

KNOW YOUR LOCAL GOVERNMENT



HOME RULE

This pamphlet is issued as a public service by The Shafeek Nader Trust for the Community Interest. The Trust is a charitable and educational organization whose purpose is to strengthen democratic practices by people in communities.

Home Rule — What It Is.

In 1957, Connecticut adopted a home rule law which allows its 169 towns wide power to write and adopt their own forms of local government organization if they choose to do so. The law allows towns to operate under the general statutes, if they do not adopt their own charters, or under their own home rule charters. A simple procedure is provided for those towns which choose to adopt or revise home rule charters.

Some provisions of state law still apply to all town governments, however, regardless of whether they operate under the state statutes or under their own charters. These provisions include rules which towns, whatever their form of government, cannot change, whether or not the particular subject is addressed in the town charter. Examples include:

- State laws requiring public access to public records;
- State rules on qualification and admission of electors (voters);
- State statutes providing for the duties and responsibilities of registrars;
- State rules on absentee voting and hours of voting;
- State laws defining who may vote in general elections; and
- State laws prohibiting the imposition of any tax which is not authorized by the general statutes for a local community to pass.

Towns retain the authority to enact local ordinances. They are, however, prohibited from enacting local ordinances which conflict with the state constitution or with state law.

Every town in Connecticut is required to publish its

local ordinances and special acts in permanent form, to keep them up-to-date with biennial supplements, and to make them available to the citizens at a reasonable cost. This applies to all towns, whether or not the charter says so.

What Must Be Included In A Charter?

There are mandatory elements which must be included in any charter. These elements deal with the allocation of the legislative and executive powers, and with the establishment of departments, boards and agencies.

Legislative Power

First, the home rule charter must designate who is to act as the legislative body for the town. This can be the town meeting, or it may be a council, or a board of selectmen, aldermen, burgesses or a representative town meeting. A town may choose to use a combination of the town meeting (or representative town meeting) and one of the other boards, thus creating a shared legislative function. The Winchester town charter provides that the legislative body of the town is a combination of a town meeting and a board of selectmen, with each having the powers prescribed in the charter.

Executive Power

Second, a home rule charter must designate who is to be the chief executive officer for the town. This can be a first selectman, an elected mayor, an appointed town manager or another chief executive officer. The Winchester town charter states that the chief executive officer is a town manager who serves at the pleasure of the Board of Selectmen.

Boards and Commissions

Third, the home rule charter must provide for officers, departments, boards, commissions and agencies that are required by the state statutes. In addition, a town may have as many other boards, departments or commissions as it wants to, as long

as the ones required by state law are maintained. The method of election, appointment or organization of boards and departments can usually be chosen or changed locally by charter, unless state law or something in the state constitution expressly prohibits the change.

Forms of Town Government

Although there is much variation among towns within each form, political scientists generally classify Connecticut town governments into one of three types.

Selectmen-Town meeting

This is the traditional government of New England towns, and the one which the general statutes prescribe. In its pure form, the three-member elected board of selectmen is the executive, and the town meeting itself is the legislative body. Other officials and boards are also elected such as the clerk, tax collector, treasurer and board of finance. In towns which still operate under the general statutes, this form prevails.

Council-Manager

The council-manager form has an elected legislative body (usually chosen at-large) and an appointed chief executive or manager. One councilman may hold the title of mayor, but the manager has the authority to appoint the heads of departments and other personnel.

The Winchester charter has features of both the selectmen-town meeting form and the council-manager form.

Mayor-Council

In this type of government, an elected mayor is the chief executive, and the legislative body is the council, often with the members elected from wards or districts instead of at-large. In the "weak mayor" variation, other administrative officials may also be elected, or appointed by the council.

In the "strong mayor" form, the chief executive can appoint and remove other administrative heads, and may have veto power over the council.

Can A Town Change Its Form of Government?

A town can change its form of government by revising an existing charter, by creating a charter for the first time, or by revoking an existing charter. There are two ways the process can be started. One is by two-thirds vote of the legislative body which then appoints a bipartisan commission of five to fifteen members. The other is by proposal initiated by 10 percent of the electors. The proposal may include a list of specific recommendations. The proposal triggers the appointment of a charter revision commission.

Many town charters contain a provision which requires that a commission be created and charter review conducted at least every so many years, usually three to five. (The Winchester charter does not have such a provision.) Unless the appointing authority specifies a date, the commission has sixteen months in which to complete its work. Public hearings are required. If the appointing authority accepts the report, the charter amendments must be published and submitted to an election within fifteen months of such approval.

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