Fundamentals of Municipal Government
Presenter

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- First Selectman, Town of Bethel, 2009 to Present
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- Chairman, CIRMA
- Member, COST Board of Directors, Executive Committee
- Member, Western Connecticut Council of Governments Executive Committee
- Chairman, Housatonic Resource Recovery Authority
- Co-chair, Connecticut Coalition for Sustainable Material Management
Today’s Program

• Compare and contrast the predominant forms of local government in Connecticut

• Explore evolution of Selectmen – Town Meeting government

• Understand how town meeting government functions

• Examine efforts to create regional efficiencies

• Discuss challenges facing local governments

Origin of Governmental Authority

- Powers of federal and state governments defined in the U.S. Constitution.
- Powers not specifically assigned to federal government are reserved to the states (Article I, Section I).
- The U.S. Constitution is silent on local governments.
- Local governments are authorized and empowered only under state law.
Multiple Layers of Government
Primary authorities, but with a great deal of intermingling.

**Federal:** Military, foreign affairs, trade policy, monetary policy, interstate commerce, Bill of Rights, Federal judiciary.

**State:** Transportation, education policy, tax policy, National Guard.

**County:** Regional administration of state policies.

**Municipalities:** Local administration of state laws and policies.  
- **State mandates** – Educational criteria, health codes, building codes, land use, tax policy, environmental law, etc.  
- **Local authority** – Local ordinances, zoning & land use (within limits of state authority), local town and school operations
How are local governments empowered?

*States have the sole authority to define the authority of local government.*

- **Home Rule**: Within certain limits, municipalities allowed to govern themselves in any manner that does not violate state or federal law.

- **Dillon’s Rule**: Municipalities are permitted to exercise only those powers specifically granted under state law.
Evolution of Home Rule

“Creature Theory” holds that under American law, there is no inherent right to local self government.

“A municipal corporation is simply a political subdivision of the state, and exists by virtue of the exercise of power of the State through its legislative department.”

“The city is a creature of the state.”

(SCOTUS, Worcester v. Worcester Consolidated Co, 1905)
Evolution of Home Rule

Dillon’s Rule

“It is a general and undisputed proposition of law that a municipal corporation possesses and can exercise the following powers, and no others…” “Any fair, reasonable doubt concerning the existence of power is resolved by the courts against the corporation, and the power is denied.”

(Merriam v. Moody’s Executors, 1868)
Evolution of Home Rule

- In the late 19th century, state legislatures became increasingly caught up dealing with special legislation demands to address local issues.
- State legislatures began delegating limited powers to local governments.
- Connecticut adds a Home Rule provision to the state Constitution in 1969.
Cities and Towns in Connecticut

• Limited Home Rule authority exist under CT law.
• Municipalities choose form of government via adoption of a Charter.
• The Charter serves the same function as state and federal Constitutions.
• Non-charter towns required to use “town meeting” form of government per state law.
The Legislative Body

*Where the action is!*

- The Constitution reserves power to the People via the concept of the legislative body.

- The legislative body differs in certain forms of local government.
The Legislative Body

• Federal level: United States Congress
• State level: General Assembly
• Municipal level: City Council or Town Meeting

The Legislative Body has the power to create and enforce law, levy taxes and fines, approve budgets and control expenditures. It is the source of all powers of government.
Local Government: 3 Basic Forms

- Mayor – Council
- Council – Manager
- Selectmen – Town Meeting
Mayor – City Council

• Mayor elected by popular vote
• Council elected by popular vote, has significant legislative authority
• Mayor may or may not have vote on council; may or may not have veto power
• Conforms with separation of powers defined in the Constitution
Types of Mayor - Council

“Strong” Mayor

Voters → Council → Mayor → Department Heads

“Weak” Mayor

Voters → Council → Mayor

Note: “Legislative Body” shown in yellow
Council – Manager

• Created in 20th century to combat corruption, provide professional management
• Council elected by popular vote
• Council hires town manager
• Professional degree & certification required
• No elected mayor or other CEO
• Most common form of local government in the US
Structure of Council - Manager

1. Voters
2. Council (Legislative Body)
3. Manager (Employee)
Selectmen - Town Meeting

- Oldest form of local government in US
- Based on direct, rather than representative democracy
- Complex, decentralized power structure
- Found exclusively in New England states
- Evolved from 1600’s colonial religious communities
- Relies on high degree of citizen participation
Evolution of Selectmen-Town Meeting

- 17th century church governance evolved into “town meeting” government
- Comingling religious and civil law
- Public funds used to build meeting houses that served as both church and town hall
17th Century Governance

- No separation between church and state
- Religious leaders held power of law
Main Features of Town Meeting Gov’t

• The **Legislative Body** is comprise of all registered voters within the municipality

• Powers delegated to executive branch tend to be more limited than in Mayor – Council governments

• Nearly all major decisions are made via **Town Meeting** or **Referendum**
Features of Modern Town Meeting Government

• *Significantly* decentralized
• Power is often shared between multiple elected and appointed boards, committees and commissions
• Boards function relatively independently from one another
• Separation of powers is sometimes unclear
• The Legislative Body consists of all voters; most major decisions made via town meeting
Decentralization – Power Sharing

*Typical Boards & Commissions*

*(May be elected or appointed)*

- Board of Finance
- Board of Education
- Planning Commission
- Zoning Commission
- Inlands/Wetlands Commission
- Police Commission
- Building Commission
- Energy Commission
- Insurance Commission
- Pension Commission
- Zoning Board of Appeals
- Assessment Board of Appeals
- Housing Authority
- Youth Commission
- Parks & Recreation Commission
- Commission on Aging
- Economic Development Comm.
- Emergency Services Commission
- Charter Revision Commission
- Ethics Commission
Land Use Commissions
*Planning, Zoning, Inlands/Wetlands*

- May be separate or combined
- Usually elected, rather than appointed
- Operate independently from legislative process
- Decisions cannot be overturned by the Legislative Body
- Decisions can be only be challenged in the judicial system
- May have separate budget for certain functions
Board of Education

- Free, public education guaranteed in State Constitution (Art. Eight)
- BOE members are “agents of the state.”
- School budgets and operations are sole responsibility of the BOE
- Once school budget is approved, Legislative Body has no further control
- “Partnership” between Town and Schools is essential
Structure of Town Meeting Gov’t
(Typical)

Voters

Elected Boards

Board of Selectmen ← First Selectman

Appointed Boards & Commissions
Representative Town Meeting:

A “Hybrid” form of Town Meeting Gov’t

- “Town Meeting” government provides broad access for public participation in a direct democratic process, but vulnerable to special interests if public participation is low.
- High resistance to adopting a representative form of government (town council) due to centuries-old traditions.
- Some towns have solved this problem via Representative Town Meeting (RTM)
- RTM members are elected by the public at large to “represent” their neighborhoods or districts.
- RTM’s can be very large. Example: Greenwich RTM has 240 members.
- Six towns in Connecticut have adopted Town Meeting with RTM.
Town Meeting Gov’t with RTM

Voters

Elected Boards

Board of Selectmen

First Selectman

Representative Town Meeting (Legislative)

Appointed Boards & Commissions
## Prevalence of Local Government by Form

<table>
<thead>
<tr>
<th>Form</th>
<th>National</th>
<th>Conn.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mayor – City Council</td>
<td>33%</td>
<td>17%</td>
</tr>
<tr>
<td>Council – Manager</td>
<td>59%</td>
<td>17%</td>
</tr>
<tr>
<td><strong>Selectmen-Town Meeting</strong></td>
<td>6%</td>
<td><strong>65%</strong></td>
</tr>
<tr>
<td><em>(Includes 6 w/ RTM)</em></td>
<td></td>
<td><em>(110)</em></td>
</tr>
<tr>
<td>*Other</td>
<td>2%</td>
<td>1%</td>
</tr>
</tbody>
</table>

*(City Commission, General Manager, Board of Directors, Board of Representatives, others)*
Boroughs & Special Taxing Districts

• Boroughs and special taxing districts arose from need for special services within limited geographical areas.

• Special taxing districts provide funding for certain municipal functions, including:
  – Fire protection
  – Unique neighborhood circumstances or needs, such as lakeside or shoreline services
  – Public utility services

• In Connecticut’s 169 municipalities, there are currently 305 special taxing districts.
Regionalism – State Level

• CT abolished county government in the 1960’s
• County boundaries still exist for statistical purposes
• Established 15 regional councils of elected officials (CEO’s) or regional planning authorities (RPA’s)
• 2014: Act of state legislature forced consolidation of CEO’s and RPA’s to form 9 Councils of Governments (COG’s)
• Town CEO’s are mandatory board members
Councils of Governments

Regional Councils of Governments in Connecticut

<table>
<thead>
<tr>
<th>Region</th>
<th>Total Population</th>
<th>Square Miles</th>
<th>Municipalities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capitol</td>
<td>977,909</td>
<td>1,047</td>
<td>38</td>
</tr>
<tr>
<td>Lower CT River Valley</td>
<td>175,840</td>
<td>441</td>
<td>17</td>
</tr>
<tr>
<td>Metropolitan</td>
<td>313,094</td>
<td>344</td>
<td>8</td>
</tr>
<tr>
<td>Naugatuck Valley</td>
<td>446,738</td>
<td>429</td>
<td>10</td>
</tr>
<tr>
<td>Northeastern</td>
<td>96,617</td>
<td>563</td>
<td>18</td>
</tr>
<tr>
<td>Northwestern</td>
<td>123,147</td>
<td>807</td>
<td>21</td>
</tr>
<tr>
<td>South Central</td>
<td>578,005</td>
<td>574</td>
<td>15</td>
</tr>
<tr>
<td>Southeastern</td>
<td>286,711</td>
<td>633</td>
<td>12</td>
</tr>
<tr>
<td>Western</td>
<td>589,213</td>
<td>569</td>
<td>18</td>
</tr>
</tbody>
</table>
Regionalism – MPO’s

• Metropolitan Planning Organizations are regional transportation policy-making bodies created under federal law.

• Mission of MPO’s is to ensure local and regional input and decision-making authority concerning transportation projects.

• MPO approval is required for all federally funded transportation projects.

• MPO’s boundaries are not all concurrent with COG boundaries
Challenges facing local government:

• Uncertain state aid
• Need for regional efficiencies
• Need to address transportation infrastructure
• Overdependence on local property taxes to fund essential services
Lack of Revenue Diversification
Municipalities in CT cannot use common revenue tools found in other states.

<table>
<thead>
<tr>
<th>Pennsylvania</th>
<th>Connecticut</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property taxes 49.1%</td>
<td>Property taxes 61.2%</td>
</tr>
<tr>
<td>Motor vehicle tax 2.7%</td>
<td>Motor vehicle tax 0.9%</td>
</tr>
<tr>
<td>User fees, charges 13.5%</td>
<td>User fees, charges 7.2%</td>
</tr>
<tr>
<td>General sales tax 1.2%</td>
<td>General sales tax NO</td>
</tr>
<tr>
<td>Selective sales tax 1.1%</td>
<td>Selective sales tax NO</td>
</tr>
<tr>
<td>Corporate tax 0.8%</td>
<td>Corporate tax NO</td>
</tr>
<tr>
<td>Income tax 8.5%</td>
<td>Income tax NO</td>
</tr>
</tbody>
</table>

Above: Comparison of avg. sources of local government revenue, PA vs. CT. (CCM, 2016)
Questions-Discussion

Thank you for attending