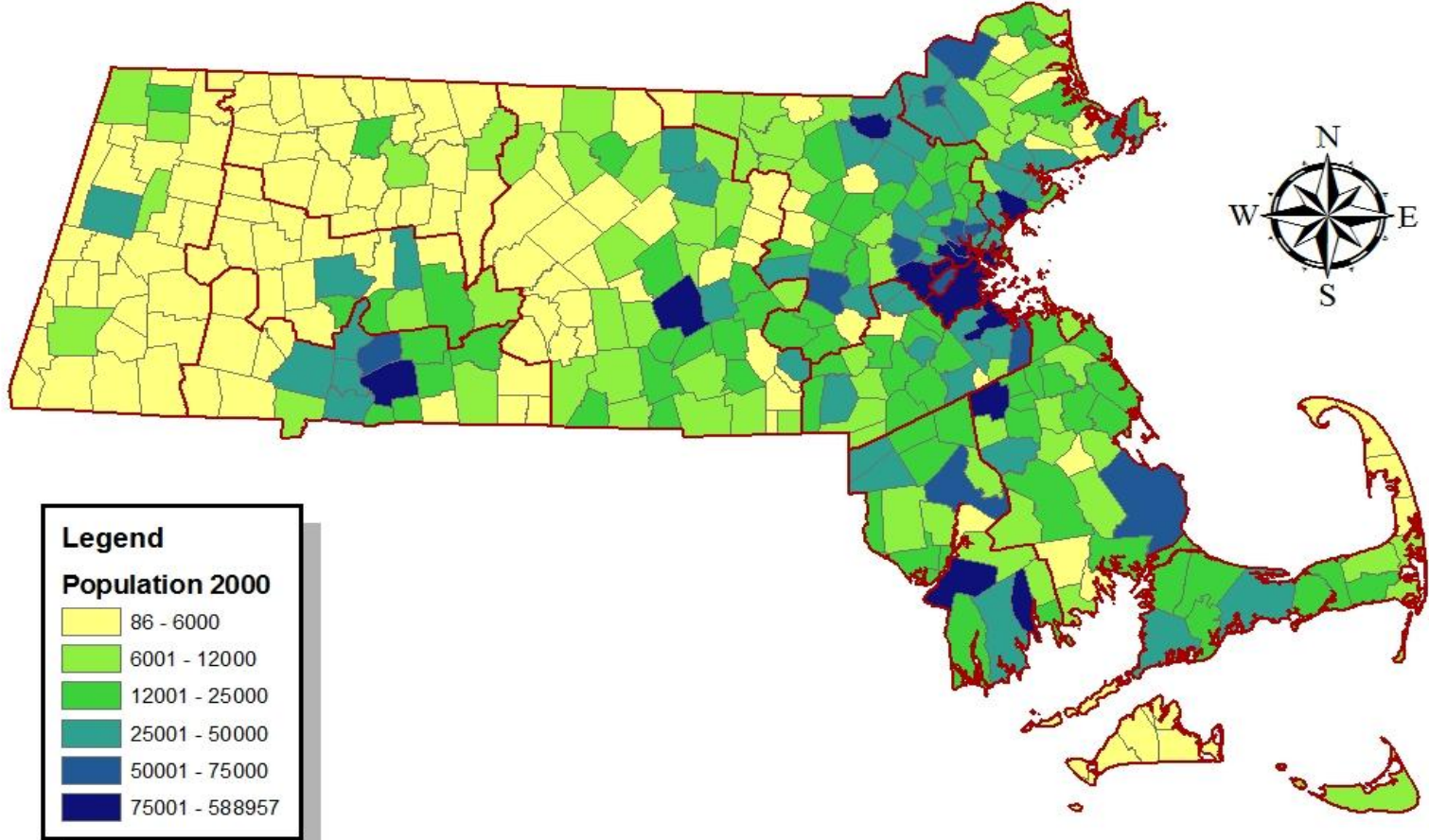
Town	Year SAC	Citation SAC
Abington	2004	Chap 259
Adams	1983	Chap 31
Amherst	2001	Chap 216
Andover	1956	Chap 571
Arlington	1952	Chap 503
Ashburnham	1986	Chap 428
Becket	1989	Chap 662
Braintree	2005	Chap 189
Brookline	1985	Chap 270
Burlington	1978	Chap 549
Carver	1995	Chap 177
Cohasset	1997	Chap 34
Concord	1952	Chap 280
Dalton	1995	Chap 137
Danvers	1997	Chap 222
Douglas	2009	Chap 145
Duxbury	1987	Chap 353
Foxborough	2004	Chap 5
Framingham	1996	Chap 27
Great Barrington	1992	Chap 184
Groton	2008	Chap 81
Hamilton	2009	Chap 114
Hanover	2009	Chap 67
Hanson	2006	Chap 41
Holden	1951	Chap 406
Holliston	1994	Chap 94
Hull	1989	Chap 8
Ipswich	1966	Chap 620
Lakeville	1998	Chap 416
Lee	1991	Chap 471
Lenox	1991	Chap 155
Lexington	1968	Chap 753
Lunenburg	2009	Chap 113
Manchester-by-the-sea	1999	Chap 85
Medway	1991	Chap 303
Middleborough	1920	Chap 592
Nahant	1992	Chap 13

Needham	2004	Chap 176
Newbury	2008	Chap 460
Norfolk	1994	Chap 217
Norwood	1914	Chap 197
Plymouth	2004	Chap 358
Randolph	2009	Chap 2
Sandwich	2009	Chap 106
Saugus	1947	Chap 17
Sheffield	1989	Chap 15
Shrewsbury	1953	Chap 559
Somerset	1984	Chap 7
Spencer	1998	Chap 186
Stoneham	1981	Chap 26
Sudbury	1994	Chap 131
Swampscott	2002	Chap 7
Tewksbury	1986	Chap 275
Upton	2008	Chap 391
Wayland	2004	Chap 320
West Boylston	1995	Chap 23
Westford	2001	Chap 80
Williamstown	1956	Chap 55
Wilmington	1950	Chap 592
Yarmouth	1997	Chap 133

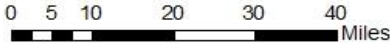
Source: Commonwealth of Massachusetts Department of Housing & Community

Map 1:

MA Population 2000



Legend	
Population 2000	
Light Yellow	86 - 6000
Light Green	6001 - 12000
Medium Green	12001 - 25000
Dark Green	25001 - 50000
Blue	50001 - 75000
Dark Blue	75001 - 588957

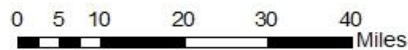
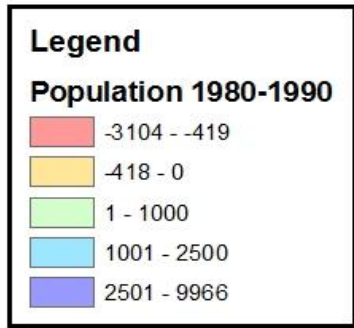
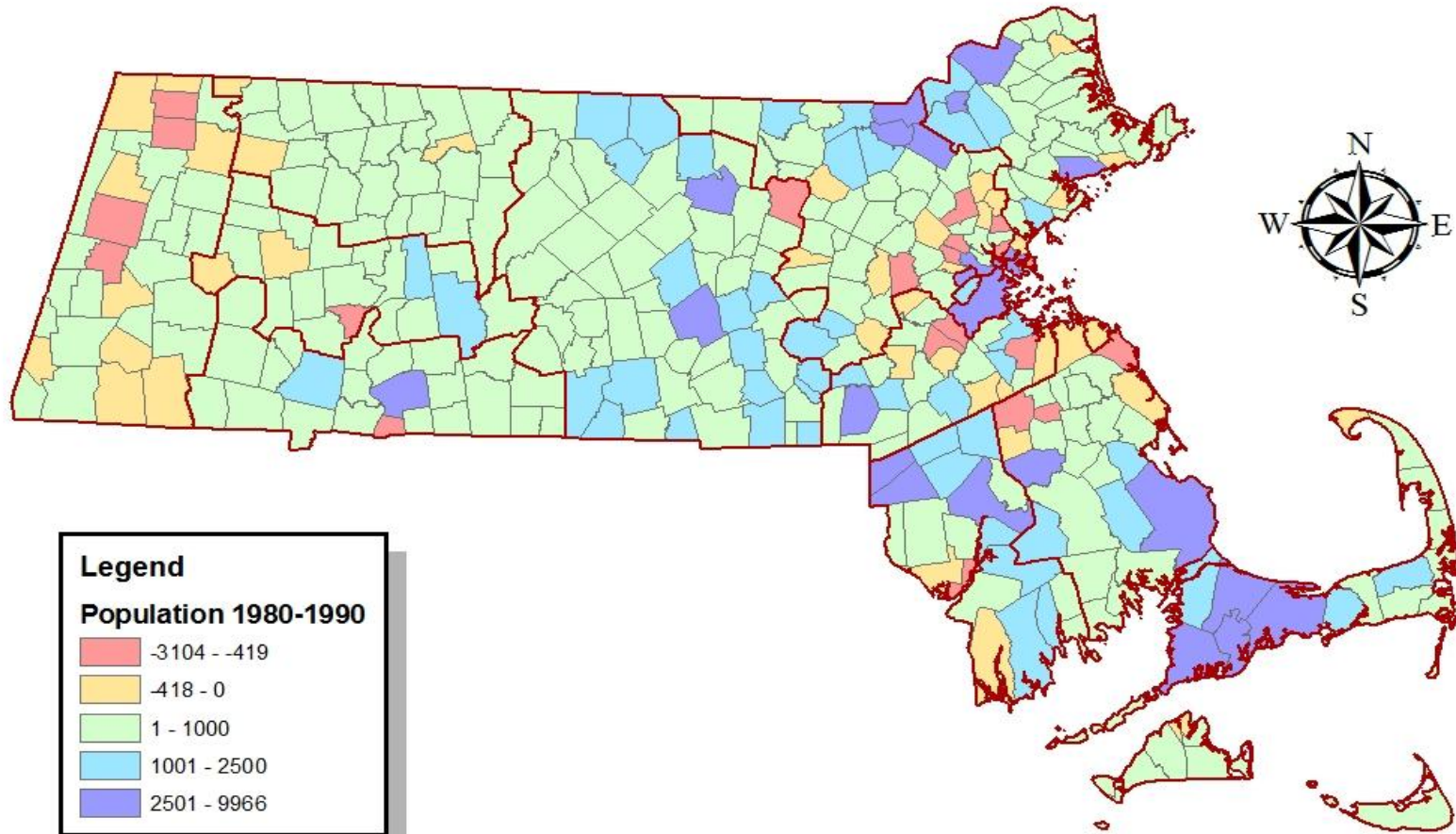


Created By: Mike Smith
April 27, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/tovns.htm>

Map 2:

MA Population Change 1980-1990

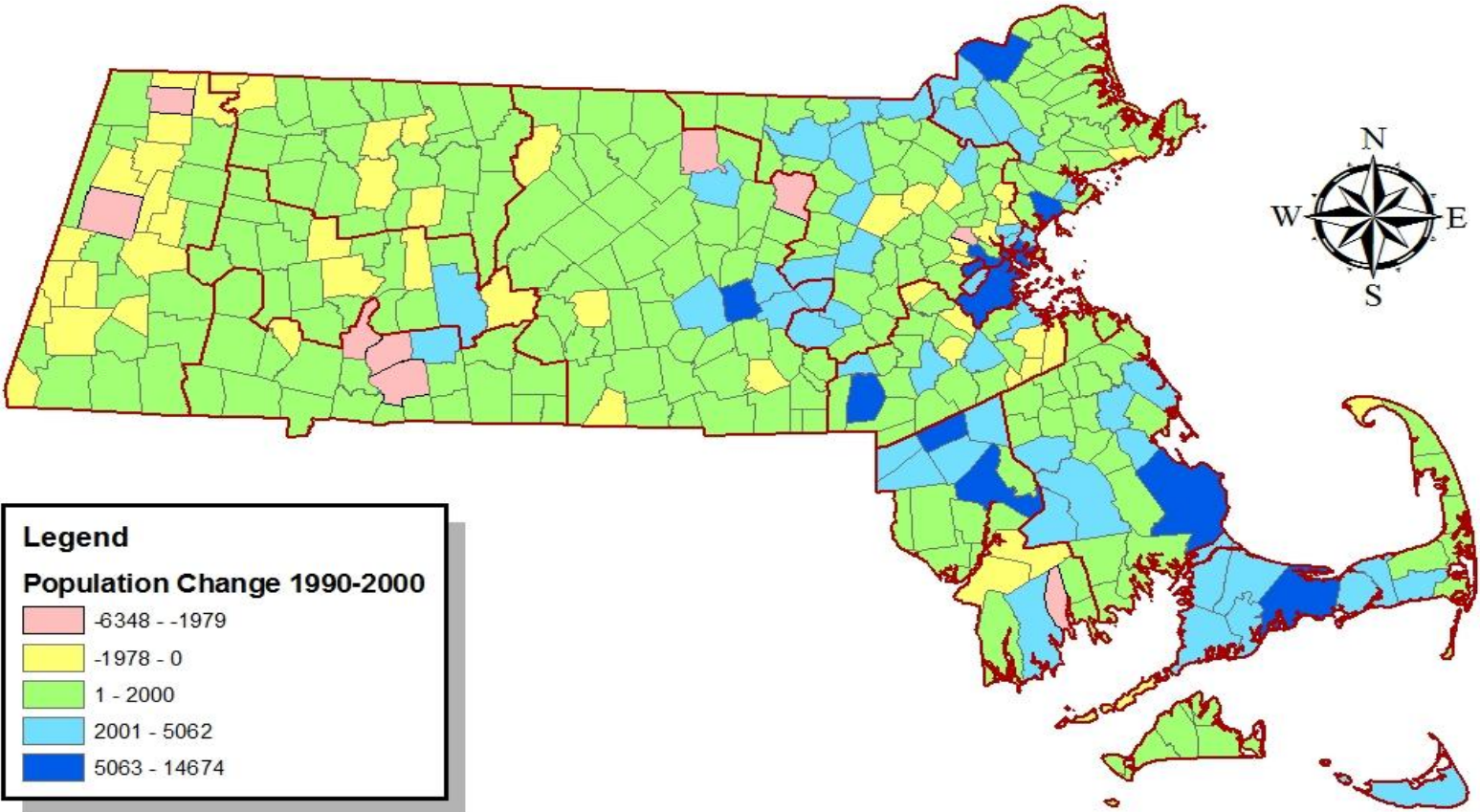


Created By: Mike Smith
April 27, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>

Map 3:

MA Population Change 1990-2000



Legend
Population Change 1990-2000

Red	-6348 - -1979
Yellow	-1978 - 0
Light Green	1 - 2000
Light Blue	2001 - 5062
Dark Blue	5063 - 14674

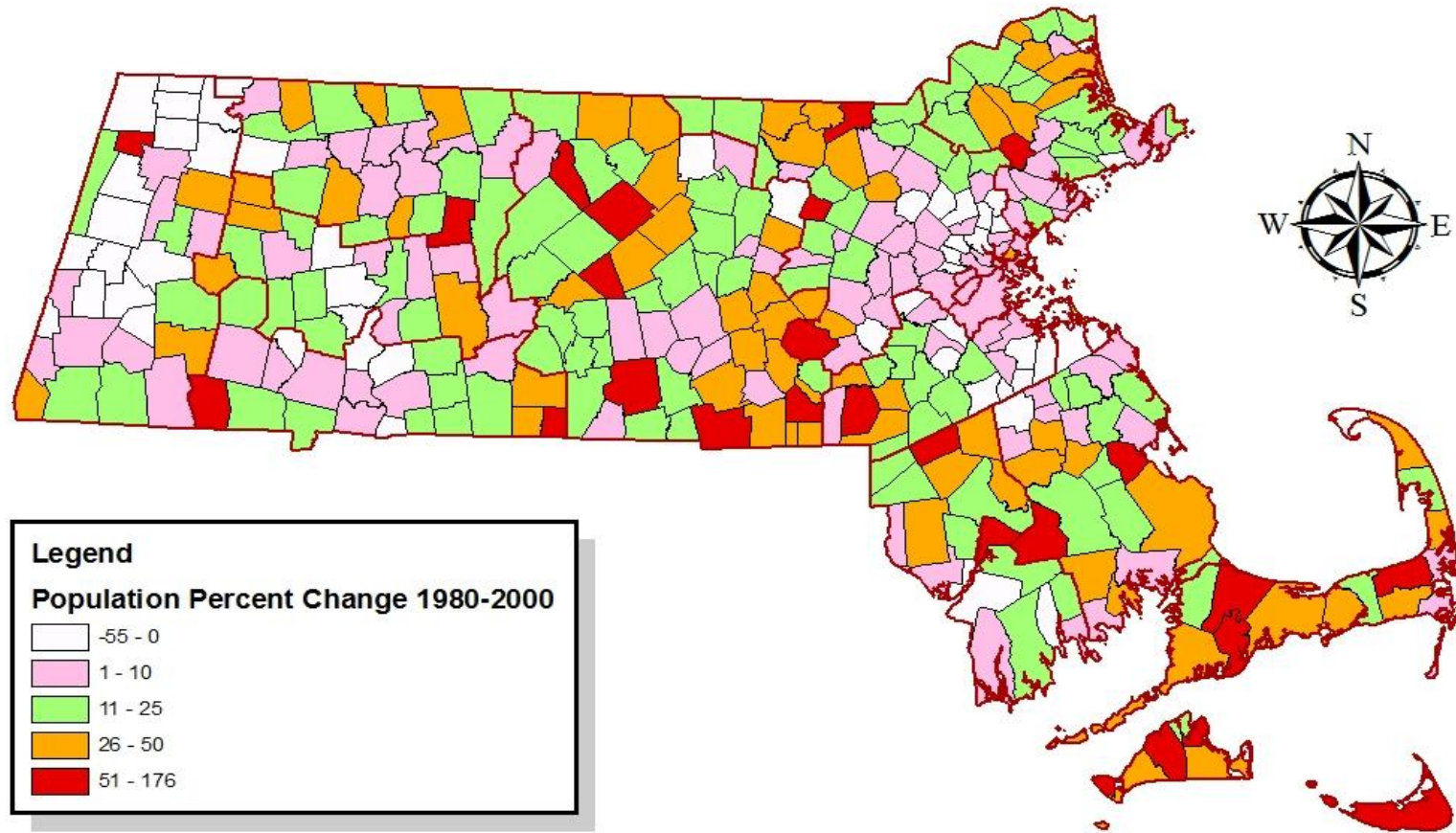
0 5 10 20 30 40 Miles

Created By: Mike Smith
April 27, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>

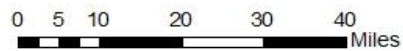
Map 4:

MA Population Percent Change 1980-2000



Legend
Population Percent Change 1980-2000

White	-55 - 0
Pink	1 - 10
Light Green	11 - 25
Orange	26 - 50
Red	51 - 176

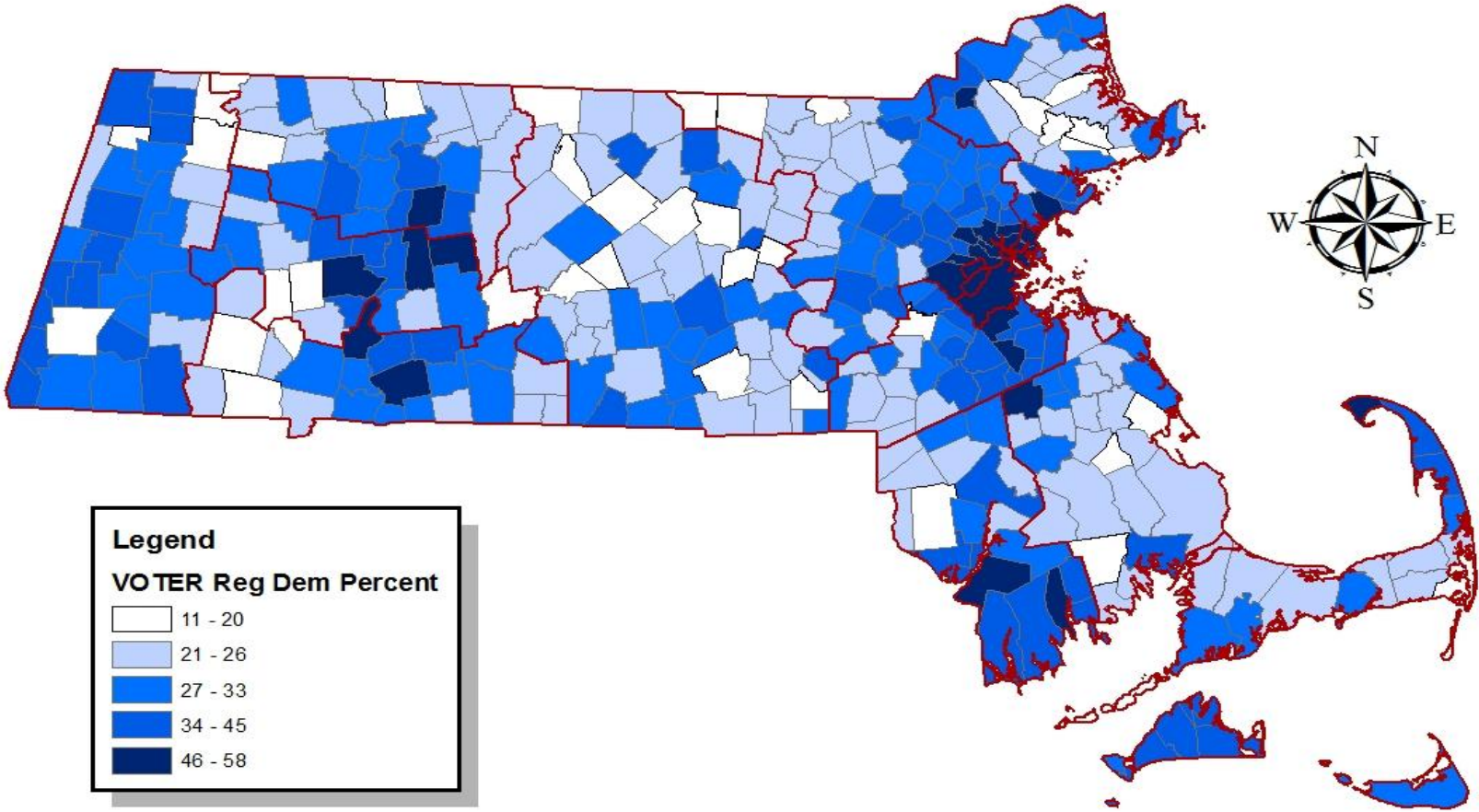


Created By: Mike Smith
April 27, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>

Map 5:

Voter Registration Democrat



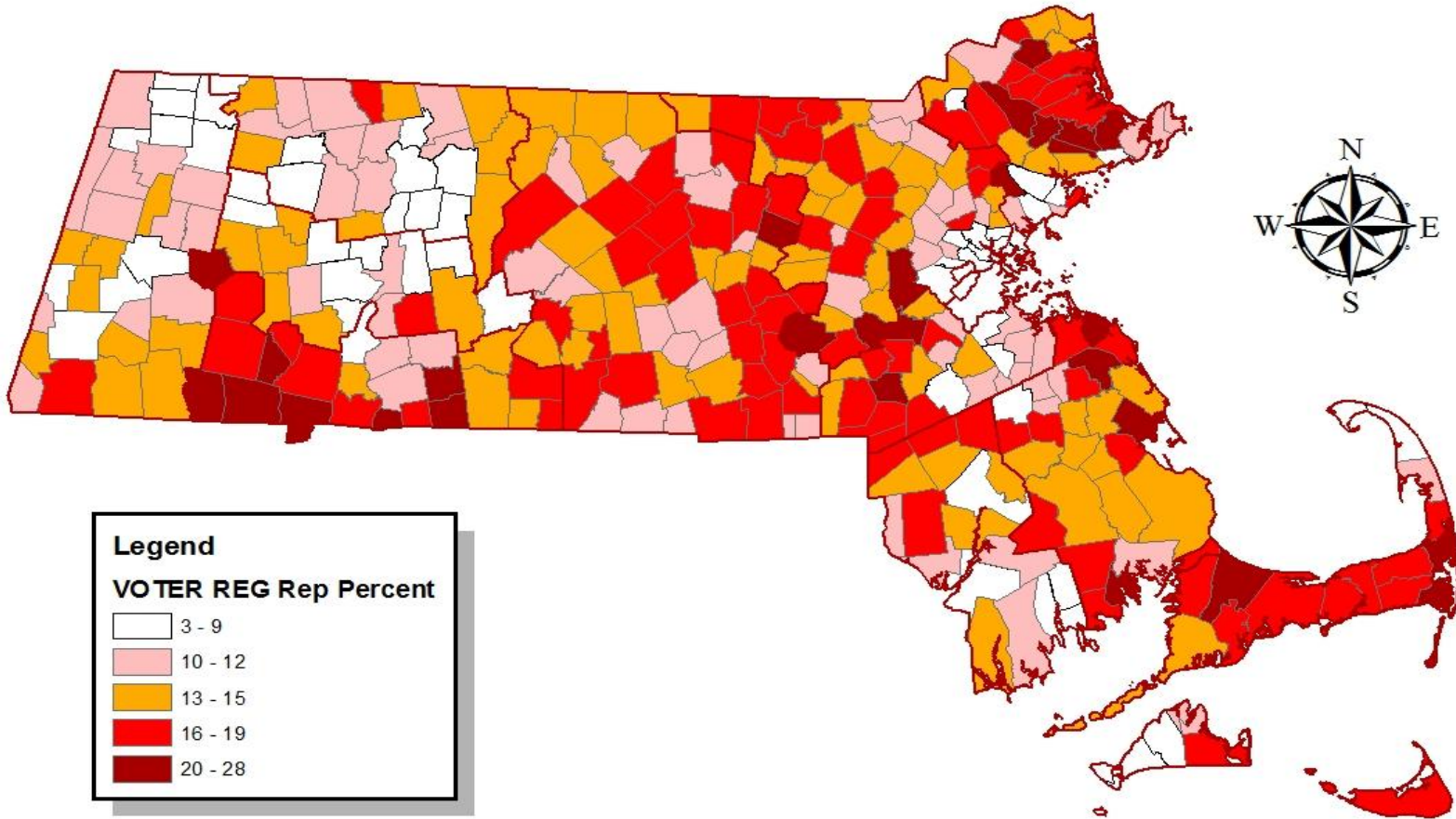
0 4 8 16 24 32 Miles

Created By: Mike Smith
May 4, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>
<http://www.mma.org> <http://www.sec.state.ma.us/>

Map 6

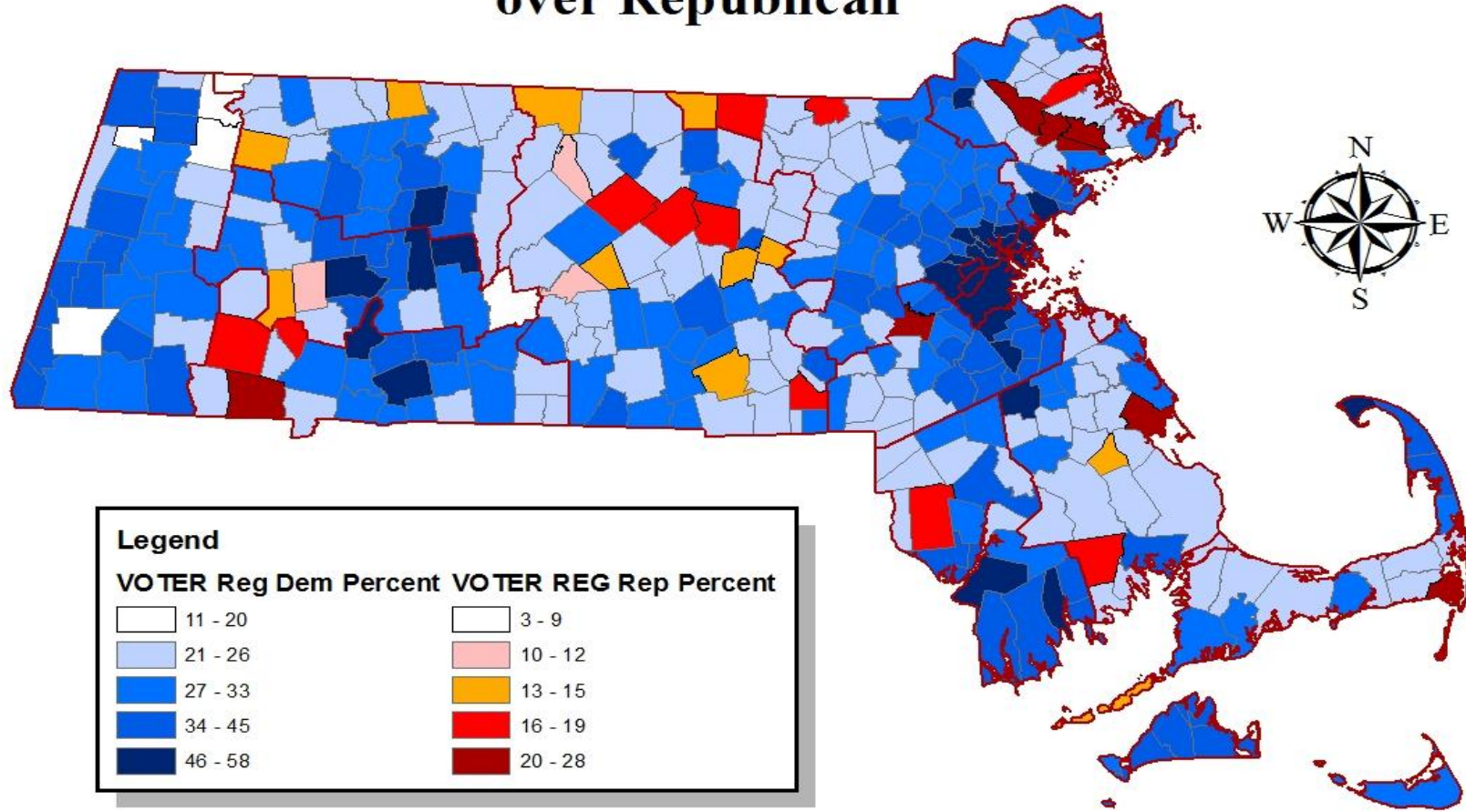
Voter Registration Republican



Created By: Mike Smith
May 4, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>
<http://www.mma.org> <http://www.sec.state.ma.us/>

Map 7:
**Voter Registration Democrat
 over Republican**



Legend

VOTER Reg Dem Percent	VOTER REG Rep Percent
11 - 20	3 - 9
21 - 26	10 - 12
27 - 33	13 - 15
34 - 45	16 - 19
46 - 58	20 - 28

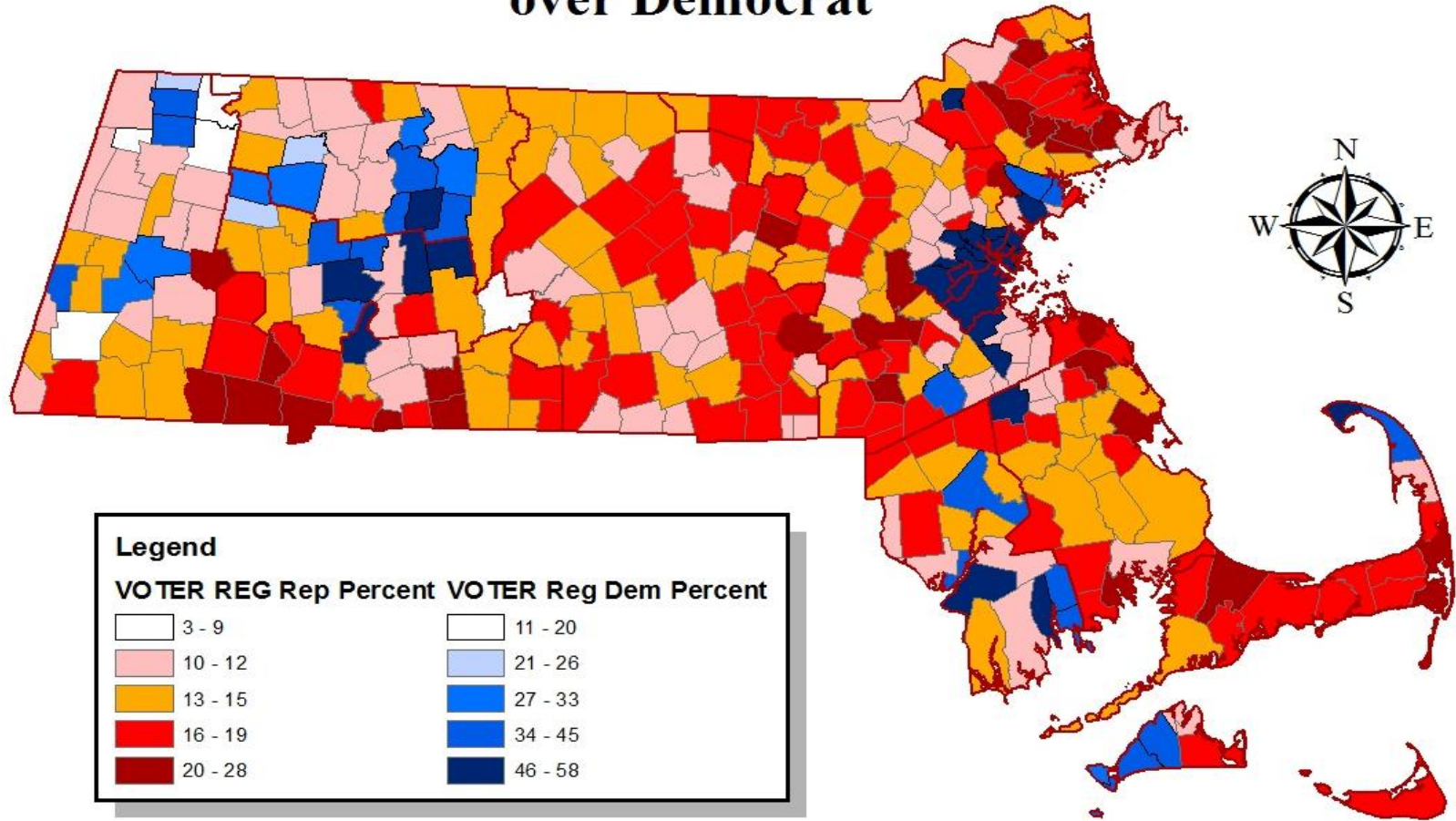
0 4 8 16 24 32
 Miles

Created By: Mike Smith
 May 4, 2010

Source Data: MassGIS <http://www.mass.gov/vmgis/towns.htm>
<http://www.mma.org> <http://www.sec.state.ma.us/>

Map 8

**Voter Registration Republican
over Democrat**



Legend	
VOTER REG Rep Percent	VOTER Reg Dem Percent
3 - 9	11 - 20
10 - 12	21 - 26
13 - 15	27 - 33
16 - 19	34 - 45
20 - 28	46 - 58

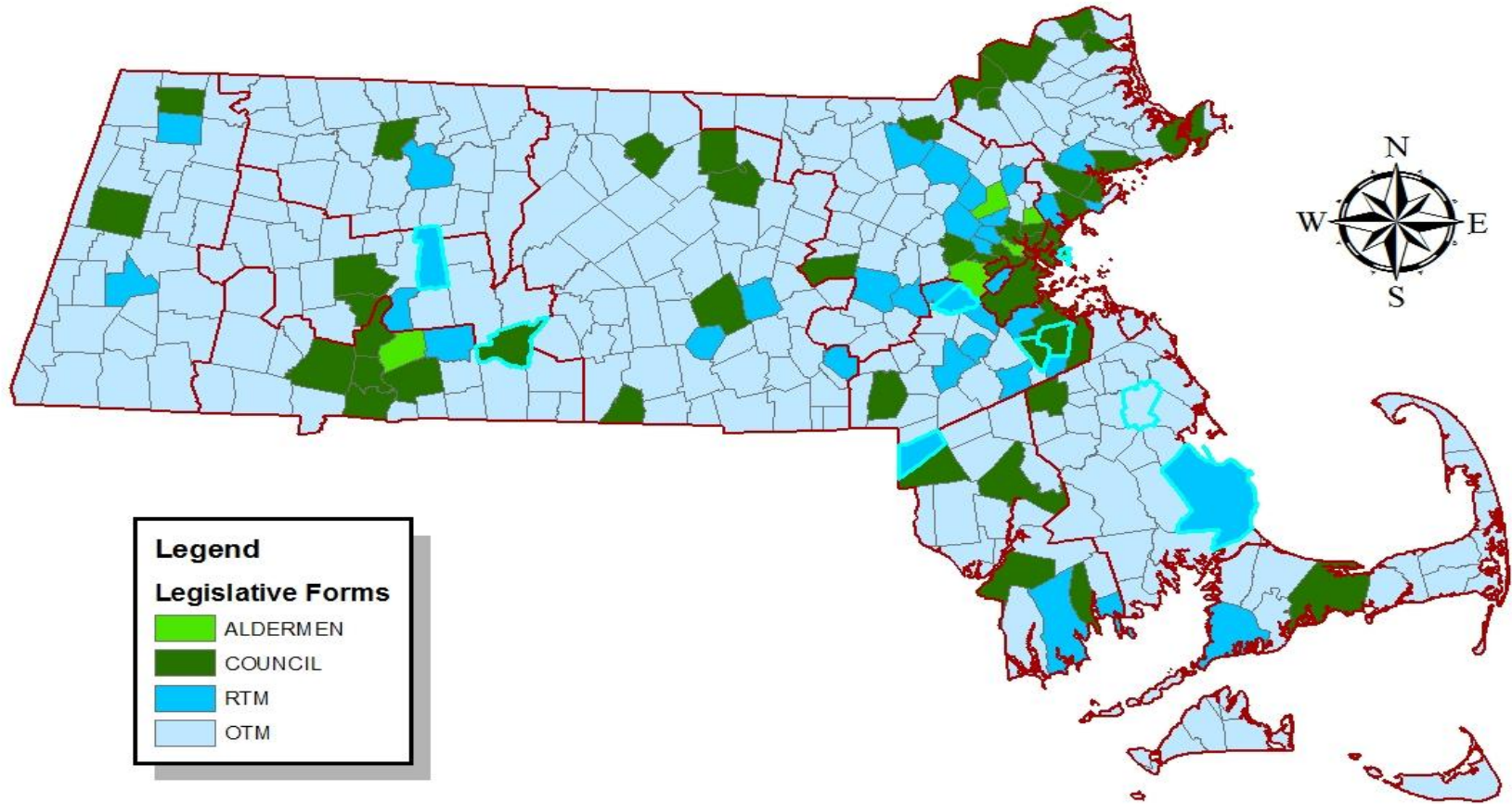
0 4 8 16 24 32 Miles

Created By: Mike Smith
May 4, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>
<http://www.mma.org> <http://www.sec.state.ma.us/>

Map 9

Local Legislative Forms



Legend

Legislative Forms

- ALDERMEN
- COUNCIL
- RTM
- OTM

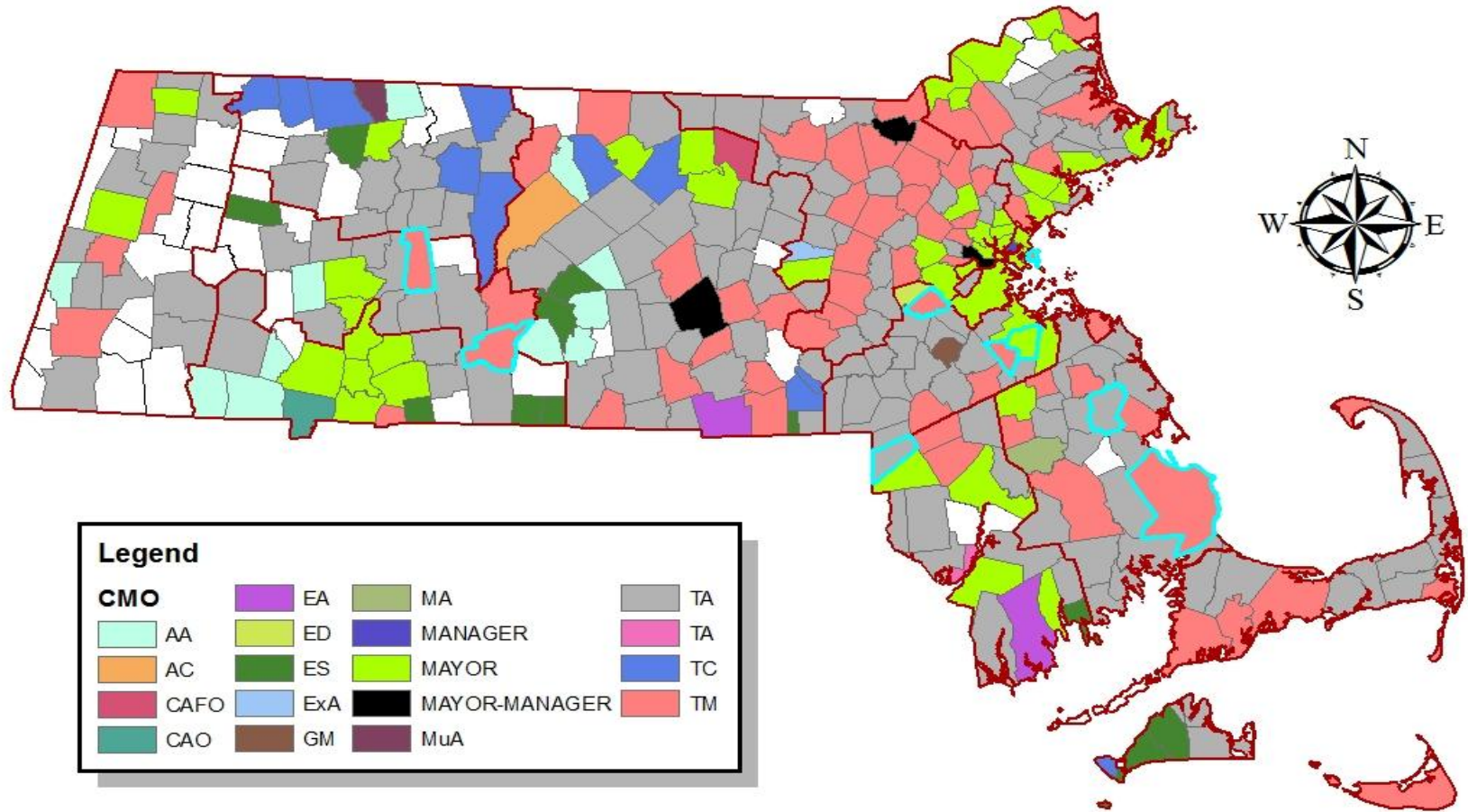


Created By: Mike Smith
May 4, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>
<http://www.mma.org>

Map 10

Chief Municipal Officer



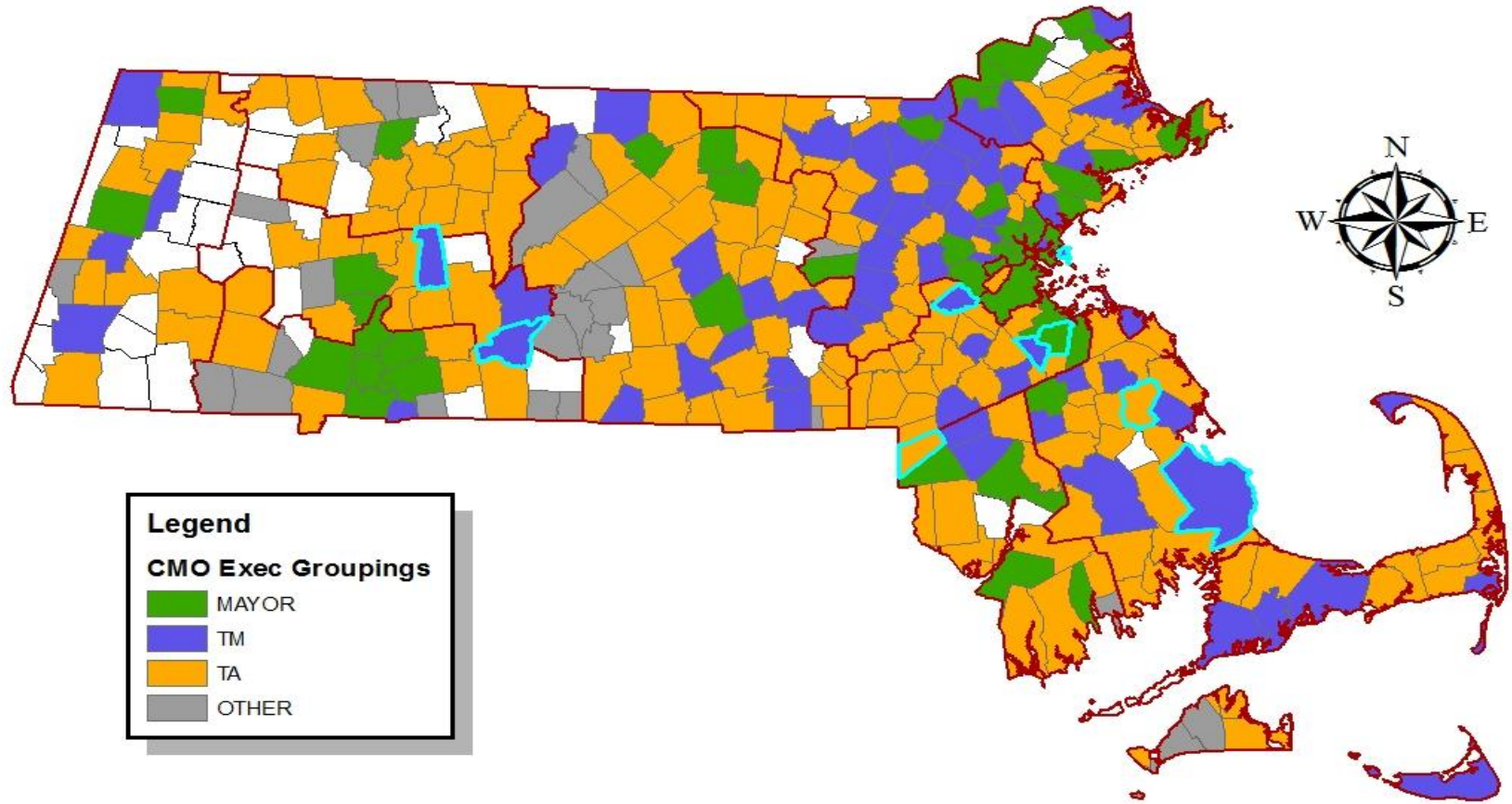
0 4 8 16 24 32 Miles

Created By: Mike Smith
May 4, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>
<http://www.mma.org>

Map 11

Chief Municipal Officer Groupings



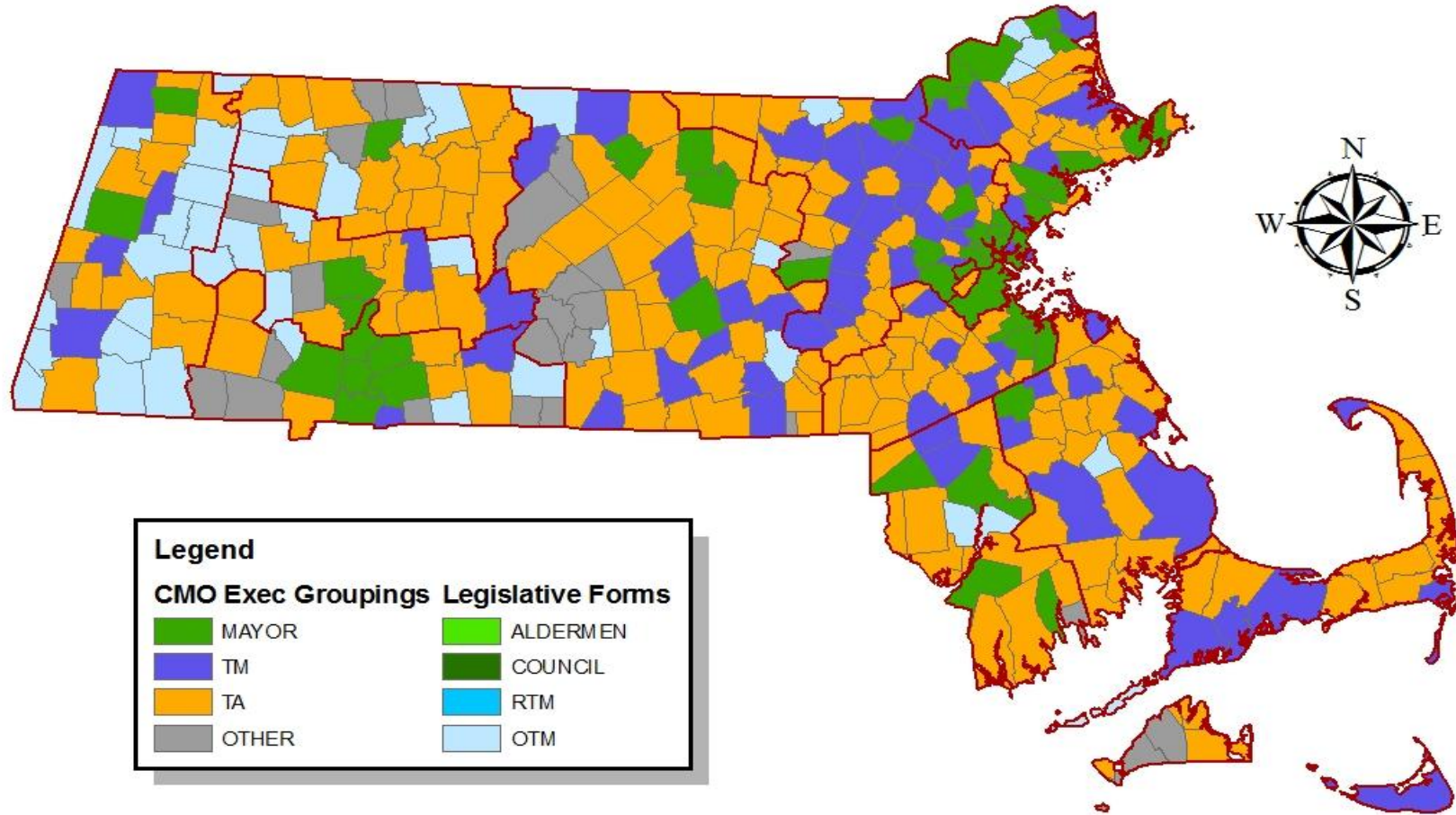
0 4 8 16 24 32
Miles

Created By: Mike Smith
April 27, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>
<http://www.mma.org/>

Map 12

CMO over Leg Form



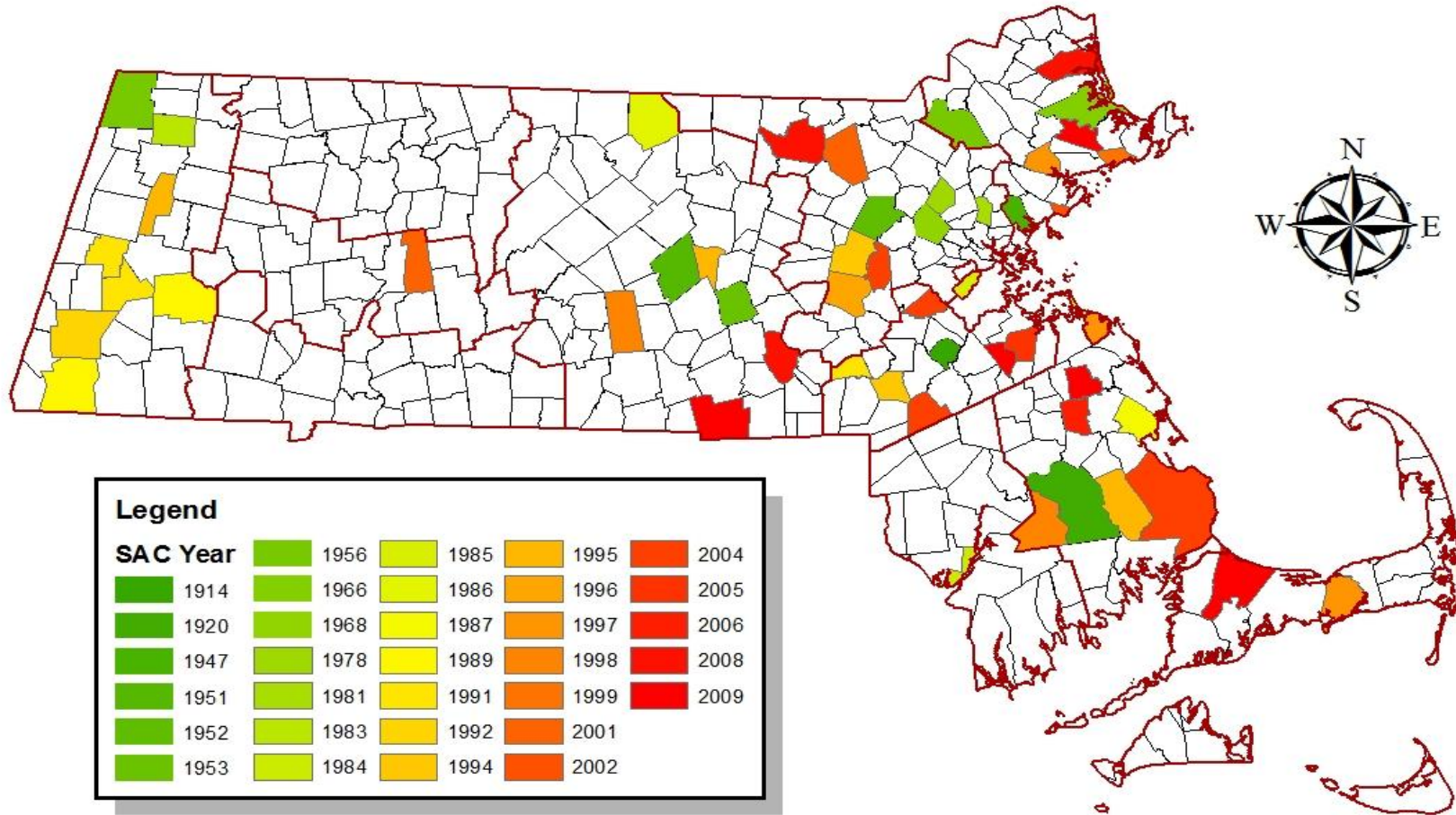
Legend	
CMO Exec Groupings	Legislative Forms
MAYOR	ALDERMEN
TM	COUNCIL
TA	RTM
OTHER	OTM



Created By: Mike Smith
April 27, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>

Map 13
Special Act Charter



Legend			
SAC Year			
1914	1956	1985	1995
1920	1966	1986	1996
1947	1968	1987	1997
1951	1978	1989	1998
1952	1981	1991	1999
1953	1983	1992	2001
	1984	1994	2002
			2004
			2005
			2006
			2008
			2009

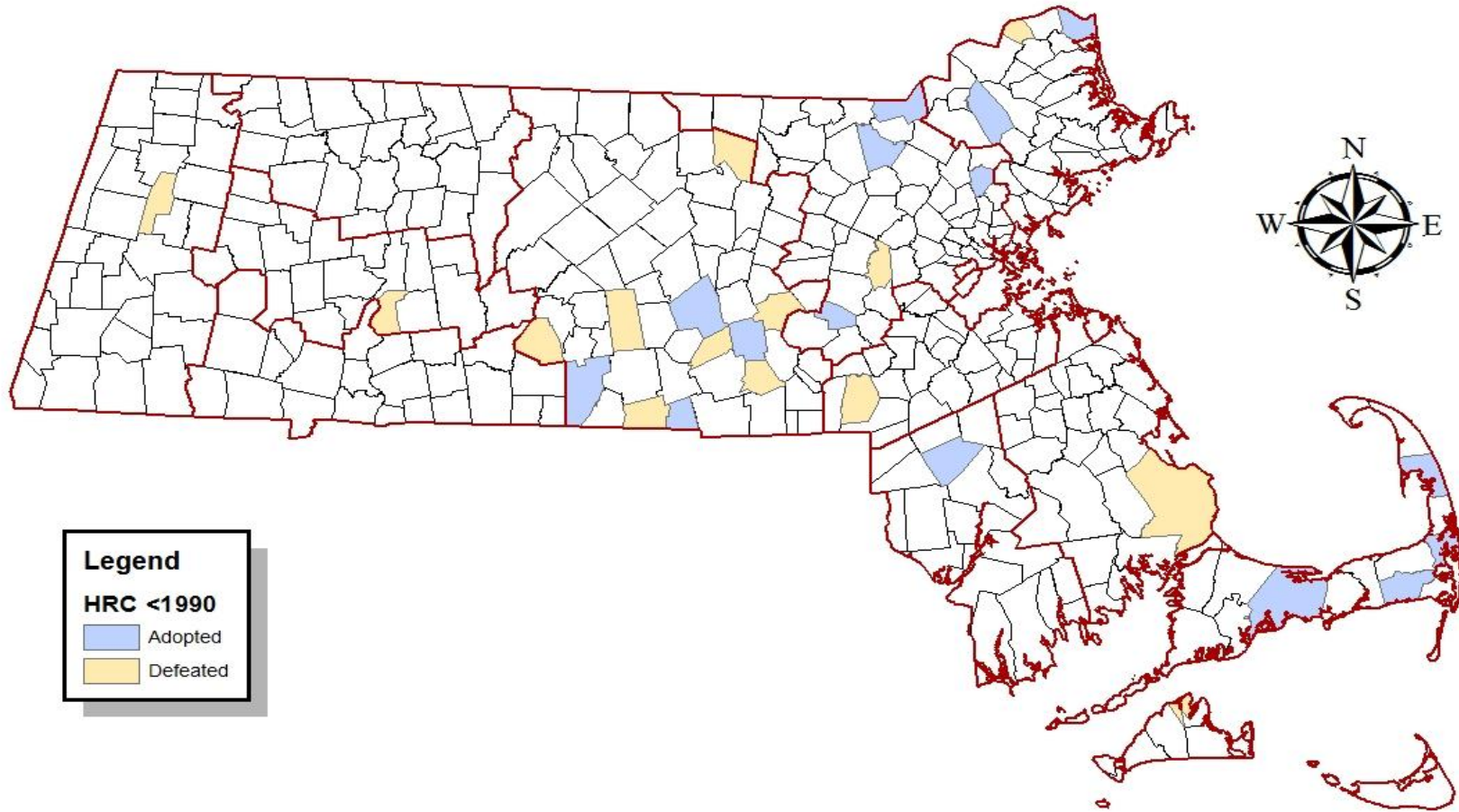
0 4 8 16 24 32
 Miles

Created By: Mike Smith
 May 4, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>
<http://www.mma.org> <http://www.sec.state.ma.us/>

Map 14

Home Rule Charter Action Pre-1990



Legend
HRC <1990
Adopted
Defeated

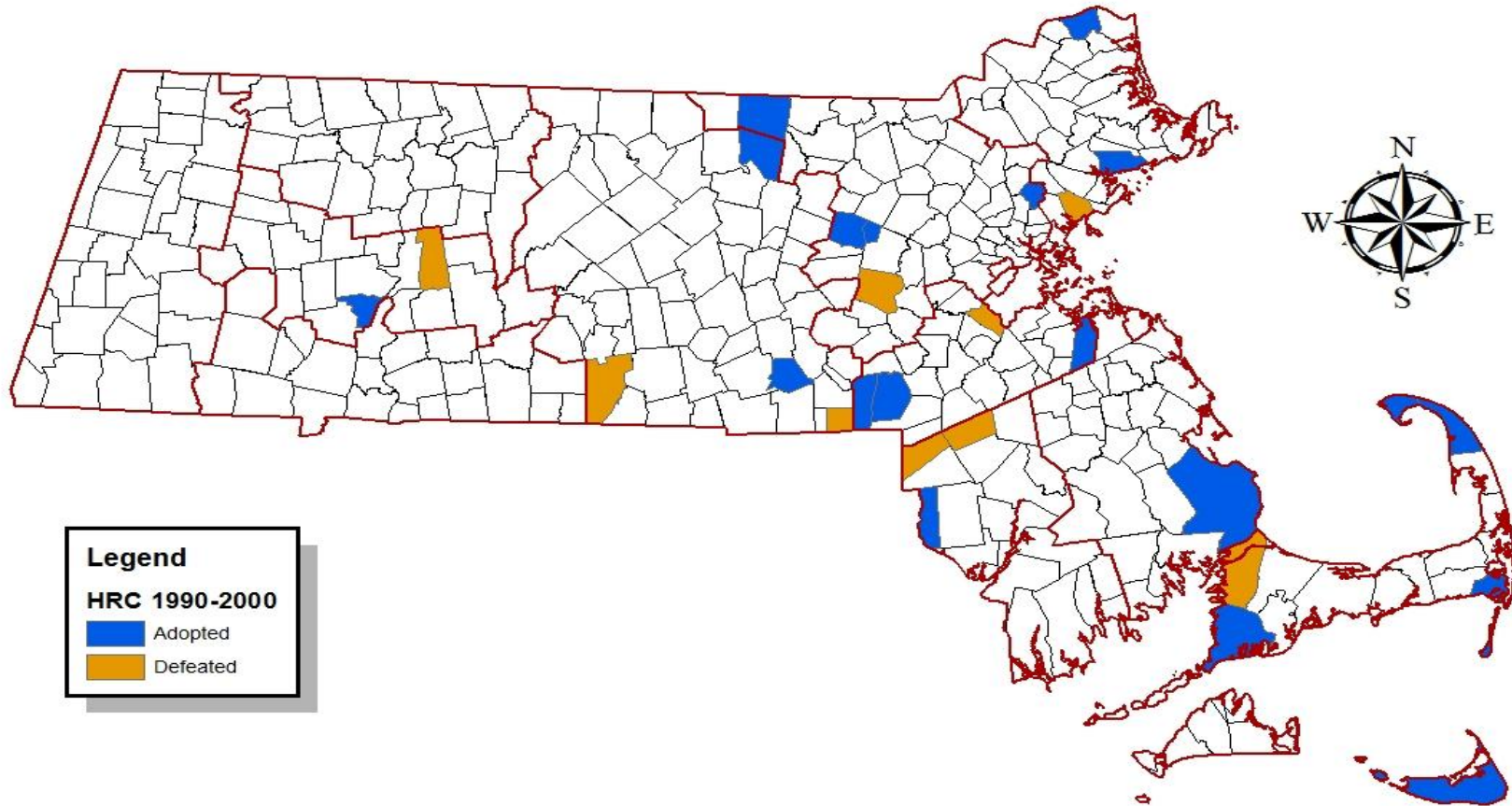
0 4 8 16 24 32 Miles

Created By: Mike Smith
May 4, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>
<http://www.mma.org> <http://www.sec.state.ma.us/>

Map 15

Home Rule Charter Action 1990-2000



Legend
HRC 1990-2000
■ Adopted
■ Defeated

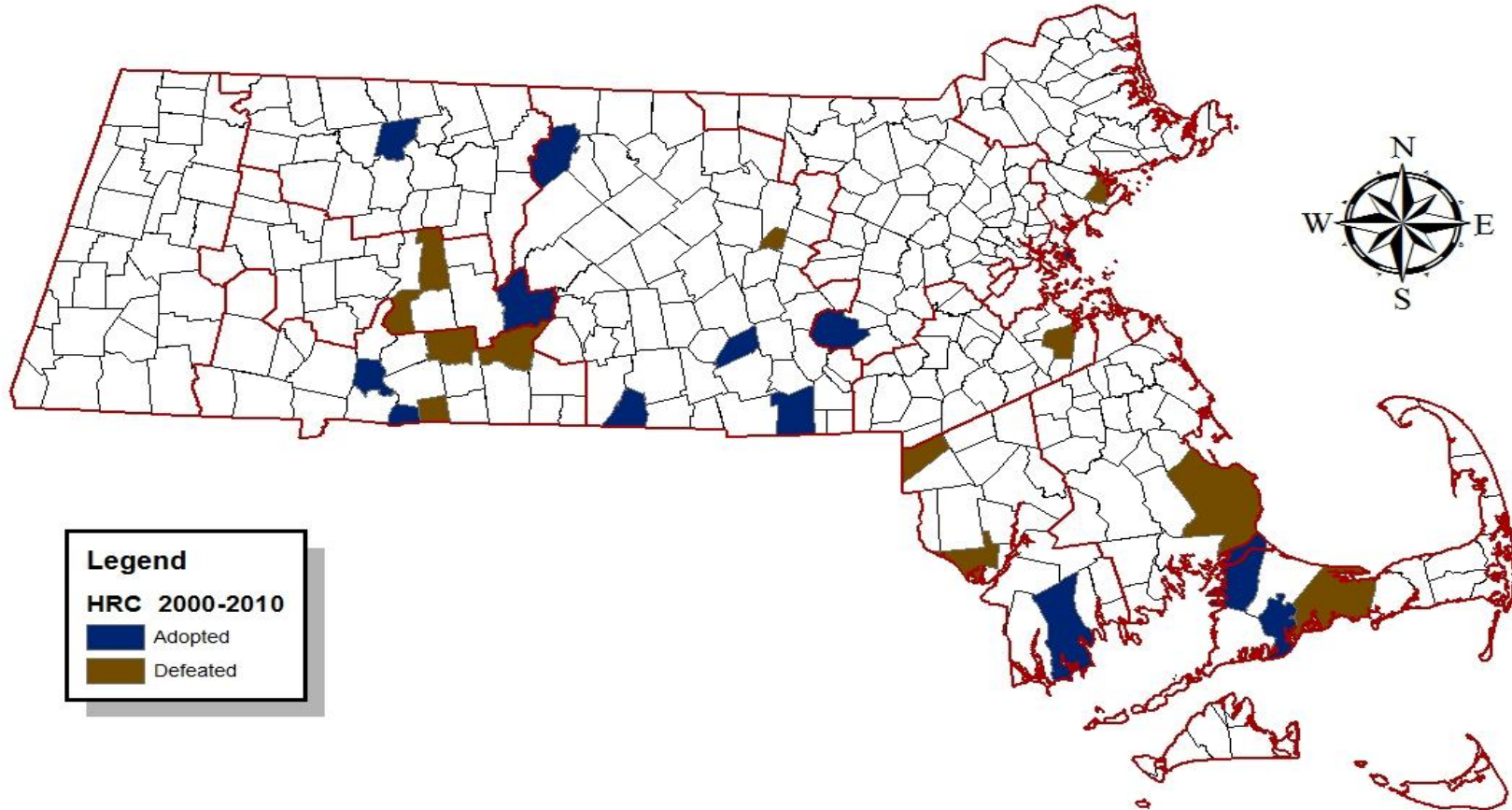
0 4 8 16 24 32 Miles

Created By: Mike Smith
May 4, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>
<http://www.mma.org> <http://www.sec.state.ma.us/>

Map 16

Home Rule Charter Action 2000-2010



Legend

HRC 2000-2010

- Adopted
- Defeated

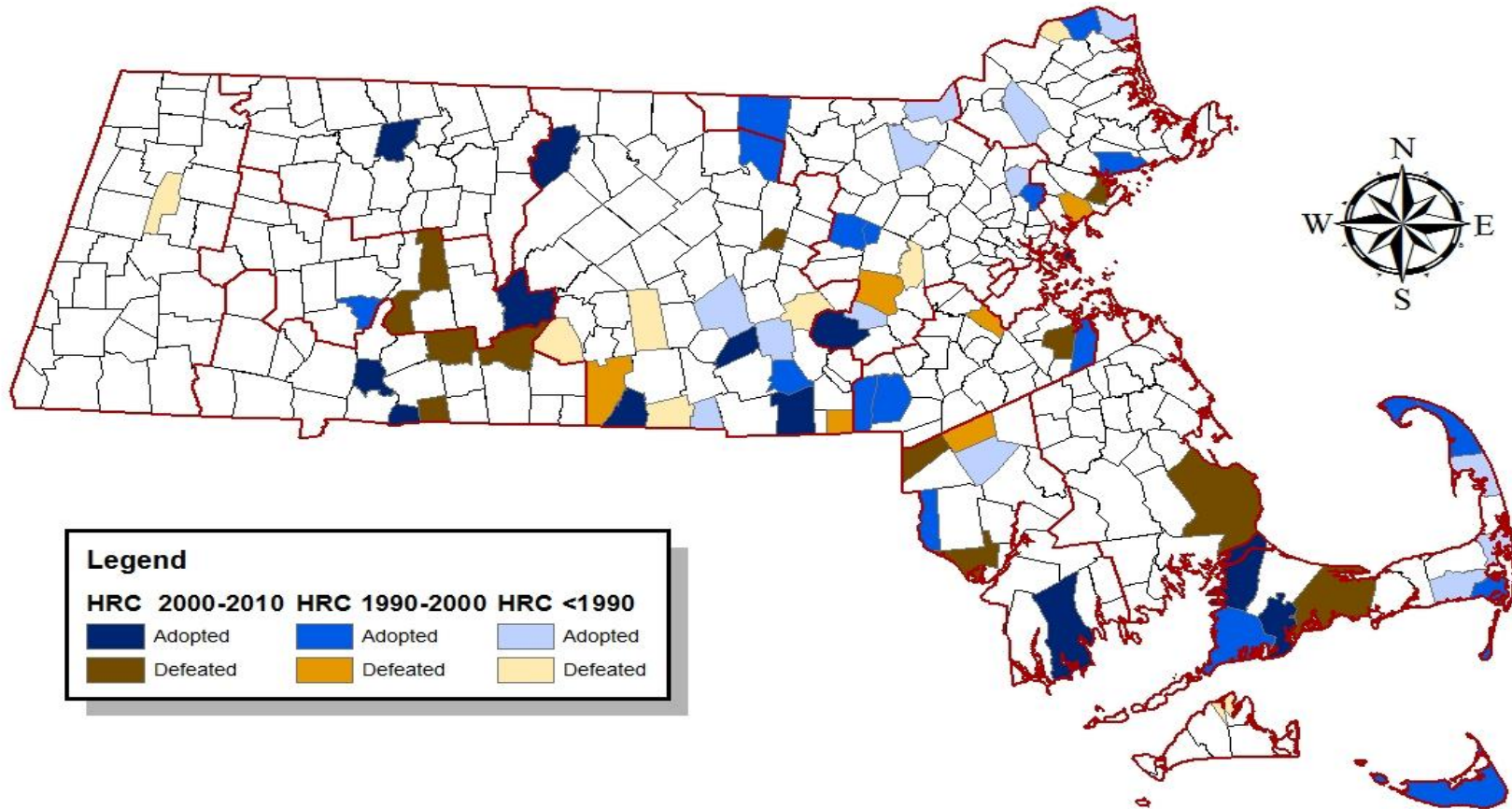
0 4 8 16 24 32 Miles

Created By: Mike Smith
May 4, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>
<http://www.mma.org> <http://www.sec.state.ma.us/>

Map 17

Home Rule Charter Action



Legend		
HRC 2000-2010	HRC 1990-2000	HRC <1990
Adopted	Adopted	Adopted
Defeated	Defeated	Defeated

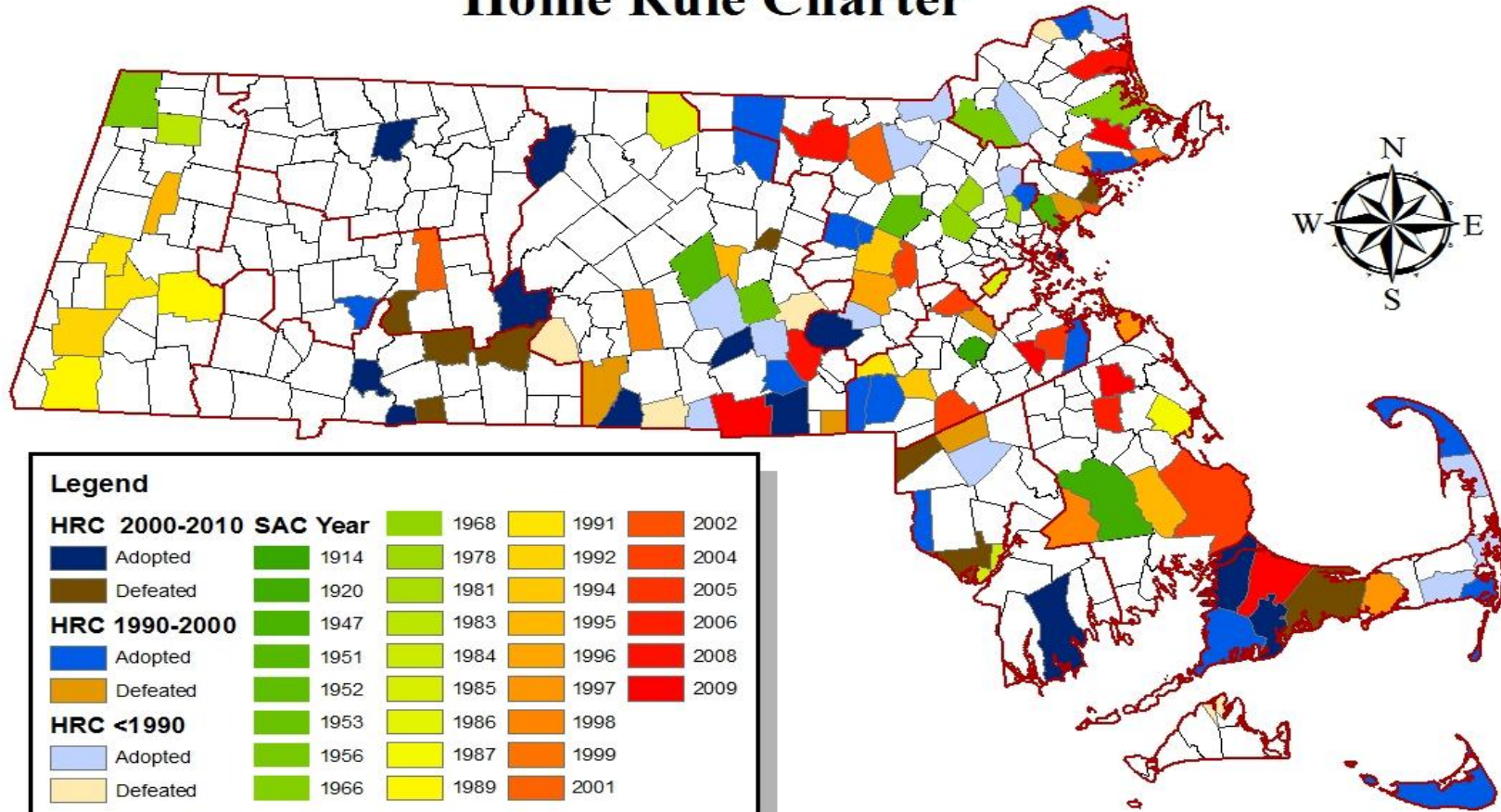
0 4 8 16 24 32 Miles

Created By: Mike Smith
May 4, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>
<http://www.mma.org> <http://www.sec.state.ma.us/>

Map 18

**Special Act Charter over
Home Rule Charter**



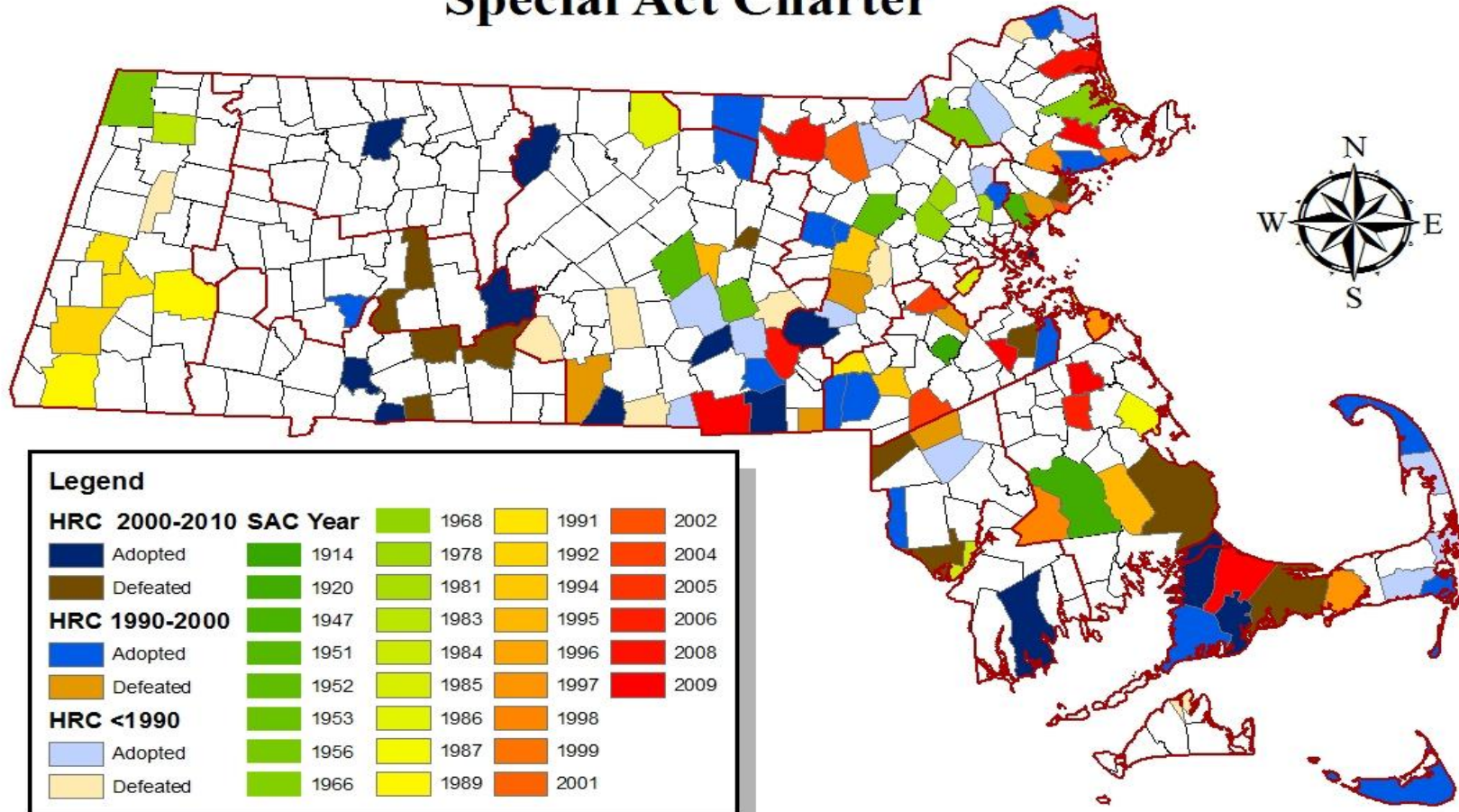
0 4 8 16 24 32 Miles

Created By: Mike Smith
May 4, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>
<http://www.mma.org> <http://www.sec.state.ma.us/>

Map 19

Home Rule Charter over Special Act Charter



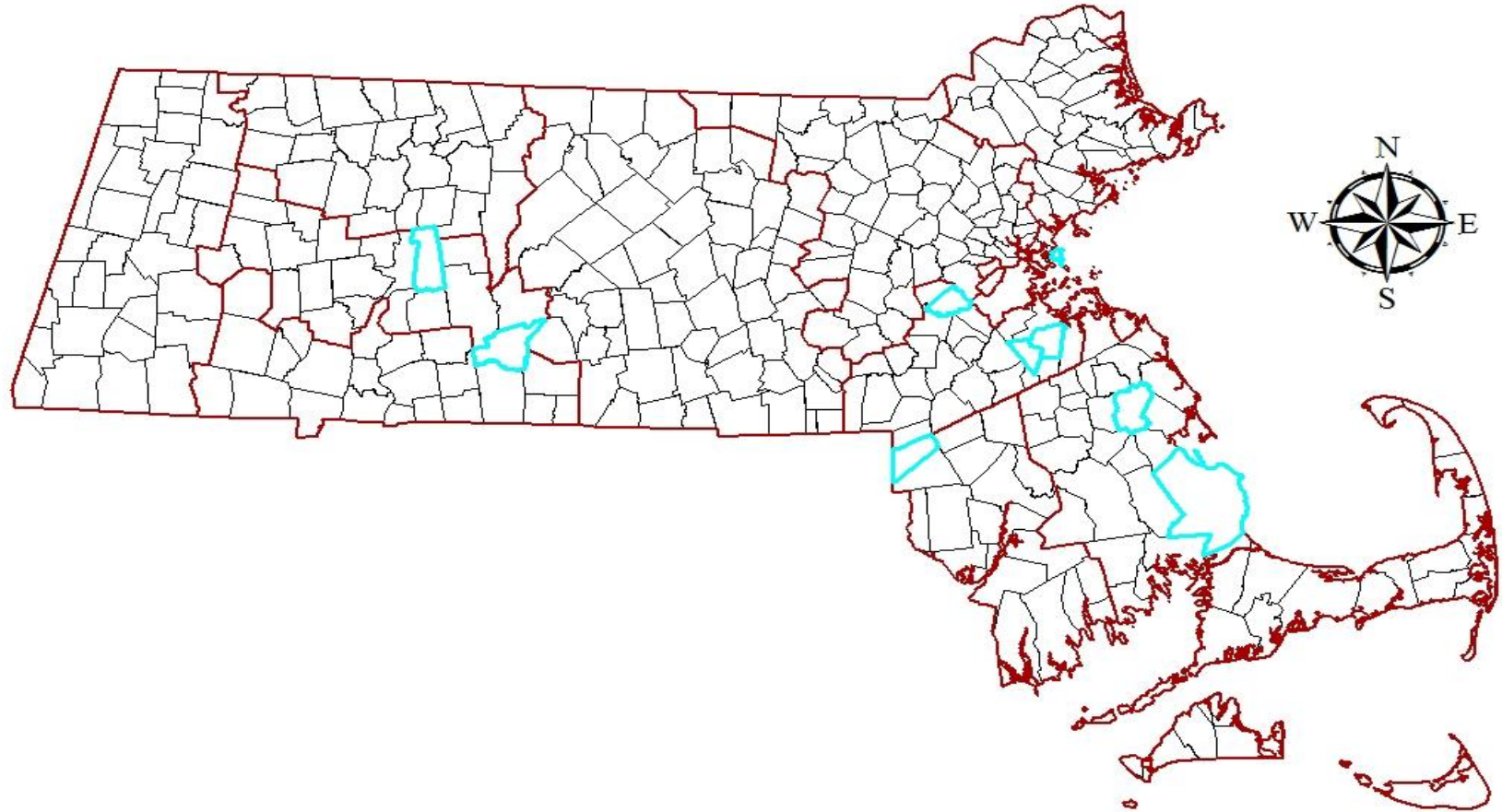
0 4 8 16 24 32
Miles

Created By: Mike Smith
May 4, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>
<http://www.mma.org> <http://www.sec.state.ma.us/>

Map 20

Case Study Communities



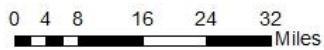
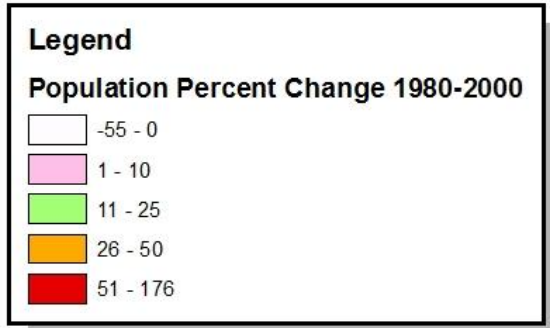
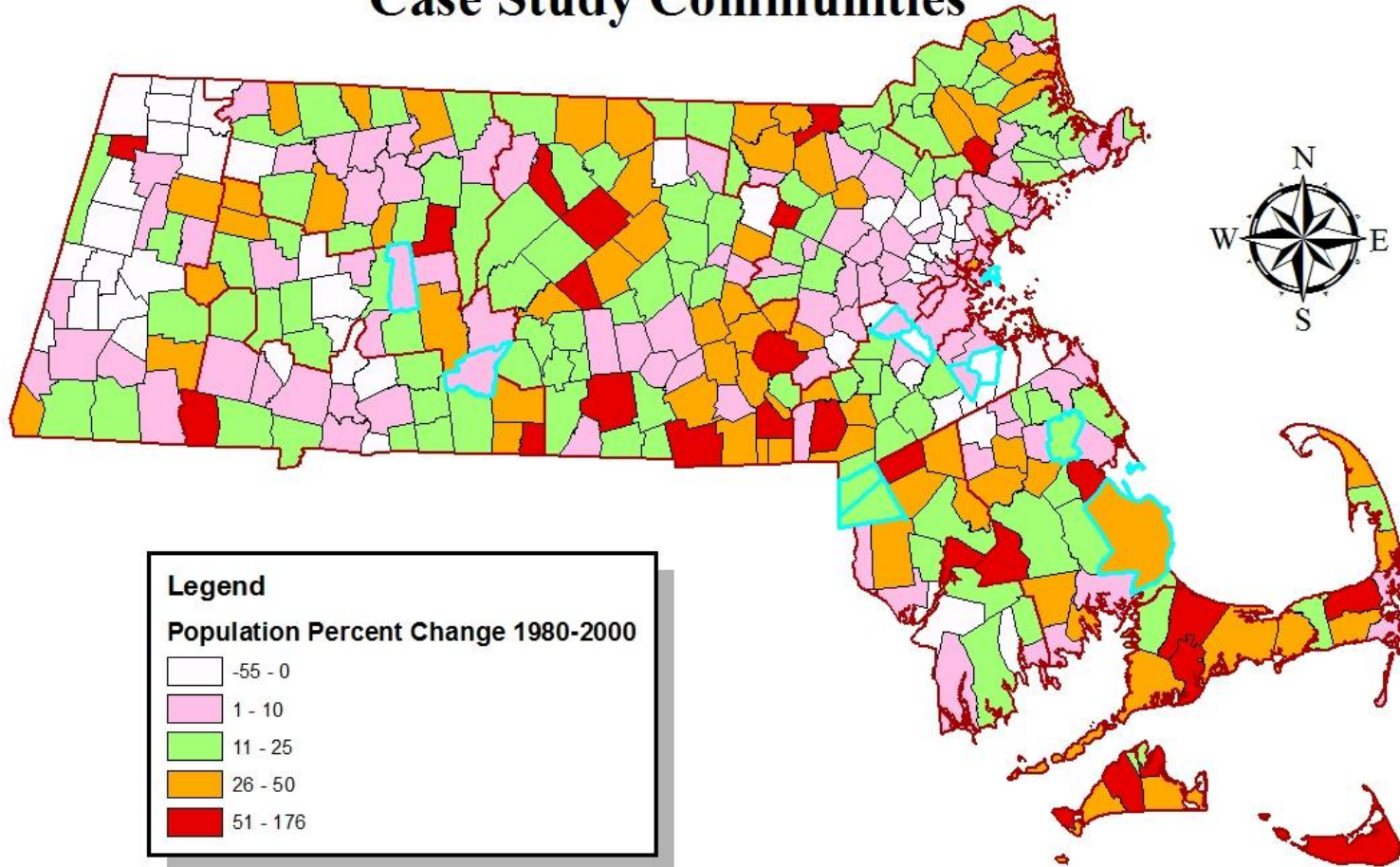
0 4 8 16 24 32 Miles

Created By: Mike Smith
April 27, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>
<http://www.mma.org/>

Map 21

**Population Change 1980-2000
Case Study Communities**



Created By: Mike Smith
May 4, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>
<http://www.mma.org> <http://www.sec.state.ma.us/>

Common Issues and Pro/Con Arguments in Elections to Change Form of Government

What are some of the most common issues and arguments pro and con that have come up in elections to change forms of government?

In our experience, the most common issues revolve around:

- **Responsiveness and accountability** – which form will be the most responsive?
- **Professional management** – which form provides the best quality of management?
- **The appropriate role of politics in administration** – should politics be removed from administration?
- **Effectiveness and efficiency** – which form produces the most efficient and effective management?
- **Political harmony (an oxymoron?)** – which form produces greater harmony and less divisiveness?

These “arguments” have been collected from a variety of sources and do not necessarily reflect the opinions of MRSC or MRSC Staff.

Arguments For the Mayor-Council Form

- This is the form that is familiar to most Americans because it is patterned after our traditional national and state governments. There is a separation of powers between the executive and legislative branches. There are checks and balances. The council can refuse to confirm the mayor's appointments and the mayor can veto the council's legislation.
- Also separation of powers provides healthy independence, debate and creative tension. Separate legislative and executive branches provide the best opportunity for debate and consensus building.
- By electing, rather than appointing a mayor, political leadership is established. The city has a political spokesperson who has a high degree of visibility.
- Some argue that an elected mayor will have a higher standing and greater voice in regional affairs of the city
- The mayor is vested with the veto power and can serve as a check on an unpopular council decision
- A skilled administrator can be hired to minimize weaknesses in the mayor's management background or experience, but the mayor is still fully responsible. (This refers to the appointment of a CAO and the addition of professional expertise to the mayor's office)

Arguments Against the Mayor-Council Form

- The office of the mayor gives too much power and authority to one person. It permits an incumbent to make decisions based largely on political considerations, and to use the office to further personal political objectives
- They also point out that the qualities needed to win an election are not the same qualities needed to manage a modern city. A mayor, while politically astute, may not always possess the necessary management training and experience.
- If an elected mayor proves to be incompetent or worse, he/she cannot be removed until the end of their term, or after an expensive and divisive recall election.
- A separately elected mayor may resist requests from the council. The mayor may attempt to isolate the council by controlling staff, information, and reports.

Arguments For the Council-Manager Form

- Administration of city business is removed from politics
- Efficiency of professional management based on a business model also the familiar model of school board to school superintendent relationship
- Since city managers are appointed rather than elected, greater attention can be given to selecting a qualified manager. The pool of qualified candidates is larger since city managers traditionally are paid better than mayors and since candidates can be recruited from outside the city including a nationwide search. (mayors must be a resident of the city prior to their election).
- Emphasis is placed on the role of the legislative body and its policy-making function. Council gets better cooperation and information because the city manager is their employee.
- Since manager serves at the pleasure of the council without a definite term, he/she can be removed at any time, limiting the danger of an abuse of authority.

Arguments Against the Council-Manager Form

- Critics of the council-manager plan argue the following:
- The council-manager form gives too much power to one person - the city manager
- A professional manager, often chosen from outside the city, does not know the community and is too far from the voters

- Councils may leave too much decision. making to the manager, who is not directly accountable to the public
- Without an elected chief executive, the community lacks political leadership
- The council-manager form is too much like a business corporation which is not suitable for managing community needs
- City managers cost too much, local people could handle the job for less cost
- Citizens may be confused about who is in charge. Most expect the mayor to respond to their problems. The mayor has no direct control over the delivery of services and can only change policy through the city council
- City managers may leave a city when offered higher salaries and greater responsibilities in other cities

Town Managers

By: Jessica Schaeffer-Helmecki, Associate Legislative Attorney

December 22, 2020 | 2020-R-0332

Issue

What is a town manager and under what statutory authority may a municipality appoint one? Which Connecticut municipalities have a town manager?

Summary

A town manager is a municipality's chief executive officer (CEO). In most municipal forms of government, the CEO (e.g., the mayor or first selectman) is elected. But town managers are hired by the municipality's legislative body (generally a town council or board of selectmen). The council-manager form of government is thought to professionalize the CEO position — most towns pay their managers a salary and require he or she have a Master of Public Administration — and minimize the role of partisan politics in the administration of the local government.

The responsibilities of a town manager, sometimes called a city manager or general manager, vary by town and the manner in which the role was created (i.e., by charter or by vote, as explained below). But generally, the town manager executes the legislative entity's policies, prepares a budget and presents it to the board of finance, and oversees the day-to-day management of town business. The town manager usually has the authority to appoint and remove department heads, as well.

According to the [International City/County Management Association](#) (ICMA), the council-manager form is the most popular structure of government in the United States among municipalities with populations of 2,500 or more. Of Connecticut's 169 towns, 33 have a town manager.

Authority to Appoint a Town Manager as CEO

Municipalities are authorized to establish a town manager as CEO under two statutes: (1) [CGS § 7-193](#) (for towns with a home rule charter) and (2) [CGS § 7-98](#) (for towns with a board of finance). Although all Connecticut municipalities that have a town manager also have a town charter, some were granted the authority to establish this form through special acts of the Connecticut General Assembly prior to the Home Rule Act (Edward C. Sembor, *An Introduction to Connecticut State and Local Government*, 95 (2003)). OLR Report [2005-R-0199](#) provides additional information on charter adoption and the Home Rule Act.

By Charter

Under [CGS § 7-193](#), any municipality that adopts a home rule charter, or amends its existing one, must have a CEO. This law also specifies the allowable types of charter-established CEOs, and a town manager is among them (the others are first selectman, elected mayor, and chief administrative officer appointed by the mayor or board of selectmen). Most recently, Clinton (2018), Simsbury (2018), and Cromwell (2013) amended their charters to adopt this form of CEO.

In addition to a CEO, the law allows one of four types of legislative bodies: (1) board of selectmen, town council, or board of directors (or aldermen or burgesses, which generally apply to consolidated towns and cities and boroughs, respectively ([CGS § 1-1\(m\)](#)); (2) town meeting; (3) representative town meeting (RTM); or (4) a combination of RTM or town meeting and one of the other allowable forms. Towns that have a town manager may also have a ceremonial mayor who is also the presiding officer of the legislative body (unlike elected mayors, these mayors do not take on the role of CEO).

Under this law, the town manager has all the statutorily defined powers and duties of the CEO, as well as those prescribed by the town's charter. In a number of towns, charter provisions establish the procedures to appoint or terminate the manager. For example, some require a super-majority of the

Legislative Bodies in Charter Towns

Although municipalities with home rule charters may amend them to modify certain attributes of their legislative bodies, those bodies are generally as follows:

- **Boards of Selectmen and Town Councils** are composed of elected members who serve as the municipality's primary legislative body and vote on local policy matters. In towns that also have a town meeting or RTM, certain matters, like the budget, are often approved by those bodies instead.
- **Town Meetings** are properly noticed public meetings to decide on local matters. All eligible voters (generally town residents over the age of 18 and nonresidents who own a certain amount of property in town), may directly vote on municipal issues, such as the budget, at a town meeting.
- **Representative Town Meetings** are a hybrid of a town meeting and town council; members are elected citizens, generally by district, who vote in town meetings and represent the voters at-large.

council to terminate a manager and require a hearing on the termination if the manager requests one.

By Vote at a Town Meeting

[CGS §§ 7-98](#) et seq., establishes the procedure by which municipalities with a board of finance may establish a town manager as CEO. The municipality must first hold a properly noticed vote at an annual or special town meeting on whether to do so ([CGS § 7-100](#)). If approved, the board of selectmen selects a candidate from a list the board of finance submits to it.

Most of the board of selectmen's powers and duties are then conferred to the town manager, who may hold office for three years or until a successor is appointed ([CGS § 7-99](#)). Municipalities that appoint a town manager under this law may revert to their former town management by a vote at an annual or special town meeting ([CGS § 7-100](#)).

Towns with a Town Manager

As Table 1 shows below, 33 Connecticut municipalities have town managers as their CEOs. Town managers are most common in mid-sized municipalities; the populations of town manager towns range from approximately 9,500 (Hebron) to 63,000 (West Hartford). Most larger municipalities (15 of the 20 largest) have elected mayors as their CEOs and all 20 of those with the smallest populations have first selectmen (Department of Public Health, [2019 Annual Town and County Population for Connecticut](#) and [2019 Connecticut State Register and Manual](#)).

With respect to town manager towns' legislative bodies:

- 29 have a town council, also called a city council or a board of directors (10 additionally have a town meeting and one has a representative town meeting)
- 4 have a board of selectmen (two additionally have a town meeting)

Table 1: Town Manager Towns and Their Legislative Bodies and Estimated Populations

Municipality	Charter	Legislative Body	Population
Avon	Yes	town council	18,276
Berlin	Yes	town council	20,436
Bloomfield	Yes	town council, town meeting	21,211
Cheshire	Yes	town council	28,937
Clinton	Yes	town council, town meeting	12,925
Coventry	Yes	town council, town meeting	12,407
Cromwell	Yes	town council	13,839
East Hampton	Yes	town council, town meeting	12,800
Enfield	Yes	town council	43,659
Farmington	Yes	town council, town meeting	25,497
Glastonbury	Yes	town council	34,482
Granby	Yes	board of selectmen	11,507
Groton	Yes	town council, representative town meeting	38,436
Hebron	Yes	board of selectmen, town meeting	9,504
Killingly	Yes	town council, town meeting	17,336
Manchester	Yes	town council (called a board of directors)	57,584
Mansfield	Yes	town council, town meeting	25,487
Meriden	Yes	town council (called a city council)	59,395
Newington	Yes	town council	30,014
North Branford	Yes	town council	14,146
Norwich	Yes	town council (called a city council)	38,768
Plainville	Yes	town council	17,534
Rocky Hill	Yes	town council	20,115
Simsbury	Yes	board of selectmen	25,395
South Windsor	Yes	town council	26,162
Southington	Yes	town council	43,834
Tolland	Yes	town council	14,618
Watertown	Yes	town council, town meeting	21,578
West Hartford	Yes	town council	62,965
Wethersfield	Yes	town council	26,008
Winchester	Yes	board of selectmen, town meeting	10,604
Windham	Yes	town council, town meeting	24,561
Windsor	Yes	town council, town meeting	28,733

Sources: [2019 Connecticut State Register and Manual](#) and Department of Public Health, [2019 Annual Town and County Population for Connecticut](#)

Pros and cons in the city manager debate

After more than a month of intense debate, Mitchell voters today will decide whether the city will change its governmental structure from mayoral rule to a city manager format.

Written By: Daily Republic News | Jun 7th 2011 - 4am.

After more than a month of intense debate, Mitchell voters today will decide whether the city will change its governmental structure from mayoral rule to a city manager format.

Officially proposed in 2009 by the planning group Focus 2020, it wasn't until May 2011 that the proposal was placed on today's ballot. More than 1,500 signatures were gathered to get the issue on the ballot and before the voters.

What's in it for Mitchell?

Opponents say it will add an unnecessary layer of bureaucracy to local government and will further distance the voting public from local decision makers. And with a likely salary of \$100,000 or more, hiring a city manager won't be cheap.

Those in favor of the idea say it will help streamline government in town and it also will put a professional in charge of the city's \$30 million budget. A city manager, proponents say, would free up the City Council for other duties, such as civic development.

Following are quotes from various opponents and proponents of the city manager issue. The comments were collected from Daily Republic reports and letters to the editor in recent weeks.

Against a city manager

* With our current form of government, you get to elect the mayor. You will never get to vote for the city manager. The average city manager can earn up to \$100,000 per year plus benefits of another \$50,000. The learning curve for a new manager would be at least a year or more. The new manager will likely be hired from outside the Mitchell area. The average tenure of a city manager is three to five years.

Terry Timmins, letter to the editor

* Once you understand the real agenda, then voting "no" on the city manager is paramount -- that is if you care about freedom, property rights and the representative form of government that protects us. Putting an unelected, appointed executive in charge only sets us up for tyranny and dictatorship. That is why this old European idea of government was rejected by our founding fathers.

Steve Sibson, letter to the editor

* "No. 1, I think change is needed. I think this idea of continuing on with mayors who are working full-time and getting \$23,000 is wrong. I think we need to get a full-time mayor and pay them enough so they view it as a good job and not doing their civic duty. ... I definitely don't think this is the right direction."

Ray Borgen, Daily Republic story

n Adding another level of bureaucracy does not guarantee efficiency. Adding another layer of bureaucracy guarantees more red tape.

Bernie Schmucker, former county commissioner, letter to the editor

* So tell me why do we need to pay someone else up to \$100,000 to oversee these people when they are doing a fantastic job? Don't you trust their good work? Do you think we the hardworking, overtaxed people need another bill? Think about your vote (unless you have a lot of money) before you make it.

Joann Hegg, letter to the editor

* I want elected officials, like the mayor, directly responsible to the people. I believe in a limited government that is careful with the tax dollars of its citizens. We have an effective system now, in terms of cost and accountability, that a city manager would not improve. A city manager is an expensive, even wasteful, bureaucratic addition to city government that is unnecessary, unneeded and unwarranted.

Mel Olson, letter to the editor

* "We do not need a manager. We need competent elected officials responsible to the people."

Randy Pratt, letter to the editor

For a city manager

* It has been said that a city manager would cost about \$1 million for seven years, but the rest of the story is that the Mitchell city budget will exceed \$250 million -- a quarter of a billion dollars -- over the next seven years. If the proposed city manager improved the efficiency of Mitchell by 1 percent, that would save the tax payers about \$300,000 per year (1 percent of the \$30,000,000 Mitchell budget). Vote for a city manager and lower taxes.

Roger Musick, letter to the editor

* A well-run city needs both strong political and strong professional leadership. With a city manager form of government, you still have an elected mayor and eight councilpersons in the same four wards, and they still must be responsive to the needs of the voters. The day-to-day administration and management of the city is handled by the city manager, allowing the mayor and council an opportunity to focus on policy and vision for moving the community forward. A

city manager must be responsive to the community, or else the council will fire the manager. A mayor can only be replaced every few years, but a manager can be replaced at almost any time.

Mike Vehle, letter

* We are in an era of continually growing rules and regulations, so in an operation of \$30 million -- such as our city -- it is hard to believe that we would not have a full-time professional to make sure we are working as efficiently as possible. They are trained to do just that. There are no businesses of this size (or even our schools) that even attempt to operate without the expertise of a professional at the helm. There are just too many things to be gained.

If you are confused, I can see why. Be careful of the vocal minority that is against most everything progressive. Follow the lead of the mayors, majority of City Council and The Daily Republic editorial board in supporting a city manager for Mitchell.

Terry Sabers, letter

* "The difference between an elected mayor being the person who is running the city on a day-to-day basis and a city manager is the difference between a king and an employee," he said.

Mike Levsen, Aberdeen mayor, Daily Republic story

* The city is akin to a \$30 million business. It needs a trained professional to guide it. Although current mayor Lou Sebert has a business background and works full-time hours, neither is required of this city's mayors. Again, all that's required of Mitchell's mayors is popularity, and that's dangerous if the mayor is vested with all the powers of day-to-day management.

Daily Republic editorial

* "It's my job to put things into effect and make them happen," he said. "What that does is free the City Council up for bigger issues."

Jeffrey Weldon, Brookings city manager, Daily Republic story

* "The city's a big business and each big business out there has a CEO," he said.

Marty Barington, Daily Republic story

* Mitchell has a strong future and needs a city manager to help keep propelling us forward. I see that Mitchell's successes can only be enhanced with a city manager as the chief administrator implementing the City Council's directions.

Former mayor Alice Claggett, letter to the editor

* I think you actually save money.

Brookings mayor Tim Reed, Daily Republic story

* "I think the budget process is basically run through the finance officer and, of course, the council deals with it for two or three days at a time," he said. "I don't think they spend enough time on the budget to know what's in it other than big equipment."

Mayor Lou Sebert, The Daily Republic

https://www.citizensvoice.com/news/pros-cons-for-council-manager-government/article_8d4d9cf2-5822-5eaf-8db6-df3f6d7db18d.html

Pros, cons for council-manager government

By Michael P. Buffer (staff writer)

Oct 9, 2010

The concept of the council-manager form of government developed in the late 19th Century.

Progressive reformers wanted to rid city halls and county courthouses of political machines and spoils systems that resulted in cronies and political supporters getting government jobs.

So they proposed a form of government with an elected council to legislate and set policies and a strong, non-political executive office to run the government and implement policies.

The Luzerne County Government Study Commission has decided this form of government is the best way to reform Luzerne County, which is recovering from an ongoing corruption probe. Since last year, the federal authorities have brought criminal charges against three county judges, three elected county officeholders and four top county administrators.



Luzerne County Commissioners Steve Urban, Mark Moran / The Citizens' VOice

A Nov. 2 referendum asks voters to adopt a home-rule charter, proposed by the study commission, that establishes a council of 11 part-time members who would appoint a manager to run an executive branch. The charter would eliminate the three county commissioners as chief decision makers and abolish seven elected offices known as row offices.

The council-manager form was first adopted in 1908 in Staunton, Va. Today, it is the most popular form of government for cities and towns, according to the International City/County Management Association, a professional and educational association for appointed local government administrators.

More counties are turning to the council-manager form, the association reports. From 2001 to 2009, the number of counties with it grew from 371 to 821.

The commission or plural executive form remains the most popular form for counties, but the number of counties with that type of government decreased from 2,196 to 1,728 from 2001 to 2009.

Arlington County, Va.

In 1932, Arlington County became the first county to adopt the council-manager form of government by referendum, according to Ron Carlee, chief operating officer of the International City/County Management Association.

Carlee was Arlington County's ninth manager, serving from 2001 to 2009. He also worked for Arlington County under four county managers.

"This form has compelling advantages to it," Carlee said. "It focuses on the retail aspects of local government - to make sure services are provided with efficiency and integrity.

With a population of about 209,000, Arlington County is governed by a five-person board, whose members are elected at-large to staggered four-year terms. They appoint a county manager to be the county's chief executive, and the form of government has provided stability, Carlee said.

"It is fundamentally about doing the work of government extremely well," he explained. "It is the responsibility of the county council or county board to make important policy decisions - how much you tax, who you tax."

Carlee said the council-manager form "is based on the business model," where stockholders elect a board of directors, who then choose a chief executive office to run the business.

"The county manager's responsibility is to be the buffer between elected officials and professional staff," Carlee said. "The commission form has legislative and executive functions combined, so there are more opportunities for mischief."

Critics of the Luzerne County charter proposal say the county manager would be too powerful and would not be accountable to voters. County Commissioner Stephen A. Urban said the appointed manager would be "a monarch."

Michele Frisby, the International City/County Management Association's director of public information, said many Americans are not comfortable with an appointed executive because of a "bias against the parliamentary system." In parliamentary systems, executive leaders stay in power as long as a governing coalition in an elected assembly has confidence in a prime minister or cabinet.

"It's extremely difficult for Americans to get comfortable with that kind of government," Frisby said. "The intent is voters vote for elected officials who in turn appoint a highly qualified and trained administration to oversee day-to-day operations, not policy development."

Critics of the Luzerne County charter have expressed doubts that the 11-member council would hold a county manager accountable with termination. The charter would require votes from seven of 11 members to fire the county manager.

"The idea that a council or board won't make a change, most elected officials are smarter than that," Carlee said. "It is a greater risk to political reputation by keeping a manager who can't deliver. I don't see how that argument holds any water. Manager positions are at-will positions. You don't have to have a reason to fire. They don't wait for the next election. It happens all the time."

Carlee said two of the four Arlington County managers who preceded him were fired.

"My successor was on board for less than six months, and it was announced last week he is leaving," Carlee said. "It was not a good fit."

County Board members officially announced the departure of County Manager Michael Brown on Oct. 1. Reports said Brown walked away with \$110,000 in severance pay.

Brown's annual salary was \$210,000. Each board member is paid nearly \$50,000 a year, Carlee said.

Luzerne County

According to the charter proposed for Luzerne County, the council would set the salary of a council member, which could not be less than the initial salary set in the charter - \$8,000 annually with an additional \$2,500 for the chair of council.

The manager's salary could not exceed the district attorney's salary and can't be lower than 55 percent of the district attorney's salary, which currently is \$160,850. Luzerne County commissioners currently are paid \$42,006 a year, and the board chair gets an additional \$1,000.

The charter does not address the county judiciary, an independent branch of government under the state's court system. Study commission members have acknowledged they hope the judicial branch agrees to follow requirements under the charter on merit-hiring system, an ethics code and purchasing procedures.

Judges and some county court administrators are state employees, but about 310 Luzerne County employees work for the county judiciary. Luzerne County has about 1,680 full-time employees and a population estimated at 319,000.

Fairfax County, Va.

Ray Gustave lives in Swoyersville and unsuccessfully ran for a seat on the Luzerne County Government Study Commission. He lived in Fairfax County, Va., from 1979 to 2008 and is

familiar with the council-manager government in that county.

"It seemed to work well down there," Gustave said.

But he said he won't vote for the proposed Luzerne County charter on Nov. 2.

"Now with 11 members voted in at large versus three commissioners at large, there is no difference," Gustave said. "With the way the council is going to be constructed, I don't like that. It could work. But you need to have better representation by voting districts.

With a population of nearly 1 million, Fairfax County has a 10-member board of supervisors. Nine members are from districts, and the board chairman is a countywide representative, Gustave said, adding he was active with a citizens' group in Fairfax County and worked with council officials on development issues.

"Our supervisor, I knew him fairly well," Gustave said. "It can be a workable form of government, but not here the way they (Luzerne County Government Study Commissioner members) structured it."

Fairfax County had full-time supervisors, and each supervisor had a staff and office, Gustave said. The annual salary for a Fairfax County supervisor is \$75,000.

Gustave didn't think part-time council members in Luzerne County would be responsive to constituent needs.

Bell, Calif.

Luzerne County Solicitor Vito DeLuca said changing the county's form of government would not reduce the likelihood of government corruption. He said study commission members "are trying to sell the

public on a bill of goods that this charter and no other form of government can deliver."

DeLuca pointed to Bell, Calif., where controversy began in July after the Los Angeles Times reported excessive salaries.

City manager Robert Rizzo received \$787,637 a year. On Sept. 21, Rizzo and seven other city officials were arrested and charged with misappropriation of public funds.

"There are always outliers," Frisby said of the controversy. "In Bell, all the checks and balance collapsed, you didn't have elected officials overseeing what the manager was doing. It was a complete breakdown."

Pennsylvania

A council-manager form of county government would be unique in Pennsylvania. Six counties have adopted home-rule charters, and four of them are run by elected executives.

Lackawanna County has a home-rule charter, but is still run by three county commissioners. Delaware County's charter includes a council of five members, who appoint an executive director.

But each Delaware County council member is paid at least \$49,000 a year, and they make personnel and payroll decisions. Under the proposed Luzerne County charter, council members would be prohibited from participating in hiring and firing employees.

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Town Thinking Of Having Manager

Again Weighing Pros And Cons

By JORDAN OTEROjotero@courant.com

SIMSBURY — Simsbury is the latest Connecticut municipality to consider turning to professional management to handle the town's day-to-day operation. .

Nearly a year after Simsbury's first selectman resigned over a salary dispute, the town is evaluating a potential switch to a professional manager. It is not the first time it has considered the move, nor is it alone in doing so.

As of last year, 106 municipalities have some variation of a selectmen form of government, according to the Connecticut Conference of Municipalities, down from 108 municipalities in 2011. About 34 have a professional manager, working under the direction of a town council, or a hybrid form that includes a professional manager working with, say, a board of selectmen. In 2011, 32 had a manager-council or hybrid.

Simsbury must weigh potential downsides of a professional manager — including placing a large salary on the town payroll (the average annual salary is roughly \$144,000), and the inability of voters to choose who handles the town's day-to-day operations — versus the benefits that may come with having a qualified professional running the office.

A charter revision is required to change a town's or city's government structure. At the Simsbury charter revision commission's most recent meeting Dec. 3, members said that although they could see the benefits of having a professional manager, they expressed concerns that the town's level of community involvement would be hurt with a change to manager.

“The most precious thing we have is really the involvement of a lot of people who turn out for things,” said Anita Mielert, a former first selectman who is also on the charter revision commission. “That's one thing we've got to keep, no matter what we do with our form of government. I'm worried if we remove the feeling of immediacy to town hall, we'll lose some of that.

”Commission Chairman Hadley C. Rose said, “My concern is [that] I like the idea of the head of government being responsible to the people ... as opposed to a manager being insulated from the voting.

”Mansfield Town Manager Matt Hart has given presentations to charter revision commissions statewide for 15 years, including Simsbury. Mansfield made the change to a town manager in the late 1970s, Hart said, and he is the third manager.

Potential benefits of a professional manager, Hart said, include continuity during transitions, fostering ethics, diffusing special interests and eliminating partisan politics from administrative decisions.

Hart said that sometimes the driving force behind a community considering a manager is a desire to bring in more development, or increase the scope of services.

“If the residents of a community ... want to offer quality programs and services, if they want that good return on their tax dollar, then arguably a way to accomplish that is to have those programs and services delivered by a professional staff who know the ins and outs of that business,” Hart said.

But Paul Henault, a member of Simsbury's charter commission, said the town already offers high quality services, so he's unsure how a town manager would benefit the community.

“The way I look at it is, if you're going to change something, it has to be not just new; it has to be new and improved,” Henault said. “So, that's the approach I'm taking on this — if it's new and improved, I'm OK with it. But you also have to clearly articulate what's the problem, and I don't think anybody's really articulated what's the problem with our charter.”

“I'm open and listening to ideas,” Henault said, “but I haven't heard anything yet that says [a town manager] will impact the quality of our town or lower our taxes.”

17th Century Roots

The selectmen form of government dates to the 17th century, having evolved within New England, rather than having been imported from England, according to the Connecticut Council of Small Towns' 2011 Municipal Leaders Manual.

The first selectman is chief executive officer in most towns, and sits on the board with at least two and up to six additional selectmen. The board is a town's chief legislative body.

Under a typical council-manager structure, the council is the legislative power, focusing on policy, major projects and long-term issues. The council chair or mayor is the designated political and policy leader, with duties specified within the town charter.

A town manager, a hired professional usually with a bachelor's and master's degree, generally handles day-to-day town operations and makes recommendations to the council for consideration. The manager takes direction from the council.

Matthew Galligan, president of the Connecticut Conference of Municipalities and South Windsor town manager, said a municipality may consider switching to a manager to remove politics from town or city operations.

“What happens is that government has gotten very complicated,” Galligan said. “Managers are a little more cautious about how they handle things. We don't have to worry about getting elected. We're just looking out for the best interest of the town. Some mayors have that same attitude, but others don't; it's a mixed bag.”

Cromwell changed to a council-manager form in 2013. Anthony J. Salvatore, the town's former police chief and now its town manager, said the driving forces behind the switch were the desire for a more professional office and for leadership continuity.

“Having been an employee of the town, and under the previous first selectman and board of selectmen, I was apprehensive ... because I kind of liked the idea of being able to vote in our leaders and vote them out if I'm not happy [with the leadership], but since my time as ... the town manager, I can definitely see what they were looking to accomplish,” he said.

“It's still a little early [and] we're still in our infancy, so to speak, but I think when all said and done, I think it was the right move,” Salvatore said.

Fifth Time In 30 Years

This is not the first time Simsbury has considered a town manager form of government. Since 1985, charter revision has been studied six times, most recently in 2013, with five of the studies focusing on whether to switch to a town manager form of government. None recommended changing from an elected first selectman in final reports.

The most recent charter review was initiated after residents expressed concerns about the town's form of government and the first selectman's salary, following the resignation of First Selectman Mary Glassman.

Glassman resigned Jan. 2 in protest over the Republican-controlled board of selectmen's November 2014 decision to cut her pay by 35 percent starting in July. The board reversed its decision in December, but Glassman still resigned. Glassman is now on the charter revision commission.

At the Dec. 3 commission meeting, Glassman said the town is in violation of its charter because while the first selectman is still identified in the town charter as the full-time chief administrative officer in town, most administrative responsibilities have been since delegated to the director of administrative services.

“The question is, what's left for role of first selectman?” Glassman said.

Salvatore, Galligan and Hart all stressed that a community considering a manager must take its time in determining what is the best fit for the town or city.

In Simsbury, the charter revision commission's final recommendations will be sent to the board of selectmen for consideration by December 2016. If the board accepts those recommendations, the new charter will be put to referendum for voter consideration.

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City Manager vs. Mayor: Who Runs this Town Anyway?

May 10, 2019 by [MPA@UNC Staff](#)



Effective local leaders make sure day-to-day services—everything from transportation to recycling pickup—are running smoothly, but they also need to have the ability to rally and empower their communities in difficult times, such as when a natural disaster strikes.

City manager and mayor are two local leadership roles that might appeal to those interested in running a town or city at a high level. A city manager is the hired executive officer of a municipality who works outside of the political realm to keep operations running smoothly. A mayor is an elected, sometimes volunteer, leader who represents the voters in any given city. Both officials work toward the goal of providing a variety of local government services while safeguarding taxpayers' dollars and maintaining a policy of transparency.

If a career in local government sounds interesting to you, a master's in public administration provides knowledge and training in areas such as economic development, city and county management, policy, and organizational leadership—all of which could help open up a variety of public sector job opportunities for you, including city manager and mayor.

Understanding the differences between the two career paths may help you determine the type of graduate-level coursework and work experiences you'll need to pursue the local leadership role that's right for you.

What Is the Difference Between a City Manager and a Mayor?

City manager and mayor are two of the most prestigious positions in local government. City managers, sometimes known as city administrators, are generally appointed by mayors or councils based on their education and experience in local government. Mayors are elected by their constituents or selected from among members of the council through an election or rotation.

Mayors come from all different backgrounds and deal with small- and large-scale problems. [Eric Garcetti, the mayor of Los Angeles, had to declare a local state of emergency in 2017](#) [↗](#) when a fire got so out of hand it burned more than 11,000 acres and was threatening lives, land, and structures. The declaration allowed for state and federal assistance.

But mayors also get involved with less pressing but still important issues, including when community members are unhappy with local businesses. In the city of Raleigh, North Carolina, for example, [Mayor Nancy McFarlane went toe-to-toe with a rental scooter firm](#) [↗](#) over a \$2-per-ride surcharge they were claiming was due to increased city fees and regulations.

[McFarlane is currently serving her third term as mayor of Raleigh.](#) [↗](#)

City managers often play a more behind-the-scenes—but equally important—role. [Ruffin L. Hall, Raleigh city manager since 2013,](#) [↗](#) has been described as “[Raleigh's most powerful person you've never heard of.](#)” [↗](#) He coordinates and oversees the activities of all city departments, providing direct staff assistance to city council members, including the mayor, and council committees. His staff leads the financial and budget management process for the city and directs the city's planning efforts. His staff also conducts research, develops policies, and evaluates potential public programs. As noted in *Indy Week*: “The council almost always acts on his recommendations, which means that what he and his staff do behind the scenes has a very real impact on where the city's headed.”

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Three Types of City Government Structures

There are three main [forms of municipal government](#): [☑](#)

Council-manager

This is the most common form of local government and is the type used to govern most major cities in North Carolina, including Raleigh, Durham, Charlotte, and Greensboro. It is also prevalent in the Southwest and Pacific coast areas, in cities such as Phoenix, San Antonio, and Las Vegas. The city council oversees local policy and budgets and appoints a professional city manager to handle administrative tasks on a day-to-day basis. Typically, the mayor is a member of the city council.

Mayor-council

In this form of local government, the mayor is elected separately from the legislative body and has strong or weak powers based on the municipal charter, a legal document that includes everything a town or city government provides like water and transportation services. In some cities, the mayor plays a more ceremonial role; in others, the position involves responsibilities ranging from administrative to legislative to operational.

[A mayor, sometimes referred to as the “chief executive officer of the city,”](#) [☑](#) may deal with issues as diverse as immigration, infrastructure, the environment, public health, and the criminal justice system. [Elected mayors](#) [☑](#) are common in older, larger cities in the United States, such as Los Angeles; Birmingham, Alabama; Denver; and Philadelphia. But smaller cities have mayors, too.

City commission government

This is the oldest form of city government in the United States—and also one of the rarest. Voters elect individual commissioners to a governing board, with each commissioner in charge of a portfolio of city functions, such as police, fire, public works, finance, and health. The board

has legislative and executive powers and elects one of its members as chairman or mayor to preside over meetings. This structure is most common in cities with fewer than 100,000 residents, such as [Bismarck, North Dakota](#), [✗](#) and [Nicholasville, Kentucky](#). [✗](#)

What Does a City Manager Do?

City managers—who are generally full-time workers—are expected to be nonpartisan and politically neutral as they carry out the decisions of the council or mayor. The [International City/County Management Association \(ICMA\)](#), [✗](#) a professional organization for city and county managers, states in its [ICMA Code of Ethics](#) [✗](#) that city managers should avoid political activity (other than voting). City managers following this code of ethics should refrain from campaigning on behalf of candidates, donating to political campaigns, and displaying political allegiances with bumper stickers or yard signs. If city managers violate the code, they can lose their ICMA membership. City managers are generally less public-facing, but it is becoming more commonplace for city managers to participate in community events and serve on community boards.

What Does a Mayor Do?

Because mayors run for office, they are permitted to engage in political activities and are often elected as a result of these activities, as well as for their platform, background, and personality.

In large cities, mayors are likely to work full-time. They are frequently in the spotlight, often attending ceremonial events like ribbon cuttings, fundraisers, and photo opportunities with the press. Salaries for a mayor vary depending on factors such as population, city size, education, form of government, location, and budget considerations.

According to the U.S. Bureau of Labor Statistics, mayors and city managers fall into the same general job category: top executives. The average median annual salary for top executives in 2018 was \$104,980.

Suggestions for How to Become a City Manager or Mayor

The following steps may help set the stage for a career as a city manager or mayor, but there are many paths to a profession in public service:

1. Earn your undergraduate degree.
2. Earn your graduate degree, such as an MPA.
3. Gain experience in a specific city department to learn about the public sector.

4. Work as an assistant or deputy to the city manager or mayor.
5. Run for city council. It's likely you will need to complete one term in a lower office to gain the experience required to qualify and run for mayor.
6. Work on a political campaign to gain knowledge about how to solicit and spend contributions.
7. Know the requirements for running for the office of mayor. Research questions such as these: Are you required to register with a political party, hire a campaign manager and staff, and solicit donations? Be sure to seek guidance on your state's [requirements for reporting campaign contributions and expenditures](#). [↗](#)

Do You Need an MPA Degree to Become a City Manager or Mayor?

For those interested in acquiring skills and knowledge to become a mayor or city manager or pursuing other careers in local, state, or federal government, the MPA is a professional degree worth considering. The degree can also lead to jobs in the nonprofit and private sectors. A main benefit of an MPA is that the coursework provides students with tools to develop skills in public service work.

The MPA is an interdisciplinary postgraduate degree that draws from several fields outside of the realm of a strictly business administration perspective. Students in the [UNC-Chapel Hill School of Government's online MPA program](#) study public administration and policy, public administration law, economics, finance, urban planning, and human resources management.

Benefits of a Master's in Public Administration for a Career in Local Government

What can you do with a master's in public administration? While a master's degree is not technically required to become a city manager or mayor, it is recommended to gain experience and maintain a competitive advantage for public sector jobs.

Some might consider substituting on-the-job experience for a degree. But Network of Schools of Public Policy, Affairs, and Administration (NASPAA) Executive Director Laurel McFarland [told the publication *Governing*](#): [↗](#) “A lot of learning on the job is what I’d call specific human capital—how this agency or office does something. What a degree does, typically, is it teaches you how to take a few steps back from a particular workplace and teaches you how to do [for example] budgeting in a more general setting ... you understand what you’re doing and learning on the job in a broader context.”

Local leadership is invaluable. A [2017 *Politico* article](#) called “America’s 11 Most Interesting Mayors” [noted](#): “It’s easy to forget how much political energy—and important new thinking—emanates not from the nation’s capital but from city hall.”

[UNC-Chapel Hill School of Government's online MPA program](#) provides students with the tools and foundation of knowledge to prepare them for a career in public service.

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