

Report on Forms of Municipal Government  
Second Draft

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**Introduction**

Municipal government is the level of government closest to us, but in many ways it is most foreign, because it rarely appears on television news, on the radio, or even in many daily newspapers, and we never studied it in history class and only a little bit in civics class. Most of us know little about the form of our municipal government or about its history or how it differs from other towns'. Like all levels of government, it is what it is, and it's been hundreds of years since we fought the revolution to get the

government we have. Or so we think.

For most of the country, the battle to get good, efficient municipal government was fought throughout the twentieth century against party bosses, power-hungry mayors, and administrations that emphasized loyalty over competence. Good government reformers felt that it was important to change the form of municipal governments in order to create a foundation for other change and to allow citizen participation to make a difference. They viewed the form of government not as an end in itself, but a means to more responsible governance.

In most of Connecticut's towns, however, this battle has still not been fought. Although most of these towns, particularly the smaller ones, still manage to have good, if not always efficient, governments, many larger towns still emphasize loyalty over competence.

This report will describe and provide a history of the forms of municipal government in Connecticut (not including special districts and boroughs), compare them to forms in the rest of New England and the United States, and explain the charter revision process a town periodically goes through to re-examine its form of government and, if it determines change is needed, to change the form or aspects of the form. A case study of a recent change in the form of a large town's government will be used to draw lessons for those interested in considering or pursuing change in their own town. Further information is provided in addenda to help people interested in pursuing such change, and the report's final section looks critically at the laws that govern the charter revision process.

Many towns are currently considering change, but many other towns have not re-examined their form of government for many years. This report should be helpful to people in both types of town.

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## **1. Forms of Municipal Government**

The form of our municipal government is something most of us take for granted, just as we take for granted the forms of our state and federal governments. In most Connecticut towns, there seems to have always been a town meeting, a board of selectmen, and a board of finance. In most Connecticut cities, there seems to have always been a mayor and either a board of aldermen or a council.

Some of us may know about exceptions to these forms, those odd towns with town managers or representative town meetings. And some of us may know that towns and cities occasionally consider changing their stripes, although much of the time major changes in government forms are voted down in referendums. But we tend to work with what we have, even if what we have was intended for a town of a different size in a different era with different problems and goals. And few of us have studied the alternatives and considered which is best for our town.

There are four basic forms of municipal government in America, three of which exist in Connecticut. Their differences involve the nature of, the powers of, and the relationship between the municipality's executive and legislative branches. The most prominent form nationally (58% of municipalities) is the Council-Manager form, which features a professional, nonpartisan town or city manager who implements policy and acts as the town executive, and a town or city legislative council, itself nonpartisan about 80% of the time, that formulates policy. This was the form that

twentieth-century local government reformers favored, because their goals were to end corruption and political patronage, to professionalize and depoliticize government administration, and to make municipalities work more efficiently. It is also the form recommended by the National League of Cities in its Model Charter. Thirty of Connecticut's 169 municipalities (18%) have this form, but none of them has a nonpartisan council.

The other most prominent form nationally (38%) is the Mayor-Council form, which features a mayor and a town or city legislative council. Thirty-three Connecticut municipalities (20%) have this form.

The third form, the commission (featuring a small council, whose members also head the town's departments) was popular in the early twentieth century, but has now dwindled to just a few municipalities, none of them in Connecticut.

And then there's the Town Meeting form, which in Connecticut features an executive board of selectmen, a legislative town meeting, and a board of finance. The remaining 106 Connecticut municipalities have this form, or 63% (nationally, this form is used in about 3% of municipalities; it is prominent only in New England). Six of these towns have representative town meetings, where a large number of representatives, elected primarily by district (from 21 in Waterford to 230 in Greenwich), sit as the town's legislature. Town Meeting towns range from tiny villages, the sort of place the Town Meeting form was designed for, to the representative town meeting town of Greenwich, which has 58,000 residents. The largest old-fashioned Town Meeting towns have about 22,000 residents (North Haven, Guilford, Ridgefield, Simsbury, and Windham).

## **2. How Connecticut's Forms of Municipal Government Differ**

In terms of municipal government forms, Connecticut is odd. Not a single municipality has the nation's most popular form, the nonpartisan Council-Manager form. The forms selected by 96% of the nation's municipalities (forgetting nonpartisanship) can be found in only 38% of Connecticut's municipalities. Instead, most of our towns have an antique form that has not changed very much over the centuries.

This is, after all, New England, the home of antiques, so it should come as no surprise that Connecticut isn't like states in other parts of the country. But what do our two New England neighbors do? In Rhode Island, they don't have boards of selectmen, they have councils, and 21% of the towns have just a council. There are Mayor-Council forms in 33% of the towns, and Council-Manager forms in 46%. With the exception of small towns that depend on just councils (with a council president), Rhode Island towns are not too unlike those across the country, except for their partisanship. And yet, Rhode Island shares one thing in common with Connecticut that sets the two of us apart from the rest of the U.S.: we do not have county governments (Connecticut also has no unincorporated areas, whose only local government is the county). So it is surprising that Rhode Island's municipal government forms are so different from ours and so much like the rest of the country.

Massachusetts is more like Connecticut. Town Meeting towns represent 75% of the total, even more than in Connecticut, but Massachusetts town meetings have more powers, make a much broader range of decisions, and are better attended than those in Connecticut. Also, in the great majority of these towns, the board of selectmen has appointed a town administrator or town manager or executive secretary to run the day-to-day affairs of the town. So, in effect, as many as 60% of Massachusetts towns have as their chief executive not the first selectman, but a town manager. However, since it is the executive body rather than the town legislature (that

is, the town meeting) that selects the town manager, these are not truly Council-Manager towns. The rest of Massachusetts' municipalities divide up as follows: 12% Mayor-Council, 11% representative town meeting, 1% Council-Manager, and 1% Council.

So Connecticut stands alone among its neighbors as having as its principal form of government the traditional Town Meeting form (albeit with limited powers in the town meeting), which features as its executive a strong first selectman as the leader of a tiny (usually three-, sometimes five-member) board of selectmen, and as its legislature a town meeting (meeting once a year to discuss and/or vote on the annual budget, and called otherwise primarily by the board of selectmen to approve bonds and ordinances, additional expenditures and capital appropriations, land sales and some other matters).. Residents of Connecticut seem to be more content with their Town Meeting form than the rest of New England, because elsewhere in New England, but not in Connecticut, the Town Meeting is the most likely form to be replaced with another form.

### **3. The Town Meeting Form of Government**

The Town Meeting form is the most democratic form of government there is. The whole town comes out to discuss and vote on a wide range of issues. Town residents, rather than their representatives, weigh pros and cons, and formulate the town's policies. People participate rather than simply vote for legislative representatives whom they have to try to keep accountable, and children learn civic skills, such as debate and negotiation, reciprocity and trust. Town residents get to know each other under happy and angry circumstances. A true community forms – sometimes divided, sometimes united – and politics can be seen for what it truly is: not politicians who might be up to no good, but rather a community providing itself with services, solving problems,

and handling disputes about everything from fixing streets to fixing ethics. When it works, when residents know and care what's going on in their town, when they come in large numbers to town meetings, when, as in some other New England states, town meetings can go on for days of debate on a wide variety of topics, when the board of selectmen simply runs the town's day-to-day operations rather than running the town, the Town Meeting form works like a gem.

But in Connecticut today, all of this is rare. Most residents don't know what is happening in town, and since town meetings deal with so few topics and are not very informative, they can't learn what is happening by attending town meetings or even by reading about them in local newspapers. In addition, few town meetings are very well attended. In fact, Connecticut ranks last of all New England states in attendance at town meetings, at about 9% (in larger towns, the percentage is even lower). And those who do attend are not even representative of the town; instead, they tend to be one-issue people and people with special interests, whose livelihood is directly affected by the budget or by proposed ordinances. Therefore, in many towns, the town meeting, in practice, provides neither participatory democracy nor representative democracy.

The principal benefit of having a town meeting is the knowledge that when there is a serious dispute, town residents can get together to vote down ordinances and expenditures. But the residents of any town can get together to discuss and vote on ordinances and expenditures. In any town, a group of people, either a nonpartisan community or citizens group or an issue-oriented group such as a taxpayers association, can simply call an open meeting to discuss an issue. Yes, what these residents decide has no power in law, but if something were serious enough to cause hundreds of people to come together, the town's executive and its legislative representatives are certainly going to listen.

One reason for the poor attendance is that in Connecticut, town meetings

other than the annual budget meeting are called primarily by the board of selectmen with little notice and for very specific reasons (a particular ordinance, the approval of a land deal, bond, additional appropriations, or other matter that is either very complicated or applies only to a limited number of people in the town). In Massachusetts, there are annual town meetings that generally encompass a wide range of matters and go on for days; they involve town residents regularly in all sorts of matters, educating them about government and bringing politics and social life together in a way that makes people look forward to participating. Some Massachusetts towns have very high participation rates.

Sadly, every sign points to less town meeting attendance in the future, rather than more. In the book *Bowling Alone*, Robert D. Putnam studied the decline of community involvement in America, and he showed that involvement in community affairs has gone down with each generation since the generation that held together during the Second World War and continued its engagement thereafter. Putnam's findings were confirmed by a 2000 study commissioned by Connecticut's Secretary of State to assess the state of democracy here, which showed high interest in politics among only 16% of Connecticut residents 18-35; 25% of those 35-53; and 40% of those 54 and older.

One problem in towns where the only legislative body is the town meeting, and the town meeting is poorly attended and the residents uninformed, is that there are often no people who, in their role as legislative representative, would consider it their responsibility to stand up for the interests of town residents against the interests of those who run the town or who specially benefit from its operations. Whereas with all other government bodies continuity of personnel is considered important, there is little continuity in the town meeting. Further, there is no general oversight of the town's executive by a town meeting that meets rarely and has limited power and participation.



Even in towns where the town meeting is especially active, there are almost never committees of the town meeting to provide the usual legislative oversight of executive actions (remember that the board of selectmen is not a legislature, but an executive: the majority on most boards consists of the first selectman, who is effectively the mayor, and his running mate(s)). In addition, most Town Meeting towns are not covered critically or in any depth by the news media, although in the smaller towns gossip can keep people informed.

In Town Meeting towns, elected and appointed positions are generally determined by party town committees (i.e., the Democratic Town Committee and the Republican Town Committee), which are not required to follow the Freedom of Information Act (which requires that nearly all discussion by town board and commission members must occur in formal, public meetings), so that nomination decisions can be made behind closed doors. In addition, the principal time two members of a three-person board of selectmen can legally discuss issues outside of an official meeting is at party town committee meetings, which means that, where there is a three-person board of selectmen, the selectmen from the majority party can legally discuss issues outside a board of selectmen meeting, while the selectman from the minority party cannot discuss issues with either of them, except at a board of selectmen meeting. Unelected party committees can also discuss policies and hiring decisions behind closed doors.

In many Town Meeting towns, one party has dominated for many years, controlling the board of selectmen as well as all the other boards, so that the town's major decisions can be discussed and made among a single party town committee, out of sight of most of the town's residents (members of the minority party and unaffiliated voters, who represent about half of Connecticut's registered voters).

It is valuable to look at Connecticut Town Meeting towns in light of the reform movements of the twentieth century, which appear to have had little effect on these towns. The goal of the earliest wave of reform was to end corruption by providing for checks and balances. The Town Meeting form has numerous checks and balances. But the principal check, the town meeting, is poorly attended and has few powers, so that in many towns the check on executive powers is poorly provided by a small, unrepresentative, unelected sample of the town's residents, many of them with narrow or special interests, including town employees.

Due to this lack of attendance, many town meetings no longer vote on the most important issue of all: the budget. Instead, the budget is voted on by referendum. Such towns are, therefore, not fully Town Meeting towns. When the town meeting does not vote on the budget, budget town meetings, which are sometimes the only town meeting of the year, are usually attended only by those who have something to say, not by those who have something to learn. There is usually not much debate, the people who could answer questions are often not available, and there is no feeling that good arguments might change the outcome, which is central to legislatures at every level of government, but most central to the town meeting. Although these meetings are often shown on the town television channel, few watch them and, in any event, they provide little additional information.

Turnouts at budget referendums are also low, but not nearly as low as at town meetings (but the cost of a referendum is much greater than that of a town meeting, especially in larger towns). Further, many of those who vote in referendums are not well-informed, beyond knowing the percentage increase in the mill rate. In many towns, budget figures are not printed in enough time for residents to study them or are not made easily available (today, they should be available on-line at every stage of the process, but this is not true in most Town Meeting towns). In many towns those in

power misrepresent the figures or play games with funds (for example, underfunding and then getting special appropriations from a town meeting packed with town employees and officials; moving sums around among department budgets or from pension funds into general funds; or depleting reserve funds in election years to keep tax increases down). This means that even those who carefully and knowledgeably go through the budget figures do not have a clear idea of where the money is going. It is notable that the ethics code in only one Connecticut town (Stamford, which does not have a town meeting) specifically makes it an offense to misrepresent budget line items.

Why would town officials misrepresent figures and play games with funds? Yes, sometimes there's something crooked going on, but far more often it's a matter of getting the budget through while giving department heads the funds they want. When taxes must go up, due to higher costs, decreases in state and federal funds, or an increased need for services, officials worry that their budgets will be rejected. So they do what they can to make their budgets look more acceptable. It's the same thing corporations do to make it look like they're more profitable than they are, so stockholders vote for them by buying their stock.

The second principal check on the board of selectmen's executive power is the board of finance, which has to approve the budget before it goes to the town meeting. In many towns, the board of finance is a watchdog that protects the interests of taxpayers who do not have the time or the expertise to critique the budget. However, in other towns, the board of finance, controlled by the same party that controls the board of selectmen, also wants to get the budget passed with as little trouble as possible, so they essentially follow the lead of the board of selectmen.

There are all sorts of other boards and commissions, most of them elected, which should, and often do, well represent the interests of town residents. But one of

the early reform organizations, the National Short Ballot Organization, opposed having too many officials up for election, because, it felt, this spreads voters' attention too widely and makes it less clear which elected officials have executive or legislative responsibility. How can any voter know what dozens of elected officials, and those running against them, have been doing or are capable of doing, not to mention which side of which issue they're on? Board and commission votes (not to mention attendance) are rarely listed in the newspaper, and few towns place the minutes or a record of either votes or attendance on-line for easy review at election time. When it is impossible for voters in any but the smallest of towns to actually know the people up for election, they are forced to depend on party affiliation. And the other alternative – appointment – is not appropriate to Town Meeting towns, because there is no body to screen the board of selectmen's appointments the way councils screen the appointments of mayors or town managers.

It is in this way that the two major parties – and often only one – wield the true power in most Town Meeting towns. This means that the most powerful people in town are unelected, unappointed, unknown individuals who preside over the nomination process of the party in power, out of sight of most voters as well as of the citizen and watchdog organizations that look out for their interests. This is not true in the great majority of American municipalities.

Why is it that the Democratic and Republican town committees have so much power in Connecticut? It goes back to what was mentioned above as one way in which Connecticut (along with Rhode Island) differs from the rest of America: we do not have county governments. In much of the U.S., county governments are as politicized as Connecticut's towns. The parties have county committees, and they hold the power. The counties also handle such matters as tax assessment, land records, licenses, health and social services, and education (school districts are regional rather than town by

town). And for the most part, towns and counties get along badly, because counties include large rural, unincorporated areas, which tend to have a lot of power in the counties. So towns don't follow the county parties, and primaries and elections are nonpartisan. In Connecticut, there aren't a small number of party county committees fighting it out, but not focusing on any particular town; here, there are two party committees focusing on each town, with no competition from other towns in the county. This makes municipal politics as partisan as can be, and it also makes municipal politics the only power base for party leaders.

Outside the larger cities, issues in Connecticut towns are generally nonpartisan. Both parties want good services and schools, and low taxes, and no party knows how to find the golden mean between the two. There might be issues about development, but otherwise party politics is just about power and, where department heads and employees are hired by politicians, patronage. Many controversies are created simply to make it look like there are important differences between the parties, which is why local politics is so often petty and personal, and this is another aspect of Connecticut's municipal government that keeps many people from becoming involved or even paying attention.

Once corruption had become less of a problem, twentieth-century local government reformers started to focus on efficiency and economy. Professionalism became the catchword, and reformers started replacing unprofessional mayors with professional administrators. The favored government form became the Council-Manager form, where the council formulates policy and the manager implements it. The corporation was the role model, with the manager in the position of the president, the council in the position of the board of directors, and the residents in the position of the stockholders. If there was a mayor in this form, it was someone elected by and from

the council, effectively the chairman of the board.

The manager, hired from outside the town, has a degree and career in government administration. Before becoming a manager, he or she is an assistant manager or other lower government official. The first job as manager is in a smaller town and, if successful, the manager is hired by a larger town and, eventually, a city. A manager does not care about the particular town, is not involved in its issues or its personal politics, and does not expect long-term loyalty from employees; what is expected is competence. If all goes well, there is no room for patronage, and citizens can expect good work from those employed by their town.

Most Town Meeting towns in Connecticut are run by a first selectman who lacks a degree or experience in government administration. First selectmen were never intended to be full-time, paid managers; in smaller towns they still are part-time and either they volunteer or are paid a relatively small amount. Nor were first selectmen intended to formulate policy, only to oversee its implementation. But in Connecticut today, first selectmen are usually both managers and formulators of policy. Using the business analogy, the first selectman acts as both president and chairman of the board. But the board itself is not much of a check on his power, because in most cases all the first selectman needs is the vote of his running mate. Without an effective town meeting, the first selectman is effectively a non-professional strong mayor without a legislature to provide oversight and limit his powers. Larger towns are run by professional administrators, but because they are chosen by the first selectman, they have no independence or neutrality, and they are not required to have the degrees or the professional values of town managers.

The next stage of local government reform involved equity, diversity, and responsiveness. Most municipalities had councils whose members were elected at large,

by everyone. The members of these councils tended to be homogeneous: middle-aged white businessmen who felt obliged to consider the municipality's interest as a whole, but not all the parts that made up the whole. Municipalities were changing in terms of race and ethnicity and class and age, and the local government's responsiveness to residents' particular needs was increasingly considered important. A principal solution to these changes was having council members be elected by district or ward, so that different groups or neighborhoods within a municipality could have a particular person to turn to, and council members would feel a responsibility to their neighborhoods and to those groups who lived there (it is also less expensive and less time-consuming to run for a district seat than an at-large seat).

Most of Connecticut's Town Meeting towns have not experienced as much diversity as the state's cities, but this is often because their homogeneous leadership has done little to foster diversity and, in some cases, has acted in ways to make diversity less likely. These towns also still have boards and commissions that are elected at-large. The only exceptions are the six Representative Town Meeting towns, in which members of the legislative body are elected by district. Thus, another round of reforms passed Connecticut's Town Meetings towns by.

Of course, if the people in charge are honest, inclusive, and truly care about the town, about good government and good management, about openness and diversity, then things should go well, even if no one's looking over their shoulder. In many towns, there is a strong opposition party or citizens organization that either keeps the people in power honest or at least keeps squabbling about everything. Strong opposition means that the people in power feel they can't get away with things and that the local news media has disputes to cover, so that the town is not run behind closed doors. And in some towns, especially smaller towns, many people do pay attention to what is

going on, and their participation is a brake on corruption and other sorts of wrongdoing. But the larger the town and the more selfish and arrogant the town's leadership, the less likely the town's government is to work as well as it could under a form of government that has a legislature to limit executive powers or has an independent, professional administrator.

In the last several years, not a single Town Meeting town in Connecticut has changed its form of government. In 2002, Andover rejected changing its chief executive officer from the first selectman to a town manager (this change is, however, currently being considered in Stonington and Colchester), and in 2000 Guilford's board of selectmen prevented a charter revision commission's recommendation – to change to a Representative Town Meeting form – from going before the town's residents for a vote. In addition, Plymouth (a hybrid Mayor-Council form with a town meeting) is considering changing from a town meeting to a budget referendum (many towns have done this solely for the annual budget, while having the town meeting consider other appropriations as well as approving all ordinances).

Most residents of Connecticut Town Meeting towns are deeply attached to the idea of the town meeting, even if few attend them. There is the romantic idea that the town meeting is pure, fundamental democracy. There is the strategic idea that it needs to be preserved in case the board of selectmen abuses its power. There is a powerful distaste for, and even fear of change. There is the issue of identity: our town is a Town Meeting town. What would it be if it had a mayor or town manager and a council? Those are for cities with problems, and we live in a small, quiet suburb or village. There is also a lack of trust in representatives.

The advantages of the Town Meeting form are that it has a long history in the state and is therefore familiar and comfortable (in fact, it is the default form of government according to state statutes, and the 52 towns that have not written



charters are required to have a basic Town Meeting form (Connecticut General Statutes §7-1, 7-12a, 7-340 et al); it provides the opportunity for participatory democracy, where people can speak their minds, discuss problems and solutions, and vote on budgets, ordinances, bonding, and other matters; and it provides the town with a potentially strong leader, just like a mayor, who has power and is fully and directly accountable to the entire town and visible to the business community and to state politicians.

The disadvantages of the Town Meeting form are that it depends on citizens being involved, knowing the candidates, and understanding the issues, which is rarely the case, especially in larger towns; town meetings in practice are neither participatory nor representative democracy, but are generally controlled by narrow and special interests and, in many towns, the most important vote is not taken at a town meeting but in a referendum, where few voters have attended or watched the town's discussion of the budget, if there has actually been one; there is no separation of powers (both legislative policy and executive administration are effectively in the hands of the first selectman), allowing there to be cronyism, a politicized administration, and a lack of oversight; most first selectmen have no administrative education or experience (and yet those in the larger towns are often paid as much or more than professional town managers); and the large number of candidates gives a great deal of power to unelected party town committees, which are not subject to the Freedom of Information Act. Further, although it happens rarely, a popular minority candidate can be elected first selectman, creating a situation full of conflict. The value central to the Town Meeting form is loyalty, which is internally a good thing, but comes at the cost of excluding outsiders (that is, residents who are not part of the network) and valuing comradeship over competence.

The greater number of disadvantages does not mean that the Town Meeting

form is bad for all towns. It is, in fact, well adapted to the small towns in which the tradition began. But Town Meeting towns with populations over 10,000 should give a serious look at whether the Town Meeting form is still the best one for them. There is no more clear evidence of the need for this sort of discussion than a board of selectmen that does not want such a discussion to be held.

#### **4. The Representative Town Meeting Form of Government**

There are only six Representative Town Meeting (RTM) governments in Connecticut, or 4% of the total (there is also Groton, which has a manager and council and RTM that has very limited powers), despite the fact that the form is about one hundred years old. It is a hybrid or compromise form that addresses four problems with the Town Meeting form: lack of interest, lack of legislative oversight, lack of neighborhood representation, and control by narrow and special interests. Actually, there are only two problems, because it is the lack of interest that allows special interests to control town meetings as well as to leave neighborhoods (and other groups) unrepresented at town meetings.

As a town grows, more people pay less and less attention to what is happening politically and know fewer and fewer of the people involved in running the town. Not only do they not attend town meetings or vote in budget referenda, but they can't even assess the people up for election or understand the budget and development issues (or the education issues, especially if they don't have school-age children). This is why Representative Town Meeting towns are, on average, five times larger than Town Meeting towns (the smallest RTM towns have 18,000 residents, only a few thousand people smaller than the largest Town Meeting towns).

Most town residents across the country elect a legislative body (council or board

of aldermen), and many of these legislatures are elected by district or ward, so that everyone can vote for a neighbor who will represent local interests, whether they be class, race, ethnicity, or whatever. This allows people to pay less attention and still know their interests are being represented and that they have someone to go to if they have a problem.

A Town Meeting town has no legislature in this sense. Someone with a problem has only himself to go to, besides the executive (the first selectman), who represents the town as a whole, or possibly an opposition party selectman. Because a quick call or letter to a true representative is not an option, to get something done a resident must pull together a coalition of people with like interests or get involved with one of the two parties and hope he can convince it to back him on the particular issue.

The Representative Town Meeting usually has many more people in it than a town council (as many as 230, in Greenwich; as few as 21, in Waterford). Since few town meetings regularly attract as many as 230 people, an RTM can actually increase attendance. And all town residents are welcome to come and speak at every RTM meeting (and they are usually regularly scheduled, rather than called at short notice by the board of selectmen); the only thing they can't do is vote.

The RTM prevents special interests from controlling town meetings by attending in large numbers (or sometimes by simply attending). Such special interests include town employees and officials, party town committee members, anti-tax and other one-issue campaigners, and people who have a special interest in a particular ordinance, transaction, or other piece of business.

Since in a Representative Town Meeting town one runs for a position in one's neighborhood only, it costs little to run for office. This lessens the need for party or organization affiliation, thereby allowing unaffiliated people (about half the people in

Connecticut) and people unconnected with party town committees to run for office. And even when one party dominates an RTM, it is very difficult for the party to control the members, because there are so many of them, because they are obliged to represent their neighbors' interests, and because they are amateur politicians with little incentive to act in a way that will get them re-nominated by the party. Therefore, there is much less rubber stamping than there is on a board of selectmen or at town meetings. In effect, RTMs can act nonpartisan, even when they are elected on a partisan basis.

The RTM's greatest advantage over the town meeting is its ability to have committees that provide oversight with respect to the town's boards and commissions, and the town's administration. Unlike the town meeting, the RTM meets regularly, and its members feel a responsibility to their constituents to be active. With so many members, each member can focus his attention on one aspect of town affairs: finance, bonding, economic development, services, environment, ethics. Also, while town meetings almost never formulate legislation, RTMs can. An RTM can be a true legislature and yet be much more intimately representative than a town council, with all residents free to run and to participate. It is the sort of grass roots undertaking everyone talks about, but which is rarely turned into an institution open to all.

Why are there so few RTMs? There are three principal reasons. One, people do not like to give up their town meeting except, possibly, for a budget referendum. Two, boards of selectmen do not like to give up power to a true legislature and the selectmen, the department heads, and the town's boards and commissions do not like a legislature looking over their shoulder. Town meetings give people the impression of true democracy, but they do not make nearly as much work for politicians as RTMs do. Third, most people do not know about or understand RTMs.

The RTM does have disadvantages, as well. While the large number of

members means that it is hard for a party to control its members, it is also difficult for RTMs to arrive at decisions. There are numerous points of view, and a lot of people to listen to. And town residents can participate too, more easily than at the usual council or board of selectmen meeting. The committee system can deal with this problem to some extent, but where there is controversy, meetings can be very long. The positive side of this open debate is that the decisions RTMs make are usually well thought out and worked through.

The RTM shows how much work it can be to run a town effectively and with proper participation and oversight. An RTM requires a lot of citizen involvement from a town's residents. But it is easier to be involved in a town meeting when you have specific responsibilities and a small number of constituents, and it is easier to play the role of a representative of your neighbors than it is to go to town meetings just for your own self-interest, especially when that self-interest is often not very clear.

## **5. The Mayor-Council Form of Government**

Although only 33 of Connecticut's 169 municipalities employ the Mayor-Council form of government, everyone knows what it is: there is a council or board of aldermen, which acts as the legislature, and there is a mayor, an executive directly elected by the people, who appoints department heads and drafts a budget, who can veto council legislation, who promotes economic development, who develops the town's governmental policies, and who is the public face of the municipality. The principal ways in which this form, as we perceive it, differs from the Town Meeting form is that (i) instead of a town meeting there is a small number of elected representatives and (ii) legislation originates with the legislative body, while in the Town Meeting form legislation originates with the board of selectmen, which is an executive body. In

other words, the Mayor-Council form, as we commonly think of it, is much like what we're familiar with at the state and federal levels, where there is an executive governor or president, and a legislature. The form is something we're comfortable with, even though in its municipal form it came to Connecticut only in the 1930s.

But this is not always how the Mayor-Council form works. The common perception of this form is known as the Strong Mayor form, the form that was developed in the twentieth century. And even strong mayors aren't as strong as we think they are. In fact, many first selectmen are stronger than strong mayors. Many first selectmen are ex officio members of the town's boards and commissions, which mayors generally are not, and sometimes they can even break ties or have a vote on the board of finance, the most important board in town next to the board of selectmen. But some strong mayors' powers are so great, they also have a great deal of control over the education side of the town's government.

The other mayoral form, the original form, is known as the Weak Mayor form, but in actuality the division of powers between mayor and council vary so greatly among towns that there is a continuum of mayoral forms between the very strong and the very weak mayor, who is essentially a council chair.

Weak mayors (who more properly would be called "weaker" mayors) are generally not directly elected by the people, are often not full-time, do not independently appoint department heads, do not draft the budget, and have no veto power over legislation. Weak mayors are usually elected from among the members of the council (although sometimes a weak mayor is the council member who gets the largest number of votes) and they act effectively as the council president. Thus, they are not really executives, but rather first among equals on the town legislative body. Weak mayors often coexist with town managers, who act as the town's executive, taking orders from the council. But some weak mayors do have executive

responsibilities, appointing department heads and having a special budgetary role. In general, however, the weak mayor's greatest powers are the power of persuasion and the ability to get publicity whenever he wants.

The advantages of the Strong Mayor form include direct accountability, strong leadership, the ability to realize a vision of the future, the ability to galvanize the community and rise above council disputes, simplicity (easy to understand because like the state and federal levels), visibility on the state level, and the separation of powers, that is, of policy-making from administration (allowing the council to focus on what it is elected to do and what it is best at). Most of all, because we live in a hierarchical, paternalistic society, people want strong leaders (i.e., parental figures), both to lead them and to be blamed when things go wrong.

The disadvantages of the Strong Mayor form include the corruption that comes with too much power (e.g., in Waterbury and Bridgeport), cronyism, the politicization of administrative departments (as well as shorter terms of department heads), conflict between mayor and council that can lead to stalemate, and unprofessional management (it is rare that good campaigners and political leaders are also good administrators). As with the Town Meeting form, the Strong Mayor form places the value of loyalty above all others and, therefore, a minority party strong mayor can bring a town to a halt.

The advantages of the Weak Mayor form include a limit on the mayor's power (less corruption and abuse of power), better representation of groups and neighborhoods (especially when council members are elected by district), and a long historical tradition.

The disadvantages of the Weak Mayor form include lack of direct accountability (diffused responsibility), too many checks and balances (making it hard sometimes to get things accomplished), control by unelected bosses (no strong executive to oppose party bosses), lack of strong leadership (especially to take charge

when council disputes get out of hand), less separation of powers (especially where the mayor is not directly elected, and where the council must approve the appointment of department heads), and factionalism (where the mayor is the head of a party faction on the council). Also, if the mayor is a member of the minority party, his powers are sometimes limited to the point where he is an ineffective figurehead.

The Strong Mayor form is most commonly used in larger cities, where the diffused responsibility of the Weak Mayor form can lead to chaos and where reformers, seeking to end the reign of unelected party bosses, succeeded in giving the mayor greater powers. The Weak Mayor form is most commonly used in smaller municipalities, and nationally it is a common element in Council-Manager governments. In both forms, the council holds the most power; in the Strong Mayor form it is the mayor who holds the most power (similarly, in the Town Meeting form it is the first selectman who generally holds the most power).

## **6. The Council-Manager Form of Government**

The Council-Manager form was a modern response to the perceived need for professionalism and efficiency in local government administration. This form was based on the doctrine of stewardship, that is, those who are responsible for spending public money have the obligation to act honestly, openly, and with as little waste as possible. This same obligation is held by all sorts of trustees.

After the Second World War, the Council-Manager form quickly became the most popular form in the country (it is especially popular in municipalities with a population over ten thousand). Since local government is mostly about providing services, and it becomes increasingly difficult to provide them at a cost residents are willing to bear, it was felt by twentieth-century reformers that a full-time, trained



professional could administer the town's services better than someone who happened to have the charisma or the connections to get elected. In the Council-Manager form, the municipality's chief executive officer, and the person responsible for putting together the non-education budget, is not a mayor elected directly by the people or chosen from the members of the council, but rather someone usually from out-of-town who is considered, after interviews and background checks, to have the requisite education and experience. Most town and city managers have a bachelor's degree and, increasingly, a master's degree in public administration and have worked in other towns' administrations, often as assistant manager or the manager of a smaller town. The manager has no party or personal loyalties to anyone in town; his principal interest is in doing a good enough job to move on to a larger, higher-paying position, although many managers do stay in one position for many years. The manager is regulated by the International City-County Management Association, an international organization with a strict code of standards and of ethics that forbids partisan activity.

This is an odd concept for as highly politicized a thing as a Connecticut town. The great majority of Council-Manager municipalities nationwide are nonpartisan from top to bottom. Professionalism, rather than party politics, is the principal characteristic of such municipalities. Yet there are thirty Connecticut municipalities that employ some version of the Council-Manager form.

Because hiring is done by someone (or sometimes by a committee) whose principal consideration is merit, there are usually many fewer elected officials in Council-Manager municipalities, allowing residents to focus their attention on who would be the best council members. Because contracts are awarded by someone who owes no political favors and has no local business interests, there is much less chance of self-serving or other forms of unethical behavior.

Many Council-Manager towns also have a mayor, but it is traditionally a weak,

often part-time mayor, whose principal power comes from the influence of his title and visibility, and his opportunities to set the policy agenda and to smooth and focus relations between a divided council and the manager. Increasingly, Council-Manager mayors are directly elected, but they are still weak mayors with little, if any, executive power. In these towns, it is the manager rather than the mayor who appoints department heads and administers the day-to-day work of the town. Nineteen of the thirty Council-Manager towns in Connecticut have a mayor (or first selectmen, councilman-at-large, or chairman of the board of directors) who is part of the council or board. In Norwich, the mayor is elected and serves separately; in Newington and Rocky Hill, the mayor is elected separately but serves on the council. The other Council-Manager towns have a council chair. When the mayor in a Council-Manager town has more power, as in Meriden, there can be serious conflicts between mayor and manager, and especially when the mayor has been in office for a long time, the manager can end up being answerable to the mayor instead of to the council, and the manager can effectively become an assistant mayor.

Many Strong Mayor cities have a chief administrative officer (CAO), who often has credentials similar to a city manager. However, CAOs are not independent and they have no appointment or other powers that allow an administration to be isolated from politics; they simply run things for the mayor. A manager, on the other hand, runs things for the council. The idea is that the council is in charge of policy and the manager is in charge of its implementation as well as of the management of personnel.

There are two principal role models for the Council-Manager form, both of which we unquestioningly accept as normal. For the weak mayor variant of it, there is the big corporation, with its board of directors (council), its president (manager), its chairman of the board (mayor), and its stockholders (residents). For the more simple

variant of it, there is the school system, with its board of education (council) and its superintendent of schools (manager).

The advantages of the Council-Manager form include professionalism (a professional manager attracts and keeps professional administrators and good employees), lack of corruption and patronage, lack of favoritism toward members, or factions, of the majority party, the insulation of day-to-day administration from politics, responsiveness to residents' complaints (the principal concern is service rather than being re-elected), openness and more available information, less political conflict than that between a strong mayor and a council (especially when the mayor is a member of the minority party), less of the finger pointing that goes on between a mayor and a council (since responsibility is concentrated in the council, it can't pass the buck), and the separation of policy-making from implementation (allowing the council to focus on what it is elected to do). Also, while a mayor or first selectman can only be fired at election time, a manager can be fired at any moment, and there is a trained assistant manager to fill the position in the interim. In contrast to the Town Meeting and Strong Mayor forms, the Council-Manager form values competence above loyalty.

The disadvantages of the Council-Manager form include the lack of direct accountability by the executive to residents (although the manager is accountable to the council), the lack of separation of powers (the legislature selects the executive), the fact that some state politicians have less respect for unelected managers than for elected politicians (although state administrators may have more respect for managers than they do for politicians), the greater difficulty of a body than an individual in developing policy and, in diverse communities, the manager's greater concern with overall administration than with the interests of various groups (but professional managers are trained in the implementation of social policy changes). In addition, if

the council is seriously divided, the manager may be torn about which policies to administer; a mayor can more easily force the issue, although good managers do facilitate agreement on the council and sometimes even take an active policy-making role.

## **7. Changing the Form of Government**

The First Article, Section 2 of the Connecticut Constitution reads: “All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and they have at all times an undeniable and indefeasible right to alter their form of government in such a manner as they may think expedient.”

Every year, several Connecticut municipalities consider altering their form of government, for a variety of reasons. The most frequently stated reason is that the form is no longer working, that in some way it is holding the town back. Often, it is said that the town has outgrown its form of government. Colchester (pop. 16,000) is currently considering a change from a Town Meeting form to a Council-Manager form for just this reason. In fact, it has been noted that three smaller area towns already have a manager. A Town Meeting form intended for a rural village where everyone knows everyone else may no longer work in a growing suburb, so that a Council-Manager or Mayor-Council form is chosen instead. A Council-Manager or Weak Mayor form intended for a medium-sized town may no longer be seen as working as the town grows into a city, so that a Strong Mayor form is chosen.

Perceived ineffectiveness is another principal reason for change. Often, the ineffectiveness involves a divided council that bickers more than it formulates policy. When this happens, the usual response is to give the mayor more power. That can mean a change in form, from a Council-Manager or Weak Mayor form to a Strong

Mayor form. Or it can mean something in between, for example, having the mayor directly elected or giving the mayor in a Council-Manager form more say over the budget or over the appointment of department heads. But there are other forms of ineffectiveness, including an unprofessional first selectman or mayor, or a manager that is not the sort of inspiring or representative leader a town feels it wants. In Stonington (pop. 20,000), a recommendation has recently been made to change from a Town Meeting form to a Council-Manager form, principally due to a desire for more professionalism.

Corruption used to be the most important reason for change, but people seem more accepting today of political machines and leaders who abuse their power, at least until a major scandal occurs, and even that rarely leads to governmental change. For example, in 1998 Bridgeport extended the term of its mayor from two to four years, and despite the problem getting the mayor to step down despite a scandal, it has not yet changed it back to two years (however, in 2004 Waterbury rejected a move to extend the mayoral term). If a strong mayor or first selectman has been using his power for his own benefit, or for the benefit of his friends, or if a political party's town committee has been running things behind the scenes, then it might be considered worthwhile to change the form of government to prevent these acts from occurring. But recently, it seems, improving ethics codes has been considered a sufficient response to corrupt executives. In recent years, despite scandals involving the abuse of power by Connecticut politicians, the cities of Stratford and Hartford have voted for strong mayors to replace managers, and no strong mayor has had his powers reduced.

To change the form of a municipality's government, it is necessary to either change the charter or, for smaller towns that do not have a charter (as of 2004, there were still 52 Town Meeting towns that instead follow state law, most of them very small, but many with more than 7,000 residents), write a charter. A charter is

essentially a municipality's constitution. It sets out the organization, powers, functions, and essential procedures of the town's government and is the town's most important single law. But it is legally a grant of power from the state (municipalities are not mentioned in the American Constitution, so they can exist only as parts of a state). Connecticut municipalities write charters pursuant to the Home Rule Act of 1957 (Chapter 99) and Article X of the new state constitution of 1965. To change the form of government, you must amend the charter (however, most charter amendments do not involve changing the form of government), rewrite the charter, or write a first charter in the Town Meeting towns that do not have one.

Some Connecticut municipalities feel that it is a good exercise to reconsider their form of government every so many years, and so their charters require a regular reconsideration, usually every ten years (but sometimes much less: in Ridgefield, for example, it's every four years, in East Windsor every five years). Some municipalities seem to go through the charter revision process nearly every year, although generally concerning specific issues, such as the number of budget referendums or the terms of particular elected offices. Other municipalities go for decades without taking a fresh look at their charter, usually because one party or the other (or both) is afraid of changes being proposed that might limit their power. Considering that new state laws constantly require minor changes to be made in municipal charters, this is irresponsible. In any event, it is good for every town to regularly rethink all aspects of its government in a formal, organized manner.

Of course, towns that do not have charters do not regularly reconsider their form of government; this is one disadvantage of not having a charter: that the town does not take a good look at its organization and the distribution of powers among its political positions and bodies. Another disadvantage is that it is a bigger jump from no charter to a charter with a new form of government (no change in form can occur

without a charter), than it is to amend a charter that has already been written. A charter is a better, more organized reference for town employees and officials, as well as for town residents, than state statutes and miscellaneous pieces of ordinances.

The unwillingness of many towns to reconsider its form of government often has a clear cause. Once a town's legislature or board of selectmen sets up a charter revision commission (CRC) to consider even the most minor charter changes, it has no control over what that commission does. The commission might recommend that the legislature give up some of its powers to a mayor, or that the first selectman give up some of his powers to a representative town meeting or a town manager. The legislature or board of selectmen is allowed to reject such recommendations, if they are made, but the town's residents might resent not being given a chance to vote once such recommendations have been discussed at meetings and public hearings and in the local newspapers. Therefore, when a town does not consider its charter for a very long time, even when technical changes are required to be made, it is usually due to the town leaders' fear of losing power.

## **8. The Charter Revision Process**

There are three ways to begin the process of amending, writing, or rewriting a charter to change, partially or wholly, a town's form of government. First, the town's legislative body or, in Town Meeting towns, the board of selectmen may set up a charter review commission, which is an unofficial body whose goal is to make recommendations regarding whether charter change should be sought. This is done outside of the state-determined process. It can be done either to get more people involved in the process from the very beginning, to test the waters for change, or to get out of taking responsibility for getting the process started. Some charters that mandate periodic reconsideration of the charter require this less formal first step. But

usually this step is skipped. If it is taken, it must be made very clear to town residents that the charter review commission's decisions have no force whatsoever, that its only role was to test the waters. Otherwise, people will look at the charter revision commission as nothing more than a rubber stamp, and it will undermine the legitimacy of the process.

Second, the town's legislative body or board of selectmen (the "appointing body") may set up a charter revision commission (CRC) pursuant to Connecticut General Statutes Sec. 7-188 and 7-190. A two-thirds vote of the entire membership, not just those present and voting, is required.

Third, anyone interested in creating a CRC can formulate a petition pursuant to Sec. 7-189 (which gives the exact language required) and get it signed, within a period of 90 days, by at least 10% of the municipality's electors (which is not exactly the same thing as voters, because in some municipalities out-of-towners with a specified amount of property in town are considered electors; the number of electors is determined by "the last-completed registry list"). The petition must be filed with the town clerk (or, in a city, the city clerk), who determines if it is sufficient. If it is, the clerk certifies the petition to the legislative body or board of selectmen, and the petition is as good as a two-thirds vote of the elected body.

Within thirty days after the clerk has certified the petition or the appointing body has voted to create a CRC, the appointing body must appoint the members of the CRC, all of whom must be electors of the municipality. Appointment is accomplished by a majority vote of the appointing body. There may be anywhere from five to fifteen CRC members, but no more than one-third of them can currently hold public office in the municipality (and that includes very minor offices), and no more than a bare majority can be members of one political party.

Thus, if the town's minority party or a citizens organization does all the work



to get a petition signed, the town's majority party still has complete control over who is on the commission the petitioners seek, because the two-thirds requirement that applies to forming a CRC does not apply to selecting its members. The majority party may not only put the CRC under the control of the majority party but, if it likes, it may even select which members of the minority party, the citizens organization, and unaffiliated voters, are on the CRC, and it may even exclude the citizens organization (not to mention those who signed the petition) from the CRC altogether. In most cases, however, the body that selects the members allows the other party's town committee to choose its own members, but rarely is a petitioning group, unless it has ties to one of the two major parties, given this power.

The appointing body must tell the CRC to consider any recommendations included in a petition, and it may make recommendations of its own. But the CRC may consider any other charter changes, as well. Thus, although the majority party selects the members and usually has its people in control of the CRC, once the CRC has been set up, anything can happen. Sometimes there are surprises, because a committee takes on a life of its own. For example, in Guilford, in 2000, a CRC recommended a representative town meeting that took many powers away from the board of selectmen. The board of selectmen rejected this recommendation, and the CRC changed its recommendation to just an increase in the number of selectmen, from three to five.

The other power that the appointing body has is the power to give the CRC a deadline for submitting its draft report. The deadline can be no later than sixteen months after the CRC is formed, but it can be as short as the majority party wants it to be. Sometimes there is a rush to get recommended changes on the upcoming November ballot, but a short time period often leads a CRC to not consider other forms of government, because it feels it does not have enough time to study and

discuss such an important and complex issue. On the other hand, if there is a lively movement for change, which led to a petition, the majority party can crush it by spreading the CRC's deliberations out over up to sixteen months, and it can also make the deadline after a November election, so that a special election must be held. This is a trick that can undermine all but the strongest movements for charter change.

The reason this is a trick is that the rules for a charter revision referendum at election time are different from those for a special election. At election time, if the charter changes win a majority of the vote, they become part of the charter. In a special election, charter changes must be approved by at least 15% of the registered electors. This means that even if the vote is strongly in favor of charter change, a poor turnout – which is virtually guaranteed for a special election where no money is being spent and the issues are complex and often poorly understood – can mean that the approval does not count. This happened in Hartford in 2000, when charter changes won two-thirds of the vote, and yet lost (accusations were made against the council for conniving to do this). It happened recently in Portland, after a petition drive, when the turnout was 18%; only a vote of 5 to 1 in favor would have made the recommended charter changes law. But this time people seem to have agreed that ignorance of the law was to blame.

Section 7-191 requires the CRC to hold only two public hearings, one before it begins its work (when most people do not yet understand the issues or the process), the other after the draft report has been completed, but not submitted (at which time a hearing seems almost like an afterthought). But most CRCs hold more than two hearings. Were a CRC to hold only the required two hearings, it is unlikely that voters would consider its recommendations legitimate.

State law requires that the CRC submit its draft report to the appointing body via the town clerk. Then the appointing body holds at least one more public hearing.

If it holds more hearings, the last hearing must be held within forty-five days after the draft report has been submitted. Then, within fifteen days after the last hearing, the appointing body must decide whether to recommend changes in the draft report. If no changes are recommended, the draft report becomes final. If changes are recommended, the CRC must confer with the appointing body and may either reject the recommended changes or amend its report. Either way, within thirty days the CRC must submit a final report.

Within fifteen days after receiving this final report, the appointing body, by a majority vote of its entire membership, must either approve or reject the charter changes (it may approve some and reject others, and it may also approve or reject specific provisions).

Once a draft report has been submitted, the process goes relatively quickly, unless the appointing body decides to hold several public hearings, which is very rare. A process that took up to sixteen months for the CRC to file a draft report has to go through the most openly political part of the process in only about four months. Considering that many boards of selectmen meet only once or twice a month, and charter issues can be not only extremely complex, but also go to the core of what government is about – the distribution of power – this is quick work.

If the appointing body rejects any part of the CRC's final report, those who want the rejected charter changes to appear on a ballot may, within forty-five days, file a petition for a referendum on the rejected charter change(s) which contains the signatures of 10% of the municipality's electors.

An election on the CRC-recommended or petitioned-for charter changes must be held within fifteen months after approval by the appointing body or after certification of the petition. This gives the appointing body a great deal of leeway in scheduling the vote.

Section 7-191 requires that the proposed charter changes be presented in the form of questions, but it does not specify what sort of questions, only that they may be in the form of one or several questions. Although the CRC or petitioners can recommend the number and wording of these questions, it is the appointing body that has the sole power to prepare the questions. Often there is only one question, such as, “Shall the town charter be amended in accordance with the amendments proposed by the Charter Revision Commission in its report?” Sometimes, the question makes it clear that the council or board of selectmen has approved the questions; other times, it leaves this out. Rarely, if ever, does it say that the questions are there because they were petitioned for. When there is only one question and several proposed changes, voters are given very little information. And they are more likely to reject it, because voters who oppose one of the changes are likely to vote No on the entire question, whereas if the changes were divided into several questions, they would vote No only on the one they opposed. This is what happened in New Haven in 2002, when four different issues were presented to voters in one question, “Shall the proposed changes to the city charter be approved?”

Therefore, most important, multiple charter changes are presented in a series of questions. The wording of the questions is important. A town council might make the questions cryptic, for example, by referring to Category I, Category II, and Category III amendments. Or a board of selectmen might divide the changes into a number of questions, many of which few voters will understand, such as “Shall the Board of Selectmen negotiate transfers from the General Government Salary Adjustment Account?” In these cases, it becomes more a matter of trusting the town’s leaders than voting for something you want or do not want.

For more information on this issue, see Lesson 28 below and Addendum B, which lists the charter revision ballot questions given to voters over the last few years.

There is an alternate way to change the form of a town's government, but it is rarely if ever used. Before the Home Rule Act of 1957, a town had to go to the state legislature to approve a change in government form. This option is still available, pursuant to Chapter 16, Section 2-14 of the Connecticut General Statutes. There are four ways that a town can request that the General Assembly enact special legislation: (I) by a two-thirds vote of its council; (ii) by what appears to be (the language is not clear) a two-thirds vote of its board of selectmen in a Town Meeting form; (iii) by a majority vote of its town meeting or representative town meeting; or (iv) by a petition signed by not less than 10% of the town's electors.

This alternate approach does allow a town meeting, representative town meeting, or citizens group to bypass a board of selectmen that blocks citizens' demand for a change to a Representative Town Meeting, Council-Manager, or Mayor-Council form, it is unlikely that the General Assembly would enact the special legislation unless proponents could clearly show that the town's will was being blocked by people the town could vote out. This showing would most likely have to include dishonest behavior and enough intentional confusion of the issues to make it clear that most of the town's residents do not understand what occurred.

At the most basic level, whether voters accept charter change depends on their feelings. Connecticut is the best example of how fearful people are of change. We have the most antiquated local government form in the nation, and yet even when politicians or community leaders overcome all the obstacles and let voters consider alternative forms, our voters often hold on to what they feel comfortable with rather than taking a leap into what is almost unknown here, but considered normal to most Americans. "If it ain't broke, don't fix it," is what people usually say, even when they don't know how broken it might be. When a town's residents do feel that things are

going very badly and something has to change – usually when there is a big tax raise or a big scandal of some sort – this usually leads to voting out the town’s leadership and giving the minority party a chance. Rarely do people identify the solution as changing the form of government, because it’s hard to see its cracks and structural weaknesses.

But people can be convinced that this is the solution, especially if the argument is presented simply and emotionally. For example: What we need is leadership and accountability, a mayor who will take full responsibility for the town’s development. Or, what we need is professionalism. Our town is a multi-million-dollar business, and we can’t expect an amateur to manage it effectively.

However, town residents must also trust the town’s leadership or others who are trying to change things, or they will reject such appeals. A serious case of distrust occurred in Stamford in 2004, where ten charter changes, falling far short of a change in government form, were presented to voters. Two of the changes – the creation of a “rainy day fund” and reevaluation of property – were approved by solid margins, but the others either narrowly passed or failed. Among the unsuccessful questions was one about minor, technical changes. Usually such questions are approved by a large majority, because no one knows or cares enough to vote against them. When voters refuse to allow their politicians to make minor, technical changes in the charter, they are showing very little trust.

When a CRC considers changing the form of government, particularly in cities and larger towns, this sometimes leads to the formation of political action committees to raise funds and sell their position to voters. In Stratford in 2003, two were formed: Keep Efficiency, Effectiveness and Professionalism (KEEP), which sought to keep the Council-Manager form, and Stratford’s Time for Accountability and Responsiveness (STAR 2003), which sought a Strong Mayor form. These committees are usually

bipartisan, because otherwise the party town committees can do the fund-raising and marketing.

Where charter revision is an issue upon which the two major parties differ, it is often less because of the issue itself than because changing the distribution of power in government can take power away from the majority party. For example, the minority party might see a chance to get its candidate elected as a strong mayor, even though it has little chance to win a council majority; or a change to a Council-Manager or Representative Town Meeting form might take power away from the majority-party first selectman. But change can also consolidate the majority party's power by, for example, making it more difficult for residents to petition for a referendum or by having the budget voted on in town meeting (which, because it is so poorly attended, can more easily be stacked with town employees, in whose interest it is to approve a budget) rather than at a referendum.

Both the strategies of those seeking power and the emotions of the voters they are trying to convince are central to the charter revision process that leads to changes in a town's form of government. But there are also those who truly want a form of government appropriate to the town's changed status and needs. There comes a time when a form created for rural villages no longer works for a relatively anonymous suburban town, because it lacks the necessary professionalism and because its political leaders take advantage of its lack of checks and oversight. There also comes a time when people become sick and tired of a city's corruption and wasteful patronage, and realize that it's worth trying a different form of government where corruption and patronage are easier to prevent.

Even with legal and political professionals on a CRC, it is difficult for the CRC to amend a charter all on its own. First of all, researching alternatives and writing charter

provisions is difficult work for any committee to do. Second, it requires not only ordinary legal and political skills, but also specific and wide-ranging knowledge of local government organization and administration, taxation, and pertinent state laws and sections of the state constitution. It also requires someone who is open-minded and not too narrowly legalistic, because a charter is far more than just a law; it is more like a constitution and therefore needs to be flexible rather than detailed and complete. Further, what is important in a charter is not only what is legal, but also how the government works and how it can be made to work more efficiently, more democratically, and more fairly. A town attorney or someone else deeply involved in the status quo will tend to feel more comfortable with the current charter.

Therefore, responsible CRCs hire a consultant as soon as possible. Usually such consultants are political science professors with a specialty in local government administration, others are public administration consultants, and some are lawyers who have a specialty in advising CRCs (although lawyers' fees can usually be afforded only by city CRCs). A consultant can not only draft charter amendments, but can also provide a CRC with information that will help the CRC make its decisions, including information about what comparable governments do elsewhere in the state or in the U.S., as well as suggesting speakers to appear before the CRC, developing strategies for citizen education and promotion, etc.

If a town cannot afford a paid consultant, it should consider finding someone or some people who will provide advice and drafting help for limited or no compensation, for example, a professor, researcher, or a former charter commission chair of a larger neighboring town who can pass on what his consultant told him.

Whoever drafts the charter amendments, a CRC should have someone else review the final draft before presenting it to the public. Just as writers need editors, so do drafters of important laws.



When the CRC is formed, the first order of business, along with hiring a consultant, is to determine the rules of procedure (standard parliamentary procedures plus specific rules such as the duties of officers and how to call special meetings, to determine the quorum for different sorts of meeting and the vote required for different sorts of decision); set a tentative schedule of meetings and public hearings; decide whether to have subcommittees, special committees, or research groups (although this may change as it becomes the extent of the proposed changes and the workload become more clear); and make an estimate of financial needs. This can be done by the entire CRC or by a temporary steering committee whose job it is to report on these topics at the CRC's second meeting.

At the second meeting, the CRC should complete all steps required by law, such as electing officers and taking oaths of office. It should vote on rules of procedure; discuss the schedule, taking into account any time limits placed on the CRC by the appointing body or by state law; and decide how to take action to get the necessary financing to, for example, hire a consultant (setting up a finance committee, if this appears to be a problem, to obtain municipal funds, in-kind services, and private contributions).

Then the CRC can begin discussing possible charter changes, including those recommended by the appointing body or petitioners, those recommended by residents at meetings and public hearings, and those it raises itself. These need to be not only discussed, but also prioritized.

Instead of outlining the entire process, the next section will look at an actual charter revision process in a large Connecticut town and the lessons it provides for others seeking a change in the form of their town's government.

## 9. A Case Study: Stratford

The most well-documented Connecticut charter revision process in recent years is the 2003 change of Stratford's government from a Council-Manager to a Strong Mayor form. Minutes of the CRC meetings were made available on the Stratford website, and the twenty-three-month process was covered closely by the regional daily, the *Connecticut Post*, and the town weeklies, the *Star* and the *Bard*. There are a lot of lessons about the charter revision process and changing a form of government that can be learned from what happened in Stratford.

### **Before the Charter Revision Process**

Lesson 1 - Prepare the way for charter revision by holding public hearings and by making charter revision an important topic during a council or board of selectmen race, before the process even begins.

Stratford's council held public hearings two years before it set up a CRC. It found little interest among the public in changing the town's form of government. But most of the council members and other candidates talked about charter revision during the 2001 election campaign, so that by 2002 everyone was familiar with the subject, even if they didn't understand or show much interest in it.

Where, as in this case, charter revision was bipartisan (Republicans, the minority party on the council, were more likely to favor a strong mayor to replace the town's manager, but there were members of both parties on both sides of the issue, and all agreed on the need for at least partial change), talking about it during a campaign was less about party and candidate identification than about preparing the

way for a CRC. When charter revision is a partisan issue, making it central to a campaign can have a powerful effect on the creation of a CRC or its success, because if one side has a clear electoral victory and takes control (or more control) of the council or board of selectmen, its position on charter revision will likely prevail, through its greater ability to get its message out as well as through its selection of CRC members. This happened when Eddie Perez ran successfully for mayor of Hartford on a platform that included a change from Council-Manager to Strong Mayor form, a change which was also successful.

Similarly, it can be difficult for the minority party to get a CRC established, because this requires a 2/3 vote of the appointing body (it is worth noting that minority parties rarely block the creation of a CRC even when they have the votes to). It is also difficult for the minority party to prevent a CRC's recommendations from being successful, especially if the CRC is opposed to radical change. When charter revision is a minority party issue, it might be best to run a campaign on the subject and use it either to take power or to educate the public, so that when the minority party brings up charter revision in the council or board of selectmen and loses the battle, the public understands what has happened and why, and therefore might choose to vote out the majority party at the next election or even petition for a CRC.

Lesson 2 - If a town's problems go well beyond what charter revision can fix, and some of those problems are fundamental, it is questionable whether the town is ready for charter change, that is, questionable whether charter change would make any significant difference.

At the July 31, 2002 CRC roundtable discussion of the presentations made by speakers at prior meetings, the CRC chair, Gavin Forrester, said that Stratford's political system was "broken," but that there was not just one thing that needed fixing.

He identified as problems the public's general distrust and apathy, the public's ignorance about Stratford's government, and the town's partisan politics. He noted that changing the charter could address only some of the town's problems.

The CRC certainly did what it could to make the public less ignorant about Stratford's government, but it did nothing to address the other two issues. There is not much it could have done with respect to the public's distrust or apathy, because these are cumulative conditions and sometimes have little to do directly with municipal government. However, there is a great deal the CRC could have done about the town's partisan politics, and yet there was no discussion of nonpartisanship, except with respect to two positions, and a nonpartisan solution was rejected. In fact, the CRC voted to replace the town's only nonpartisan leader, the town manager, with a partisan mayor. (See Lesson 18 for more about nonpartisanship.)

A CRC faced with a situation that charter revision, at least as perceived by those in power (who can rarely imagine a nonpartisan solution) cannot correct should consider the alternative of clearly and honestly saying this, and either disbanding itself or deciding to fix only minor, technical problems in the charter and making it clear to the town's voters why. This might wake some voters out of their apathy and it also might force both politicians and voters to consider the nature of the discord between and within the parties.

Lesson 3 - The form of government should not be changed because current officeholders are not considered effective or, even worse, to satisfy a personal vendetta.

Almost everyone will say that charter change has nothing to do with the people currently in office, because it does not look responsible to change a town's form of government on account of individuals. And it is not responsible to do this. Yet it is

tried, and sometimes done. And the result can be disastrous in several ways.

It does not appear that in Stratford anyone said anything bad about the current or past town managers or council members. However, in early June 2005, as the first Stratford mayoral campaign was just getting going, a council member said to the *Stratford Star*, “If [the current town manager] were here earlier, we probably wouldn’t be voting for a mayor.” Although no one complained publicly about the old town manager, the CRC did ignore most of his advice. If the town manager was ineffective and his advice considered worthless, the council could have fired him. If particular council members felt the town manager was ineffective, they could have tried to have him fired and, if unsuccessful, run a campaign based on firing him if they took control of the council. But instead (assuming that the above statement was accurate), they sought a change in the form of government. If the former town manager was an important but unspoken motivation, Stratford’s charter change was done irresponsibly, if it works out for the best.

In Stonington, a principal reason for the current charter revision process to hand over management from the first selectman to a town manager appears to have been the difficulty and expense of removing a first selectman who had been arrested on a serious charge. That is not a good reason for changing the form of government – changing the rules for removing or recalling a first selectman would be sufficient – but of course this does not mean that the change would be wrong for Southington.

### **The Charter Revision Process**

Lesson 4 - If you want a fairly constituted, representative CRC, do not let the appointing body (council or board of selectmen) or the party town committees select

its members.

By law, the appointing body has the sole power to appoint the members of a CRC. But the appointing body is allowed to let other bodies or individuals select the members that the appointing body will appoint. When the appointing body's majority party makes the selections itself, the minority party is usually angry and the whole process gets off to a bad start. When the majority party lets the party town committees make the selections, the CRC usually consists of insider politicians, such as the people recommended for the current New Milford CRC. The New Milford council asked each party town committee to make six recommendations for a thirteen-member CRC. The Democratic Town Committee chose a former mayor, a former board of education and board of finance member, a former mayoral candidate, a former board of education chair and board of finance member, a former state legislative candidate, and a former first selectman. The Republican Town Committee chose the current state representative, two members of the council, a board of finance member married to a council member, a Parks & Recreation Committee member, and a former member of the council (note that the Republicans's six selections included five current officeholders, even though the legal limit on officeholders for a CRC of thirteen members is five). The New Milford council also asked the Republican mayor for recommendations of members from both parties as well as unaffiliated voters, to which the Democrats objected.

The final selection was to be made by the council, which had a Republican majority. The result, according to the *News-Times*, was that the mayor's recommendations were accepted, which meant that two people on the Democrats' list (one had run against the mayor, the other against the current state representative) were replaced by two other Democrats (one of them engaged to the mayor).

When party town committees select the members of a CRC, few if any

unaffiliated voters are included (not to mention affiliated voters who are not politically connected). Three of the CRC members appointed by the Stratford council were unaffiliated. This is a high number. However, one was reportedly married to a prominent Republican politician, and another had recently been registered with a party. The third unaffiliated voter was hardly an outsider: the long-time town clerk, who responsibly felt obligated to be nonpartisan. But even if they had all been truly unaffiliated, the question should be asked whether it was responsible for a council to give 23% of the places on a CRC to unaffiliated voters when 53% of the town's voters were unaffiliated. A CRC is not an elected board or commission, for which anyone can run, even if the odds are stacked in favor of party members. It is an appointed commission that is responsible for changing the town's charter, the basis for its entire power structure. Statewide, 44% of Connecticut's voters are unaffiliated, and these voters are rarely given more than a token member or two on CRCs.

Also missing from many CRCs are members of minor parties and organizations such as independent citizen and taxpayers associations, as well as gadflies, many of whom are themselves unaffiliated voters.

The issue of CRC membership should be raised when charter revision is first mentioned. There are alternatives to the selection of CRC members by the appointing body, by the chief elected official, or by party town committees. One alternative is to turn over the selection process to or ask for recommendations from one or more nonpartisan community organizations, such as the League of Women Voters or a parent-teacher organization. In addition, the need for volunteers could be publicized, so that nonpartisan and unconnected residents could offer their services, believing they have a chance of being selected. Not only would this bring to the CRC voices that have not been heard, but it would also convince other town residents that what they say at public hearings may actually make a difference (some Stratford CRC members

felt that one reason so few new voices were heard at the many public hearings it held was people's belief that their views would make no difference).

Two other ways to make the public feel that the CRC is open and fair are (i) to use a roundtable format, so that the CRC members are not lined up together on one side of the room and (ii) to have a rotating chairmanship, so that representatives of different viewpoints and affiliations are allowed to chair meetings.

Lesson 5 - Just because a past CRC considered a particular issue, that does not mean the current CRC must consider it. But if there is unfinished business, it is often best to finish it before turning to other major issues.

In 1995, a Stratford CRC considered the issues of term limits and a budget referendum, but nothing was done. These issues were, therefore, taken up again by the 2002 CRC. But in 2002, the CRC had a full plate without these issues, and since the budget referendum was especially important to a large percentage of the residents, changing the form of government seemed to many residents like a distraction from the real issue: the people's control over the budget process. Had the CRC minority favored a budget referendum, it is likely that the change in form of government would have failed, especially since those who bother to vote in a charter revision referendum are the very people who most want to have the right to vote in a budget referendum.

If having a budget referendum was indeed the most important issue to town residents, perhaps the CRC should have held off considering a change in form until the budget issue was resolved. However, newspaper editors, CRC members, and the experts they invited to talk with them all felt that the town was too big for a budget referendum and that people should rely on their representatives. Therefore, no faction supported it, despite its popularity with residents.

This raises the question of a CRC's responsibility to its town. Does it have an



obligation to make recommendations with respect to an issue that residents feel is important? Or does it have an obligation to ignore what people say at its public hearings, to think independently and to make recommendations that are best for the town, in the belief that most people do not understand what is best or what the alternatives are?

One member of the Stratford CRC said that because a CRC is an advisory board rather than an elected body, public opinion is not as important. This is an important advantage of the CRC: if it can rise above partisan politics and public demands, it can consider all alternatives and make courageous and thoughtful recommendations. But this CRC, like most CRCs, did not do this; most of its members appear to have had an idea what they wanted to do from the beginning. And one thing they wanted to do was ignore residents' desire for direct input into the budget process. And because there was no opposition on either the CRC or the council, they succeeded in ignoring it, at least for the time being.

Lesson 6 - If an issue can be dealt with in an ordinance, it should not be considered by a CRC.

A CRC is free to deal with a wide number of issues, from the number of members of a particular board or commission to the town's form of government. There is no need for it to deal with issues that can be dealt with in an ordinance. This did not come up in Stratford, but it did come up in New Haven at about the same time, when the complex and important issue of campaign finance reform was considered by the CRC, even though it could have been dealt with in an ordinance. When the CRC's many recommendations were folded into a single question, campaign finance reform died without ever being voted on directly.

Lesson 7 - If a CRC is considering a number of different issues, it is best to break into subcommittees.

The Stratford CRC considered not only a change to either a Strong Mayor or a Council-Manager with mayor form of government. It also considered a budget referendum, council terms (length and whether staggered), term limits, the appointment and position of town attorney, council recall provisions, the consolidation of purchasing authority, responsibility for economic development and for relations with other levels of government, police, fire, and emergency services commissions, and obsolete charter language.

Early on, the CRC discussed setting up either subcommittees or subgroups (the latter, someone said, would only be for information gathering and, therefore, not subject to the Freedom of Information Act, which means that their meetings would not be open to the public, but this does not appear to be the law). But it decided not to. Had it set up subcommittees, as many CRCs have, some of the members could have focused their research and discussion on forms of government and spent more time learning about what is being done in Connecticut and elsewhere.

The current New London CRC has subcommittees on form of government, board of education issues, and budget-related issues. The advantage of this is that more in-depth research and discussion can be done without overly taxing the CRC members. The disadvantage is that, although each subcommittee reports to the CRC and its recommendations can be discussed at length and rejected, those who are not members of the subcommittee are excluded from the most important debates on the subcommittee's issue.

One way to include outside CRC members is to allow them to present ideas to subcommittees in writing or in person, and to come to subcommittee meetings to debate issues in which they have a special interest, even if they are not voting

members. Also, those most interested in an issue can ask to be on the relevant subcommittee. Allowing self-selection as well as welcoming external ideas can make subcommittees valuable in instances where there are multiple and complex issues being considered.

Lesson 8 - When a CRC is trying to change a town's form of government, it should not, at the same time, try to change terms of office.

The Stratford CRC not only created a Strong Mayor form of government, but it also gave the new mayor a four-year term, even though other town offices had only two-year terms. This four-year term lost charter revision the support of one of the weekly newspapers and certainly made the vote closer than it otherwise would have been.

Most recommendations to extend board of selectmen and council terms from two to four years are rejected by voters, but they are more likely to extend the terms of mayors. In the context of a change in the form of government, a four-year term causes many people to be concerned that if the change (or the particular mayor) turns out to be a mistake, it will take four years to get rid of him. That is a long time in a town used to deciding its future every two years.

Lesson 9 - The size of a town is relevant to what form of government is best for it, but the argument that a town is too big for a particular form of government is sometimes inappropriate.

One of the principal arguments in favor of charter revision in Stratford was that the community (pop. 49,000) had outgrown its manager and now needed a mayor. This is a favorite argument used to allay fears of change: the town has grown up, we're adults now and it's time to act like adults. When this argument is used in terms of a

Town Meeting form in a town with a population over 10,000, it has much validity, because the Town Meeting form was intended for small towns and it works best in small towns. But there is no evidence to show that a town Stratford's size is too big to be administered by a manager. In fact, 67% of American municipalities with populations between 50,000 and 100,000 have a Council-Manager form, and the number goes *up* one percent for populations between 100,000 and 250,000. The Council-Manager form becomes less popular with *smaller* towns than Stratford, not with larger ones.

In Connecticut, the largest cities all have a Strong Mayor form, but in the category Stratford was moving into, with a population of 50-60,000, there are two towns with a Council-Manager form, two towns with a Representative Town Meeting form, and three towns with a Mayor-Council form. Instead of asking, Is Stratford too big for its Council-Manager form?, the question could have been, Which towns does it resemble more closely, Strong Mayor towns such as Hamden, Milford, and East Hartford, Representative Town Meeting towns such as Fairfield and Greenwich, or Council-Manager towns such as West Hartford and Meriden? And then it could have studied how the government forms work in the most similar towns.

Instead, it was pointed out that municipalities in the immediate area around Stratford have either strong mayors or first selectmen. This includes Milford, but also much smaller and much larger towns that are either much more wealthy or poor.

The tendency of Connecticut towns to look at what is being done by neighboring towns brings up an interesting question: why is it that the Council-Manager form is so popular in the Hartford area and the Strong Mayor form is so popular in the New Haven-Bridgeport area? Is it due to a true difference in the areas? The principal reason appears to be that in the 1940s Hartford changed to a Council-

Manager form of government. Not only was it successful, but it also appealed to the city's executives because its form was the same as their corporations. These executives were influential members of the communities of neighboring towns, and so they used their influence to copy what was working in Hartford and in their businesses. It is not responsible to simply accept regional preferences at face value; it is more responsible to ask why those preferences exist and why one can't look outside one's area for effective alternatives.

Lesson 10 - Be careful which towns are looked to for comparison, and why.

The Stratford CRC only looked to one of the towns in Connecticut just bigger than it, Milford, to see what worked for them and why. The other towns they looked to were Hartford (pop. 140,000) and Monroe (pop. 17,000). Why? Either because they too were currently going through charter revision or because both had or were talking about changing to a Strong Mayor form.

Hartford was actually considering the same change of form as Stratford (and its CRC had looked at the problems plaguing the Strong Mayor form in Bridgeport and Waterbury, considering checks and balances to prevent them from occurring), but its situation and problems were very different. For one thing, it did not have a true Council-Manager form, because for some time the council had chosen managers from within the town's government, people who lacked the appropriate professional experience and who were not perceived as neutral outsiders. In other words, the Strong Mayor value of loyalty had already replaced the Council-Manager value of competence. Second, Hartford is a much larger, poorer, and more diverse city than Stratford.

Monroe (much smaller, wealthier, and less diverse) was looking at a change in the budget process, changes in term lengths for members of the Planning and Zoning Commission, and other, relatively minor matters. And yet it was Monroe, rather than

Hartford, that was most important to the CRC, because for the duties of a strong mayor the CRC borrowed from the Monroe charter the duties of its first selectman (Monroe retained the traditional title of first selectman for its mayor), adding the veto power of the mayor of Waterbury (much larger, poorer, and more diverse).

Why focus on size, wealth, and diversity? Because these are three demographic considerations that have a lot to do with what government forms work and why. The other principal consideration is history, which encompasses the town's past forms as well as its party and personal politics, the level and quality of citizen participation, and the news media and other forms of oversight. It is far more difficult to include history in a comparative study of similar towns.

Councils in poor, diverse cities with varied districts are much more likely to have problems making decisions than councils in wealthier, white towns with relatively similar districts. Due to its natural differences and internal conflicts, it is more difficult for a diverse council to provide consistent leadership in a Council-Manager form. Stratford's council was apparently having leadership problems, but these problems appear to have been more personal and partisan than structural or demographic. Personal and partisan problems are difficult to fix by making structural changes. It should not be surprising that in the spring of 2005, when people started announcing their candidacy to be the town's first mayor, there was already a great deal of partisan and intrapartisan rancor.

Had the Stratford CRC looked at the towns in Connecticut just bigger than it, it would have discovered that the two Representative Town Meeting towns, Fairfield and Greenwich, were far wealthier and even less diverse; that of the three Strong Mayor towns, Hamden, Milford, and East Hartford, East Hartford was poorer and much more diverse, but Hamden was only a little more diverse and just as wealthy (although the inequality in distribution of wealth is greater in Hamden), and Milford

was less diverse and a little wealthier; and that of the two Council-Manager towns, West Hartford and Meriden, Meriden was more diverse and less wealthy, but that West Hartford was only a little wealthier and a little more diverse. Thus, the three logical towns to look to for comparison were Hamden, Milford, and West Hartford, but the CRC appears to have considered only Milford, by inviting a former mayor to say why the Mayor-Council form is best.

Sometimes it is not enough to look only at other Connecticut towns. With respect to local government forms, Connecticut is so out of step with the rest of the country, that CRCs should look further afield to fulfill their responsibility to look neutrally and rationally at all alternatives. For cities, and even in many aspects for towns, there is an excellent and informative model charter prepared by the National League of Cities. Also, the Connecticut Council of Municipalities (CCM) will provide help with charter revision matters to municipal employees and officials; if you're not one of these, ask a sympathetic employee or official to ask for materials and advice. It does not appear that the Stratford CRC discussed model charter provisions or those of many other municipalities, but several CRCs have done so.

Lesson 11 - A chief administrative officer (CAO) is not the same thing as a town manager. Anyone who sells a CAO as a continuation of the Council-Manager tradition or, in a Town Meeting form, as equivalent to a Council-Manager form, is either misinformed or is trying to fool the public.

One defense of the Stratford CRC's recommendation was that professionalism would not be lost, because the mayor would hire a CAO to do the manager's job. But a CAO is not the same as a manager, because he is not a neutral, independent outsider chosen for his professional abilities, nor does he have executive powers, such as appointing department heads, that allow him to insulate administration from

politics. A CAO is the mayor's right-hand administrator, effectively the deputy mayor. He is completely dependent on one man and he has to work with whomever the mayor hires.

A CAO is also an added expense, which only larger cities are usually willing to accept. The Stratford CRC explained this problem away by saying that the position of assistant town manager could be dispensed with; but a CAO often needs an assistant, as well. If a CAO is doing the job of an assistant town manager, then it will be difficult to attract someone as experienced or knowledgeable as a town manager. It does not appear that most Stratford residents understood the difference between a town manager and a CAO.

Lesson 12 – Get the newspapers on your side as soon as possible.

The daily *Post* supported a change in Stratford's form of government right from the beginning. The weekly *Star* also supported it early on. It started with the undisputed premise that the system was not working, that the council members bickered too much and, therefore, that the manager could do nothing but handle day-to-day business. It, like all members of the CRC, felt that the councilman-at-large position (a council member elected at-large, that is, by all town residents; all other council members were elected by district) lacked the power to keep the council in order (it appears that this position was created to break ties on an even-numbered council, not to lead the council; there was also a council chair, elected by the council).

When it came to the remedy for these problems, the *Star* decided that a strong mayor could overhaul the government, provide leadership and accountability, and help the town's economy develop. But in the end, the *Star* opposed the CRC's



recommendations, solely on the basis that the mayor's term of office was to be increased from two to four years.

The weekly *Bard* was also in favor of changing the form, but it was open to different solutions. However, the *Post's* and the *Star's* support for a strong mayor made it difficult for the CRC minority to make a successful case for preserving the Council-Manager form with, effectively, a weak mayor on the council.

The *New London Day* took so strong and early a position in the current New London charter revision process that members of the CRC wrote a letter to the editor complaining that its editors had made up their minds before the arguments were presented and did not even attend CRC meetings. If a newspaper takes such a strong position, those opposing it, as well as those who have not yet made up their minds, should question its legitimacy and ask that it too participate in the process rather than trying to determine it from the start.

It is important to remember that newspapers are accustomed to covering events, not issues. Personal acrimony is more likely to get coverage that crowds out complex, issue-oriented discussion. Therefore, it is best to keep personal acrimony to a minimum and to create events around issues, including speakers to explain how desired forms work in their towns, the unveiling of draft reports (for example, from subcommittees, or reports on particular issues), and meetings focusing on a particular issue, so that newspaper coverage can also be focused on one issue at a time and, thereby, cover all the issues rather than focusing on the most controversial or the ones its editors are most interested in.

Lesson 13 - A partisan town attorney should not be involved with charter revision.

In Stratford there were complaints about how long the town attorney, a

member of the Republican Town Committee, took to answer the CRC's questions. And yet no one seems to have proposed hiring independent counsel, despite the recent precedent in Hartford, where the CRC did hire its own counsel. Although one of the issues before the CRC was whether to make the town attorney a nonpartisan employee, like the town manager – so that the town attorney's livelihood was at issue – the town attorney's personal and political interests not considered a problem.

Most people consider town attorneys to be neutral lawyers for the town. But in most towns, whether they are independent and charge on a hourly basis or whether they are employed by the town, they are political appointees, lawyers loyal to, if not, as in Stratford, a member of one of the two party town committees. Having a partisan lawyer answer important legal questions relating to possible acts by the CRC, even where that lawyer's livelihood is not at stake, may create a problem of loyalty, a conflict of interest. Therefore, if the CRC is to be fully independent and neutral, it should consult its own independent counsel, not the town attorney, and the council or board of selectmen should provide funds for this purpose.

Lesson 14 - Make it clear to town residents that your solution to the problem is common and has worked in similar towns.

The CRC majority argued that the councilman-at-large should be replaced with a strong mayor. Everyone knows what a strong mayor is, because in American myth, that is, television, movies, and books, it's the most common form of government. Who would ever want a weak mayor as a character in a drama, or even a comedy?

The CRC minority argued that the councilman-at-large should be replaced with, effectively, a weak but separately-elected mayor. In Connecticut Council-Manager towns, there is usually a council president or a weak mayor who sits on and

is selected by the council. Had the Stratford CRC looked further afield, it would have discovered that it has become a common occurrence throughout the United States to add a separately-elected, separately-serving weak mayor to the Council-Manager form. Such a mayor's direct election gives him or her a visible position with special powers of persuasion and a greater ability than a council president to represent the town to the state and federal governments as well as to the business community. This has become the principal compromise position between those seeking the accountability and visibility of a strong mayor, and those who do not think it wise to put too much power in the hands of one person.

But in Connecticut, only one municipality, Norwich, has taken this route. Of the other Council-Manager towns in Connecticut, 16 have mayors sitting on the council, 2 have first selectmen sitting on the board of selectmen, and 10 have a chair or president of the council (as Stratford had). New London's CRC is currently discussing the possibility of a separately-elected mayor in a Council-Manager town.

This popular compromise was the solution put forward by the CRC minority, but I did not find anywhere in the record the assertion that this was the most common solution to Stratford's problems in towns around the United States similar in size, wealth, and diversity to Stratford. It is important to make it clear to town residents that your solution to the problem is common and has worked in numerous similar towns. Otherwise, they will accept what is familiar to them, even if it is not appropriate to their town.

Lesson 15 - Look at anomalies in your town (and your state) and ask what is so different about the town that makes such anomalies desirable.

Stratford had two important anomalies: a councilman-at-large in addition to a council chair, and no board of finance. The former anomaly was questioned, and

everyone agreed it was confusing and ineffective, and had to be changed. But there was little discussion of the lack of a board of finance, even though there was clearly concern among town residents about the budget process (although this took the form of interest in a budget referendum). A board of finance might have been a good compromise that would have ensured a more broad acceptance of charter revision.

Lesson 16 - Listen to people who have no interest in the outcome, such as older former officeholders, out-of-town officeholders, representatives from nonpartisan organizations, and academics, and discuss what they say.

The Stratford CRC did a good job inviting a variety of speakers to its meetings. Among those who spoke were the outgoing town manager, Mark Barnhart; former councilmen-at-large Rudolph Weiss and Kent Miller; former Milford mayor Fred Lisman; and political science professor Antonia Moran, of Central Connecticut State. And yet the majority on the CRC appears to have listened most to what the former Milford mayor said, and least to what was said by the most neutral of them all, Professor Moran.

Mayor Lisman spoke in favor of an elected rather than an appointed manager, arguing that a town is not a business, but a service, and that there are department heads to provide service. He spoke in favor of a clear division of labor, where the mayor has no veto over the council (like him), and the council has no veto or authority over town employees. But he does not appear to have said that such a mayor could not coexist with a town manager.

Not surprisingly, the outgoing town manager spoke in favor of the status quo, countering the most important arguments for change: ridding the town of partisan rancor (it's the people, he said, not the form that causes the rancor, and a minority party mayor might make it worse); making the town's administration more accountable

(a town manager, he said, is accountable to the council majority, which is easy to vote out); and making the town more visible to other layers of government (a mayor's visibility, he said, would have no effect on economic development).

The former councilmen-at-large both argued for preserving yet improving the Council-Manager form, and their suggestions were imaginative and, for the most part, not discussed by the CRC. But their basic position was like that of the CRC minority: preserve the town manager and give the town a visible chief elected official (CEO).

Professor Moran did not argue for one side or the other, but she imparted a great deal of wisdom about the charter revision process. According to the minutes, she gave six pointers for a CRC to be successful:

1. People must first recognize that there is a problem before charter revision will have any significance.
2. Try to win over your opponents by understanding and accommodating their concerns.
3. Avoid drastic change, such as discarding old institutions.
4. A major goal of charter revision is coherence within the document.
5. Over time, institutions adjust themselves to current professional standards, as people forget the reasons behind the language in the charter.
6. Work with voters to assure adoption.

The biggest obstacle to the success of charter revision, she said, is voter turnout. Controversy is good to the extent that it leads to voter turnout. A CRC must be proactive in educating and getting people interested in the issues. Get their opinion, listen to what they say. In this, the Stratford CRC tried but failed.

One reason is that the impetus for charter revision originated not with residents but with the Chamber of Commerce. Another reason is that, in a very partisan town, neither party took a strong position on the CRC's recommendations and, therefore, their campaigns did not try to get residents to understand the choice before them. The

result was that voter turnout was not high, and even among those who came to vote, many did not vote on the charter revision questions, presumably because they felt they did not sufficiently understand the issue or they did not have strong feelings one way or the other.

Despite what Professor Moran said, the Stratford CRC majority did not try to avoid drastic change; in fact, it discarded the oldest Council-Manager government in the state, preserving the town manager only in shadow form (the CAO; see Lesson 11). And it did not follow Professor Moran's advice to try to win over opponents by accommodating their concerns. In fact, it went beyond even what the former mayor of Milford suggested, preferring to give their mayor veto power over council votes. And yet, the majority managed to convince town residents that there was a problem serious enough to merit a radical change in their form of government, without following the professor's advice. Its solution? To make the radical change seem like a minor change (see Lesson 29 for more on this).

Inviting good speakers is not enough. You need to listen and to ask difficult questions of the speakers and of yourselves. And you need to discuss the ideas the speakers raise. In their roundtable discussion of these speakers, the CRC talked little about the speakers' ideas. Instead the members talked about the public, about how little interest it has in politics, how hard it is to get the public involved, how much the public hates the controversy in politics, and how little the public understands the current system.

The more open a CRC is to a wide range of ideas and the more they consider and question every alternative, the more valuable, as well as defensible, their recommendations will be. It is good for a town to put everything on the table.

Lesson 17 - Think outside the box.

This point has been brought up in other ways, but it's worth a lesson of its own. Stratford's CRC did not seriously consider any ideas that required imagination or research. It only considered a strong mayor without a town manager, adding a weak sort of mayor position to the Council-Manager form, and some ordinary ideas that had been raised before, such as a budget referendum, which it totally rejected. The Stratford CRC did not consider alternatives that do not exist locally, nor creative ideas mentioned by invited speakers, such as one former councilman-at-large's suggestion of a CEO focused on economic development (leaving daily management to the town manager) and another former councilman-at-large's suggestion of making the town's CEO the council member who gets the most votes. The latter was not a good idea; it would mean that local turnout or demographics would determine the CEO, not who's qualified or even who wants the job, but the former was a compromise worth considering.

There is no end of possible combinations. They all can't be seriously considered, but it is a good exercise to bring up many possibilities and to learn what is truly important and appropriate to the town by discussing their advantages and disadvantages, and their appropriateness to the circumstances of one's town.

Lesson 18 - When a central problem is the partisan rancor in town politics, it is important to look at this problem openly and honestly. But this is difficult, because partisan rancor is often so personal, and CRC members are usually involved.

Along with a perceived insufficiency of economic development (which is true in nearly every town that isn't wealthy enough to focus its energies on stopping development), the biggest problem facing Stratford's CRC appears to have been partisan rancor and the debilitating effect it had on effectively running the town.

Rancor in town politics has two principal sources: the individuals and the parties (or party factions). It could be that one or more extremely divisive leaders turn every issue into a personal competition. There is no structural solution to this sort of problem. Or it could be that one or more high-ranking officials abuse their power and/or allow their subordinates to abuse theirs. This sort of personal problem can be dealt with structurally, especially if the divisive or abusive leader(s) are taking advantage of the powers they are given under the town's form of government. For example, if a first selectman or mayor has too much power, taking some of that power away by, for example, bringing in a town manager (which limits patronage as well as replacing political control over town departments with professional supervision) or switching from an ineffective town meeting to a more effective representative town meeting or council (providing oversight over the executive and administrative branches) might constrain the offending individuals and change the town's politics for the better. This is especially true if one party has been in control for a long period of time, so that the parties are not competitive (in such cases, people seeking power will join the party that wields power).

When the problem is with unelected party leaders or other unelected individuals making town politics unnecessarily divisive, structural changes can also be helpful. Historically, there have been four responses to this. In the early days of party machines, the response was to have a strong mayor who could stand up to the parties. But often the strong mayor became a problem himself, and took control of his party. Another solution was to reduce the number of people on the ballot, because these people were selected by the parties, and voters were forced to vote the party line, because there were too many candidates to keep track of. A third response was the town manager, which at least took party politics out of the town administration. And the fourth response was nonpartisan government, where instead of party-selected slates,



citizens select themselves and participate in nonpartisan primaries and elections. Nonpartisanship and town managers are usually found in the same towns. In other words, the modern American response to partisan rancor is to bring in a town manager and take the parties out of politics as much as possible. What the Stratford CRC chose was the historically earliest response to partisan rancor: a strong mayor.

How can one tell how powerful parties are in a town, or how much they are abusing the partisan system? One indication is the participation of unaffiliated voters. In 2002, 53% of Stratford's voters were unaffiliated, and 9% of its council members were unaffiliated. If figures for the town's other boards and commissions were similar, then the party town committees were apparently interested not in having the best people running the town, but rather in having their people running the town. It is likely that they are excluding or, at least, not reaching out to over half the people in town, not to mention including affiliated voters who do not go along or get along with the party town committees' leadership.

Another indication that the parties wield their power irresponsibly is whether, when there is talk of changing things in town, one of the things discussed is nonpartisanship. In the minutes of the Stratford CRC meetings, I did not find any mention of nonpartisanship as a possible solution to the town's partisan rancor, except with respect to the town attorney and the town clerk (the CRC decided to have both positions be political appointments, by the mayor). This is typical. There are no Connecticut towns to point to as successful examples of nonpartisan politics (Hartford's government was nonpartisan in the 50s and 60s, and its board of education still is; other boards of education have experimented with it). But there are many thousands nationwide.

In the town of Berlin, which has the extremely unusual combination of a nonpartisan board of education (which employs the Council-Manager form typical of

the education part of local government) and a partisan Council-Manager form in the other part of its government, the parallel between these two parts of the town's government does not extend to partisanship, even when partisan rancor is a serious issue. As in Stratford, the Berlin Republican Party pushed for charter revision to replace a town manager with a strong mayor, but in 1998 voters rejected this change. Yet there was also a movement to make the board of education partisan, and the argument for this was accountability: that partisan board members are more accountable than similarly elected nonpartisan board members. The Berlin CRC rejected this suggestion, but no one considered it odd that the Stratford CRC did not consider a nonpartisan council as a solution to partisan rancor.

Connecticut's local governments are addicted to partisanship, and like typical addicts they do not admit that this is a problem, or even that they are out of step with the rest of the country. Individuals, however, complain about the addiction all the time, and nearly half of them act on their feelings by registering as unaffiliated voters. In a representative democracy, such a radical decision by nearly half the voters, completely at odds with partisan politics, should cause representatives to sit up and take notice.

In general, parties cause unnecessary divisiveness, which means that it is harder to get things accomplished. In addition, non-issue-oriented divisiveness puts off a large percentage of residents, keeping them from getting involved and even from voting. And people who do vote find it more difficult to focus on candidates' and officeholders' policy stands and problem-solving or administrative skills.

Parties are beholden to state and national organizations, harming local autonomy and causing strong opposition to good candidates who the opposing party feels might have ambitions for higher office. If one party has more than one strong candidate for high office, that candidate cannot run; this is often true where one party

dominates a town's politics. In such towns, the primary is effectively the election, but a minority of residents can vote in it.

Parties, like all groups of people, turn into exclusive clubs protecting their turf with rules and traditions that have little to do with issues or democracy; local government, on the other hand, should be inclusive, seeking the service of all capable residents. Parties also make it more difficult for minor party and independent candidates to be elected.

One special problem with partisanship in Connecticut is the fact that good town managers don't want to come here, due to the pressures partisan politics place on them (managers are an especially attractive target for minority parties and party factions). Stratford is a good example of a town that many town managers would never apply to work for, when they can work in a less rancorous atmosphere in a town that shares their values of competence and productivity rather than party strife.

Partisanship does have its benefits. Parties provide a good screening process for candidates, making it less likely that incompetent or unstable people run for office. They develop leaders and provide continuity of leadership. Their choices of candidates provide information for voters who do not want to or cannot evaluate candidates on their own. They allow candidates to run who could not otherwise do so, giving them resources, personnel, and legitimacy. They provide a good forum for social interaction and for political discussion. And they allow for more rapid decision-making, because the party in charge has run on a platform and its officials usually have a collegial relationship. But the benefits are not so great that the nonpartisan alternative is worse at all times and in all circumstances.

If a town's leadership is willing to talk about the possibility of nonpartisanship in government, then it can weigh this alternative against other possible solutions to a situation where political infighting on a council prevents it from responsibly

formulating policy. There are situations where a strong mayor would be an effective solution to this problem, but there are other situations where nonpartisanship, the solution of most Council-Manager towns nationally, would be a more effective solution. A refusal to even mention this alternative, especially when it has been accepted by a majority of America's municipalities, shows one of the serious limits of politics in towns controlled by our two principal political parties.

Lesson 19 - Accountability, the most important aspect of any representative government, is a very complex matter. Don't deal with it as if it had a simple solution.

Stratford CRC members, as well as the speakers they invited, kept differing about whether a town manager is accountable. One side said he is not accountable, and therefore must be replaced by someone who is. The other side said he is accountable to the council, which can fire him at will, and that this works fine. This debate was not about accountability, but rather about the directness of accountability.

The more power and responsibility there is in one elected person, the more directly accountable that person can be. If power is divided among three people – the ordinary board of selectmen – the government is less directly accountable. The first selectman, who is responsible for the town's day-to-day administration and effectively has the power of a strong mayor who need not deal with a legislative council, will sometimes take advantage of this diffusion of accountability by hiding behind the group, even when there are only three members and the second selectman has been hand-picked and never votes against him (that is, the first selectman is actually as directly accountable as a mayor, but makes himself seem less accountable). If power is divided among a larger council or board of aldermen, the government is less directly accountable, because some number of people have to be voted out in order to change the council's majority control, often across a variety of districts. When executive

responsibility is in the hands of a town manager, who is accountable directly to the town council, accountability is focused on one person, as with a mayor, but that person is removed one step away from voters.

But must accountability be direct? Is that what is most important about accountability? If so, why do we allow unelected party town committees to wield so much power? And what about checks and balances, which can make any individual or group more accountable? The bottom line question is, Is direct accountability worth the risk of placing power in the hands of one person?

The reason that, in the early twentieth century, reformers turned to strong mayors as a solution to a town's problems was not because councils were not directly accountable, but rather because parties in weak mayor cities were often deeply corrupt. The cities were a resource for the party leaders' graft and patronage. A strong mayor has the authority and independence to stand up to his party in a way that council members cannot. But since a strong mayor can also be or become corrupt, reformers turned to the town or city manager, who could at least isolate the municipality's administration from politics, hiring people on the basis of competence rather than contacts.

A weakness of town managers is that they can be painted as unaccountable. While they are unelected, they are also independent of unelected party leaders as well as answerable to the elected council. Like party committee leaders, they are unelected, but unlike party committee leaders, they can be fired at will by the council and they are required to follow strict professional rules and standards. And unlike party committee leaders, they have no network of interests in the town. They are usually out-of-towners (a fact often held against them), and their goal is not to gain power and a network of business interests in town, but to manage the town in a way that will allow them to eventually move on and manage a bigger town that pays bigger salaries.

In this sense, they are the polar opposite of party committee leaders. And yet town managers are far more often referred to as unaccountable, when what they are, in fact, is a compromise between the too great power of the directly accountable mayor and the too little power of the more broadly accountable council.

This is not, however, what most who seek to get rid of a town manager say when they talk about accountability. Instead, they ignore the distinction between direct and indirect accountability, and the balance between direct accountability and potential abuse of power. When decisions are based on this sort of simplification and misrepresentation, they are often wrong.

Common Cause's motto is, "Holding government accountable." Accountability is something people do to government, not something inherent in how many people power is divided among. In some towns, especially the smallest Connecticut towns, accountability happens naturally, because officials see a wide range of their constituents every day, everyone knows what is happening, and most people care. But in many towns, especially larger ones, few people follow what happens in their town government, few people vote (for candidates, at town meetings, or in budget referendums), and even fewer people participate. As Robert D. Putnam showed in his book *Bowling Alone*, participation is more than anything else related to generation. That is, the generation that grew up during the Depression and fought in the Second World War has always had a high rate of participation in political and social structures. Each generation since has had a lower rate of participation. There appears to be a spark of interest among younger people since 9/11, but this has not yet increased their generation's participation in local government.

In most Connecticut towns, the principal means of making politicians accountable – the town meeting – is now attended primarily by those who have a personal interest in the outcome of a particular meeting. Other towns use the budget

referendum (as well as other referendums) to keep politicians accountable, and it is ironic that while talking so much about accountability, the CRC rejected the idea of giving Stratford residents the budget referendum they appear to have wanted.

Voting is only one way residents can keep their local government accountable. Some towns have citizen groups to act as watchdogs, but most of these are focused on cutting taxes or stopping a particular government action. There are also websites in some towns and vocal individuals, usually referred to as “gadflies.” In the larger cities there are additional minor parties and a range of organized interest groups, as well as newspapers that keep close track of what is going on, something that most smaller towns lack.

As a means of making politicians accountable, elections are highly overrated, especially at the local level. Many speak of elections as a magical elixir for the success of democracy. But early in the twentieth century, reformers agreed that elections mean little when there are too many positions on the ballot. This led to a movement for many more appointed positions and, once again, a lessening of direct accountability. What meaning is direct accountability through voting, the reformers asked, when voters are asked to choose among dozens of people they know nothing about to hold positions and sit on dozens of boards and commissions they know nothing about, and these people have been selected by unelected party committees? In many larger towns, this sort of direct accountability is a sham, because it makes people believe they have power over their local government, when few have any idea who they are voting for and what they stand for or have done.

Because most people in Connecticut’s towns do not know what is happening, because most town governments (not to mention town party committees, even in opposition) do not make an effort to inform them through an inexpensive and easily available website (and few if any charters or ordinances require them to), and because

many newspapers focus on human interest stories and he said-she said disputes, it is difficult to keep politicians accountable no matter what the form of government.

There is one native structural solution to the nonstructural problem of making government accountable when there is not sufficient interest and participation among town residents. In Town Meeting towns, a representative town meeting provides residents with representatives from every neighborhood, providing the same sort of personal contact as in the states' smallest towns. A representative town meeting also provides a counter to and a watchdog of a small executive (the board of selectmen) that in the traditional Town Meeting form acts as the town's legislature, without any true checks or balances, except with respect to the budget, where there is a board of finance and either a town meeting or a referendum.

Representative town meetings can even be used in Council-Manager and Mayor-Council towns. There are towns in Connecticut – Montville, Prospect, and Putnam – with both councils and town meetings (and one, Groton, with both a council and a representative town meeting), although the town meetings have limited powers, relating to the budget. One wonders why so few Connecticut CRCs consider adding a representative town meeting to keep politicians accountable, to have committees assigned to each department, to prepare a critical report on the budget, to ask questions at council meetings, to be sure that information is available in a timely manner, to point out conflicts of interest, to prod the manager when he doesn't stand up to the council, and to contradict the mayor whenever he isn't telling the whole story.

Information is central to holding government accountable. A quick look at a town's website – or at the town party committees' websites (about 1/3 of Democratic Town Committees in Connecticut have one, and fewer Republican Town Committees; some are excellent, others rudimentary) – says a lot about how much the government



and the town's parties want people to have information so they can hold the government and the parties accountable. Are there transcripts or minutes of council and board meetings? Is all budget information available, throughout the budget process? Are the town's charter and ordinances available on-line? Are announcements of all meetings easily available, and well in advance? Is there contact information for all employees and officials, including board and commission members? Is there information about town party committee members? Is there an archive of articles about town government from local newspapers? Is there a guide for presenting complaints and suggestions to various departments, boards, and commissions? If the council or board of selectmen and the party town committees do not respond to requests for more information available on-line, there is an accountability problem in the town, no matter what the form of government.

Often accountability is confused with leadership. Most mayors provide more leadership than most town managers, because it is their role to lead and the position attracts people who want to lead. But a mayor, especially one with a four-year term, such as the Stratford mayor, is much less accountable, even if the accountability is direct, than a town manager who can be immediately fired by a council whose members are elected every two years.

It is ironic that CRCs talk so much about the importance of direct accountability, and yet they themselves are not directly accountable. If a CRC feels that its most important task is to provide accountability, one wonders why it doesn't ask the elected council or board of selectmen to make the charter revision decisions for them. It is because accountability is far more complex an issue than what they usually present in their arguments.

Lesson 20 - Council or board of selectmen members should attend CRC meetings and

public hearings, so that when it comes time for them to respond to the CRC's recommendations, they have a direct knowledge of how the CRC arrived at its decisions (and, therefore, can determine how much to respect the CRC's arguments and conclusions), they know the public's reactions and views beyond what is included in the minutes and newspaper articles, and their recommendations are, therefore, considered legitimate.

Stratford council members did not, on the whole, attend many CRC meetings or public hearings. Therefore, the recommendations they made to the CRC after receiving its preliminary report were nearly all rejected by the CRC, because they were not considered to have been thoughtfully produced.

When council or board of selectmen members do not attend meetings and hearings, they lose legitimacy and, therefore, cannot act effectively to change a CRC's recommendations or reject the CRC's final report without making such rejection look purely political. It does not appear that the Stratford council considered rejecting the CRC's recommendations, but had it deliberated more on the issue of the council's loss of power, due to the creation of an independent executive branch, it might well have wanted to reject the recommendations. However, it was not in a position to make arguments its members had failed to make when given the chance during the CRC's meetings and hearings.

### **Educating the Public**

Lesson 21 - Whenever anyone talks about how there is no groundswell from the public, ignore it.

Soon after making his excellent observations (see Lesson 2), the CRC chair said that there was no groundswell among the public in favor of preserving the Council-Manager form. In fact, the public almost never gets excited about preserving

or changing its form of government. If the public does get excited, it is usually about preserving its form and it usually arises out of a fear of change.

Polls on a topic such as charter change are rarely believable. If questions are asked a certain way, anyone can get the public to look like it is on one side or the other. For example, if people are asked whether their form of government works, they will usually say that it could be better. But if you ask people whether they want to get rid of the position of mayor or town manager, they will usually say, No. If you ask people whether they want to preserve their town meeting or their right to have their say in referendums, they will always say, Yes. No one wants to give up his right to vote.

#### Lesson 22 - Educate the public.

A large majority of the CRC (8 of 11), a majority of the council, the state representative, the Chamber of Commerce, the newspapers – most of those in the public eye favored a radical change in Stratford's form of government and gave compelling reasons for it. And yet the charter amendments passed by a narrow margin (53% of the votes). Much of this can be explained by the fear of change. But this fear was somewhat offset by the sincere attempt of the CRC to educate the people of Stratford. This effort to educate very likely made the difference in the success of the charter revision.

The first public hearing was very poorly attended, and those who attended were not representative of the town. This turned out to be a good thing, because it forced the CRC to think how it could get more people interested and informed. It decided that it would be necessary to market the next hearing and schedule it for a weekend. It decided to put the charter on the website, and it also put up the minutes of CRC meetings. It decided to bring in a number of speakers. And it decided to talk with

people from town organizations, such as women's and veterans' organizations, labor and commerce groups, professional groups, and houses of worship (this dialogue should continue throughout the process, so that when the time comes to promote the CRC's recommendations, these groups will be knowledgeable and helpful). It might also have considered more creative, modern forms of the public hearing, including radio or town television call-in shows and an open internet discussion.

The next public hearing was well attended. The CRC found that people were dissatisfied but fearful of change, and that they did not know what they wanted to replace the form of government they had. The CRC decided to do more educating about the possible choices facing the town, including newspaper ads, a town mailing, and use of the website, radio, and schools. One thing it did not consider, but which the current East Windsor CRC did, was inviting in high school civics classes (the students could then educate their parents). Having high school students elect one of their peers to be an ex officio member of the CRC would heighten the interest. What would be the arguments against including civics classes (and even local college political science classes) in all aspects of local government? Perhaps the students' honesty and idealism would be considered inappropriate, and their questions would be unwelcome.

Even the most sincere CRC can only educate the public so much and so neutrally, because CRCs usually have a relatively narrow idea of the choices facing the town, and its members are usually deeply involved in town politics (although, by state law, only a third of a CRC's members may be officeholders, there are no restrictions on members of party town committees, on former officeholders, on members of former CRCs (they are often the majority of a current CRC), or on officeholders' families; therefore, on most CRCs there are few if any members who do not have a direct interest in the outcome and who have not been part of the debate leading up to the creation of the CRC).

One way in which the narrowness of the Stratford CRC limited the public's understanding was that it did not adequately explain the aspect of Stratford's government that caused the most confusion and consternation: the existence of both a councilman-at-large, who was elected by the entire town (all other council members are elected by district), and a council chair, who was selected by council vote and was the official town leader. This failure occurred because both sides wanted to change these positions, so there was no one to explain the advantages and disadvantages of the status quo.

It appears that a majority of the members on the Stratford CRC had decided they wanted a strong mayor at or near the beginning of the process. Therefore, they did not consider, and therefore could not educate town residents about, other alternatives, such as a weak but separately elected mayor in a Council-Manager form, a representative town meeting, a director of development, a board of finance, or an increase in nonpartisanship.

It is, in fact, the narrow point of view of most CRCs (whether for political or personal reasons) that necessitates a report such as this, which looks at the full range of forms of government, in a national and local context, and takes a critical look at the entire charter revision process, so that journalists, CRC and citizen group members, and others in a position to educate the public can themselves understand what is happening and why.

Sometimes the public is so poorly educated or so confused about charter revision issues that even those who go to the polls fail to vote for charter revision ballot questions. This was the case with many people in Stratford. In Meriden in 1996, a presidential election year, fewer than half of those who went to the polls voted for or against charter revision. In Waterbury in 2004, another presidential election year, only about 60% of those who went to the polls voted for or against charter revision. This

represents a serious failure to educate the public.

Lesson 23 - If you write a questionnaire to get feedback from the public, make it clear and simple, and do it after you have tried to educate, not before (although doing both is acceptable, as well).

In September 2002, at a time when most people, according to the CRC itself, were confused about the issues, the Stratford CRC placed in local newspapers a questionnaire for residents to answer. The questionnaire consisted of difficult, open-ended short-essay questions such as “What do you like about Stratford’s current form of government and what do you dislike...? Why?” and “What changes would you make to improve our current form of government?” and “Please suggest some ways in which Stratford’s government can be more responsive to the community’s needs.” Answers were received from only forty-six people, including officials, employees, and their family members. This is not surprising, since a sincere effort to answer the nine questions, one of which asked for additional thoughts about current issues (with five distinct issues suggested), would have taken hours for a highly-educated person, and would be beyond the capabilities of a sizeable percentage of the town’s residents.

A questionnaire should ask about a list of clearly but succinctly described alternatives. It should be drafted carefully, so that its questions do not suggest any particular answer. People on all sides of each issue should be allowed to suggest changes in wording. If residents are not, for the most part, knowledgeable about the town’s form of government and the issues being discussed, the questionnaire should be accompanied by a description of the alternatives being considered and, preferably, by arguments pro and con, each of them vetted by the other side(s), so that there is true description rather than propaganda.

Equally important is holding a number of public hearings throughout the

charter revision process and allowing (and encouraging) the public to speak and ask questions at every CRC meeting.

Lesson 24 - Specially formed political action committees, or community organizations that are already in existence, can be good vehicles for promoting charter revision (or its rejection) and for educating people directly and through the local news media.

In Stratford, two political action committees (PACs) were founded: Keep Efficiency, Effectiveness and Professionalism (KEEP), which sought to keep the Council-Manager form, and Stratford's Time for Accountability and Responsiveness (STAR 2003), which sought a Strong Mayor form. Since support for both these positions was somewhat bipartisan, and since neither party apparently wanted to take a position, the fund-raising and marketing of positions that party committees usually do had to be done through other means.

Although many important politicians, present and past, lent their names to one of these PACs, most of their members – and the most active ones – were ordinary residents. The PACs, therefore, were the only organizations that allowed ordinary residents to do more than state their positions at public hearings.

### **CRC Recommendations**

Lesson 25 - If the CRC's majority report, and those who support it, do not concretely delineate the changes in power relations, but instead talk about less concrete ideas, such as accountability and a better future for the town, those who oppose the CRC recommendations should make it clear how power relations would change and what that means to the parties, to unaffiliated voters, and to the town, and they should set their vision down on paper in the form of a minority report.

Forms of government consist of power relations. Various individuals and groups have certain powers, and their powers are kept in check or are overseen by other individuals and groups. These individuals and groups include elected officials, appointed officials, party officials and committee members, municipal employees, boards, committees, and commissions, and ordinary voters. The relative power of one individual or group can be affected by the order in which decisions are made and approved (e.g., the order in which a budget is formulated and approved by departments, the board of finance, the council or board of selectmen, the mayor, and the voters), by a veto (e.g., a mayor's of council decisions), by an override (e.g., a council's of a mayoral veto or appointment), by rejection (e.g., a town meeting's of a board of selectmen's ordinance), by critical oversight (e.g., a council committee's over a department), by terms of office (e.g., there is more voter control over an elected official with a two-year term than over one with a four-year term), by recall (e.g., of council members or mayors by referendum), by nomination (e.g., of people to run for office or be appointed), and by election.

Stratford's Council-Manager form gave the greatest power to the council. The council had full legislative powers, and it also appointed the town's chief executive officer, the town manager. However, besides the selection of (and power to fire) the town manager, who was supposed to be a nonpartisan, outside professional, it had no executive power. Executive power was in the hands of the town manager, who appointed and supervised all town department heads (the town attorney and assistant town attorneys, however, were appointed by the council). But this executive power was limited to implementation of policy, not the creation of policy. The budget was prepared by the town manager, but it was approved by the council. There was no board of finance nor was there a town meeting or budget referendum, two common checks on taxing and spending powers. However, the charter contained a recall



provision that made it reasonably easy for town residents to vote to recall a council member, providing a check on the council's powers (the CRC's recommendations removed this provision). Also, council members were elected by district, so that each council member had to please a relatively small number of constituents, who could follow that member's activities rather than all the council members. Party town committees determined who would be nominated to run for office.

The CRC's majority report did not delineate these power relations, or the effect on them of changing the form of government. And the council and other groups falsely portrayed the change as a "realignment" of two offices, as if power were passing from an unelected manager to an elected mayor, when in fact power was passing from a council elected by district and an unelected manager to a mayor elected at-large (for more on this, see Lesson 29). Few people seem to have truly understood the changes that were being made, not in any concrete way. Without honest talk about power, which is what charter revision is all about, people should be suspicious of talk about less concrete ideas such as accountability and a better future, because such talk is often, intentionally or not, a smokescreen that hides what is truly happening. The CRC's minority report did a good job of trying to sweep away the smokescreen.

Lesson 26 - If a charter is old and must be rewritten throughout, or if fundamental changes in the form of government are made, a CRC should seriously consider drafting a new charter rather than amending the old.

Over the years, more and more elements of a charter become outdated, due to new state laws and court decisions, and new uses of language, especially with respect to gender. In addition, the trend has been to make charters far shorter, far less detailed than before. Older charters often included long sections on procedures that are better dealt with in ordinances or are set forth in state statutes. They also went into great

detail describing the procedures and powers of various bodies. The concern was to limit powers. But now, under Home Rule, the purpose of a charter is to free municipalities from going to the legislature to approve new municipal powers and functions and, therefore, to grant the municipal government broad powers rather than narrow ones. A charter should, therefore, include the essential requirements of due process, and to complement the charter, the town's legislative body or board of selectmen may adopt an administrative code covering the details, or it may let the boards, commissions, and agencies handle the details themselves. Due process essentials include such things as requirements of adequate notice and hearing, as well as the administrative review of decisions.

In fact, there is little need for most boards and commissions to even be mentioned in a charter; their inclusion only makes it more difficult to create new bodies when new needs arise, or remove or consolidate them when they are no longer needed. The large number of such bodies in many Connecticut towns was originally intended to protect against administrative abuse. In towns without the sort of corruption that led to the founding of these bodies, they often lead people who want to be involved in town affairs to focus their energies on less useful work rather than getting involved in more important issues.

Well-written charters are very tightly organized. Because their provisions are interrelated, changes in one provision will lead to changes throughout. If only a few minor changes are made, amending the charter is adequate. But if there is to be a change in the form of government, most provisions will have to be rewritten. Since consistency is important both to understanding and to the legal effect of a charter, it is better to rewrite the charter as a whole, preserving only the portions unaffected by the change in form. The negative side of this wholesale rewriting is that it makes it clear to the public that radical change is occurring. Selling a rewrite is more difficult than

selling amendments, even if the amendments are great in number (they are usually presented as “technical changes,” which few people bother to look at; this too is a problem, because even minor changes in language can have a great deal of effect).

Lesson 27 - When a CRC spends a long time considering recommendations and seems to have taken its job seriously and honestly, the council or board of selectmen should not block the recommendations from going to a vote.

The Norwich council wrote in 2000, “It is not an abdication of City Council members’ responsibilities as elected officials to send to the voters reasonable recommendations with which they may not agree, whether individually or collectively.”

The Stratford council was almost evenly divided with respect to the change in government, and there was talk about the possibility that it might not allow some of the CRC’s recommendations to be put to a vote. Instead, it recommended amendments to the CRC recommendations, and the CRC rejected nearly all of them. The principal one the CRC passed was giving the mayor a line-item veto, a power that greatly strengthened the mayor relative to the council.

It is better for a council or board of selectmen to recommend amendments to the CRC recommendations than to prevent the recommendations from going to a vote. Recommending amendments makes the council members’ positions clear to voters without stopping the process just before it reaches its final point. If an elected body is so opposed to an unelected CRC’s recommendations, it should be able to easily convince voters to vote the recommendations down, since voters are generally so inclined anyway. If voters want the CRC’s changes, they will probably, at the same time, vote out those who oppose them. And this is, to some extent, what happened to some Democrats running for positions on Stratford’s council.

Councils are less likely than boards of selectmen to prevent CRC

recommendations from going to a vote, because their members have much less to lose (and, as in Stratford, council members, while giving up group power to a mayor, are the likeliest people to become mayor). Since boards of selectmen, especially the common three-member type, are not legislative, but executive bodies, they tend to protect their executive power. And unlike councils, whose members are generally paid little, first selectmen are often paid a great deal. Therefore, a town manager could mean a large loss of income to the first selectman, and his or her hand-picked second selectman will usually provide support in preventing a manager from being hired, even at the risk that people will be angry they haven't been given the opportunity to vote. As stated above, in Guilford the board of selectmen even stopped a CRC's proposal for a representative town meeting, because it would take power away from the selectmen, even though the first selectman would lose no income. However, Colchester's first selectwoman is currently seeking to take away her position's salary and have the town administered by a manager.

### **Selling or Stopping Charter Revision**

Lesson 28 - The wording of the charter revision ballot question(s) is extremely important and should, therefore, be discussed long, carefully, and honestly.

Most people, even those who vote, do not follow charter revision discussions very carefully. A simple argument can convince them to vote one way or the other, especially when it is not presented as an argument, but as something official, such as a ballot question. Therefore, the wording of ballot questions (where there can hardly be rational, in-depth analysis of a problem) can make all the difference when town residents are split on changing the form of government. A ballot question can appeal to voters' fears of change, or it can appeal to their feelings about such things as

professionalism, accountability, responsibility, taxes, and the provision of services. In other words, a ballot question can be an effective form of propaganda.

Hartford's city council phrased its successful ballot question in 2002 as follows: "Shall the Charter be revised to change the form of city government from the present Council-Manager form of government to a Council-Mayor form of government, where Council is *responsible* for the legislative functions of the city and the *elected* Mayor is the chief executive officer of the city *accountable* for the administration of city department functions and services?" (italics added) Note especially here how nothing is said in favor of the Council-Manager form, while the text about the Council-Mayor form is long and features three adjectives that appeal to everyone. Note also that the term "Mayor-Council" is written backwards, "Council-Mayor," so that the change looks less radical.

A failure to appeal to voters' emotions can lead to rejection of a change in government form. Andover's board of selectmen phrased its unsuccessful ballot question in 2002 as follows: "Shall the Town replace the First Selectman as Town Administrator with an appointed Town Administrative Officer?" The only adjective here is, for voters, negative, "appointed." There is nothing about professionalism or management, or the town as a multi-million-dollar business. This negative propaganda, whether intended or not, worked.

An appeal to voters' emotions is not enough. Town residents must also trust the council or board of selectmen, or they will reject such appeals. New Britain's council formulated the following ballot question in 1998: "Shall the Charter be revised to reorganize the structure of government to establish a *balance of power* composed of a mayor as the chief executive and the common council as the legislative body allowing for the *flexibility to conserve* public resources, *efficiently organize* the administration of

government and *meet the needs of the public.*” (italics added) This sentence is hard to follow, but it is overflowing with good-feeling words and phrases. And yet New Britain’s voters did not swallow the propaganda. They even voted down having the issue of council elections considered by a CRC the following year (although four years later they would vote to change the way the council was elected).

Trust is also an issue when ballot question language is technical or vague and, therefore, meaningless to voters. If they trust the people in power, voters will vote for charter revision questions they don’t understand; if they’re lacking trust in the town leaders, they’ll vote against them or not vote at all. In 2004, Waterbury voters rejected numerous charter revision ballot questions they apparently didn’t understand, even though the board of aldermen provided explanatory information on-line and in a pamphlet. At the same time, voters in Seymour narrowly approved charter revision recommendations even though many people said they didn’t know much about the changes. For the most part, voters who did not understand the ballot questions either voted yes or did not vote at all. Still, the margin was only 45 votes.

For a list of recent ballot questions, see Addendum B.

Lesson 29 - If you want to make a radical change in form of government, market it as a moderate change, and change as few titles as possible. If you want to stop change from occurring, brand it as radical.

Stratford’s CRC recommended changes that took executive authority from a professional, nonpartisan town manager answerable to the town council and placed it in the hands of an elected, partisan mayor with a line-item veto over council decisions. The only change more radical than this would have been replacing the council with a town meeting, while replacing the town manager with a first selectman. And yet the CRC agreed to market the change as the “realignment of two offices,” since as a

replacement for the town manager (duties, not powers) they were creating a chief administrative officer position (answerable to the mayor, not the council). In fact, the CRC's minority report called for something closer to a true realignment of offices, giving the council chair (as council president) more power within the Council-Manager form (although letting the council chair appoint the manager actually changed the form more than the minority stated). By packaging their recommendations as if they were no more a change than the minority's recommendations, the CRC majority was successful in overriding the fears of many of Stratford's residents.

The minority tried to paint the change as radical, but they appear to have made primarily rational arguments, rather than making fear of change central to their campaign. They did not succeed in frightening voters into voting against the CRC's recommendations.

Lesson 30 - Make the connection between charter revision and lower taxes, as well as higher revenues.

Both sides in the Stratford charter revision process emphasized the need to have a visible town leader who could focus on economic development and inter-governmental relations, to bring into Stratford more businesses, taking the tax burden off individuals, and to obtain more grant money from the state and federal governments. These are goals that nearly everyone shares, and the side that can best tie these goals to its vision of government will have the best chance of having its vision ratified in an election.

But in fact, attaining these goals has little to do with a change in the form of government. In Stratford's case, the council could have hired a director of economic development, or the council chair could have been given the title of Mayor along with

principal responsibility for economic development and governmental relations. After all, 19 of Connecticut's 30 Council-Manager towns do have a mayor who is a council member. A change less radical even than that proposed by the CRC minority would have satisfied this need and would have sailed through a public election.

In other towns, people argue that mayors or town managers or councils tend to spend too much money, for a variety of reasons, most of them spurious. There is little if any connection between form of government and lower taxes (numerous studies have come to this conclusion; several of these are discussed in Kemp's *Forms of Local Government*, see Addendum D), but aside from accountability, few other arguments seem to work better to get the public to accept change, since the one change everyone wants is lower taxes.

Lesson 31 - If charter revision is largely a partisan issue, be sure you win the election held at the same time as the ballot questions are voted on. However, if you change the town's power dynamic and win the election, charter revision could come back to haunt you.

Although charter revision in Stratford had supporters from both parties, it was primarily supported by Republicans, whose party was out of power. It is common for the minority party to sponsor a change in the form of government, because it is an issue on which to base their campaign and it can also be a way for them to change the power dynamic in the town.

When one party has been in power for a long time, it attracts most of the people who want the benefits of power and it becomes complacent, if not corrupt. Since the majority party often provides adequate services and keeps taxes under control, it is sometimes necessary for the minority party to break the logjam in a way



that has nothing to do with services or taxes. One way to do this is to make it possible to take power without a council majority: by getting a party member elected as a strong mayor.

However, if a party does not have attractive candidates or is perceived as pushing for a change in form of government primarily to take power, charter revision can fail along with the party's council or board of selectmen campaigns.

In Stratford, the Republicans succeeded in taking control of the council at the same time they succeeded in lessening the council's power by changing to a strong mayor system (it should be noted that, apparently, the Republicans did not take an official position on charter revision, leaving the decision, they said, up to the people, and the promotion of charter revision up to the political action committee STAR 2003). Stratford Republicans must now win the mayoral race in November 2005 for their victory to be complete. If they lose the mayoral race, they might rue the day they pushed for charter revision.

## 10. Charter Revision Rules: Problems and Solutions

One of the most serious problems with the charter revision process is the state rules that govern it. They give so much power over the process to the council or board of selectmen, the bodies who often have the most to lose from a change in form of government, that it is extremely difficult to make changes. This section lays out the problems and suggests solutions.

### 1. Appointing Body

a. If the appointing body (council or board of selectmen) is itself a problem (personally or structurally) or if the appointing body does not want to give up power (to, say, a mayor or a representative town meeting or a board of finance), it might select CRC members who want to preserve the status quo. If the majority party on the appointing body wants a particular outcome, it can select CRC members from its party, the other party, and unaffiliated voters who seek the same outcome or, at least, are not likely to undermine the goals of the people who selected them.

b. Because the great majority of appointing body members are affiliated with parties, they tend to select CRC members who are far more affiliated with parties than the town's voters are. Although it is arguable that party affiliation is useful when one is running for office, it provides no advantage for serving on a CRC. When partisan rancor is a problem, party affiliation becomes a disadvantage for serving on a CRC.

c. These biases in favor of the appointing body's goals and affiliations could be removed by changing the rules so that the selection of CRC members is controlled not by the appointing body, but by nonpartisan community organizations, such as the League of Women Voters; or by the town meeting; or by a nonpartisan appointing

body at the state level, which would choose from volunteers who ask to be on the CRC, without regard to their views, party affiliation, or connections. As an alternative, the same two-thirds majority that is necessary to create a CRC could be required to vote for each member of the CRC. This would mean that, in most towns, CRC members would have to be acceptable to both parties, although the members of the appointing body could get around this by agreeing that each party would select its members and the other party would approve its choices.

The problem of too high a percentage of affiliated CRC members could be solved by requiring a percentage of unaffiliated or minor party CRC members that approximates the percentage of unaffiliated and minor party voters in the town, with the rest of the seats to be divided evenly between the two major parties. If this requirement were in place, the town party committees could select the affiliated CRC members, and a community organization(s) or state appointing body could select the unaffiliated members.

## 2. Political Parties.

a. The rules make it difficult for the minority party to get a CRC established, because they require a two-thirds vote of the appointing body. And yet it is the minority party that is usually more interested in considering change, while the majority party usually has a greater interest in preserving the status quo. Thus, the decision to consider charter revision is in the hands of the people least likely to want change in the form of government. One solution to this problem is what many towns do: require that a CRC be established at least every ten years. This is a requirement that should be considered at the state level, so that the decision whether to appoint a charter revision commission (as well as the decision whether to require regular charter revision commissions) is not in the hands of those who have the most to lose from charter

revision.

b. Even if the CRC does make recommendations for changes in the form of government, the appointing body's majority party can prevent the recommendations from going to the public for a vote. The appointing body's job is to appoint CRC members; it should not have the right to also override their recommendations. Therefore, the rule should be changed to take away the appointing body's right to reject a CRC's recommendations. If the majority party disapproves, it can recommend amendments. If these are rejected, it can easily get the ear of the town's residents and ask that they vote against the CRC's recommended changes.

3. Politicians on the CRC. The state rule is that no more than one-third of a CRC's members may currently hold public office in the municipality. Because the rule does not apply to past officeholders, and because people move in and out of municipal office so often, yet retain their seats on party town committees, most CRC members tend to be former officeholders who are current party town committee members. They also tend to be former CRC members. Rethinking a town's political system is left to those who have been running it (or, through the party committees, are still involved in running it) and those who have already had an opportunity to change it. Although they may be more knowledgeable about the workings of government, politicians also tend to be more constrained (by being insiders and being concerned about getting re-elected or going against their party's position), less neutral, and less likely to think outside the box.

In other words, while some appointing bodies, especially in small towns, do look far and wide for CRC members, in most towns party outsiders and unaffiliated voters, even professionals with the knowledge and skills to make a difference, are no more appointed to CRCs than they are to other public offices.

The state rule should be expanded, so that in towns with a population greater than ten thousand, no more than one-third of a CRC's members may consist of people who have ever both held public office and are, or have recently been, a member of a party town committee. In the alternative, appointing bodies should be required to widely publicize a search for CRC members and to not turn away any outsider if their number equals or is less than two-thirds of the CRC membership.

#### 4. Public Involvement.

a. Changing the form of government is rarely a popular democratic act called for by the general public. However, a CRC can be created by petition, and this sometimes occurs, usually led by the minority party or a taxpayers organization. But it is rare that a petition seeks a change in form of government; more often it seeks something very specific, such as changes in the rules for budget or bonding referendums (a CRC can, however, go beyond what the petition calls for). When a CRC is created by petition, the rules do not change, even though it is likely that the majority party on the appointing body opposes the changes petitioners seek. The majority on the appointing body still has the power to appoint the members of the CRC, to recommend changes, to reject the CRC's recommendations, and to word the ballot question(s). Since the appointing body has taken a position opposed to at least the charter revisions included in the petition, it does not seem fair that it should be able to stand in the way of the CRC's neutral consideration of these changes, either by appointing members or by rejecting the CRC's recommendations. In such an instance, the CRC should be appointed by a neutral organization and should be allowed to send its recommendations directly to the public, after the council has had a chance to offer amendments.

b. Besides creating a CRC via petition, the rules for charter revision include the

public in only two ways: a minimum number of public hearings are required and the CRC's recommendations go to a public referendum. Only three hearings are required, one at the very beginning of the process, one after the CRC has made its recommendations, and one before the appointing body makes its decision whether to send the CRC's recommendations to a vote. However, most CRCs hold more than the minimum number of hearings, to get more public input or so that their decision is seen as legitimate. But few charter revision public hearings are well attended, and those who speak at them are generally politicians. The public is usually passive during the charter revision process, often because people do not understand the process or do not find it as important as more concrete issues, such as taxes, services, schools, and economic development. But then suddenly the public is asked to be active, to make the final decision on what the charter revision process has produced. Most people choose not to vote at all, and it is likely that most of those who do vote do not truly understand what they are voting about. The rules do not require any sort of public education. They should require that a flyer be sent to all registered voters, stating in detail what has been recommended, and allowing representatives on both (or more) sides of each issue to explain their views. It should also be a requirement that this information be made available on-line, along with transcripts or minutes of all CRC meetings and hearings, meetings and hearings of the appointing body that relate to the CRC, reports of the CRC (majority and minority, as well as subcommittee and research reports), information about the CRC members (job, affiliation, former and present positions), and any other information available to the CRC and the appointing body. Some towns do this, and their efforts should be taken as a model for legislation.

## 5. Timing.

- a. The appointing body usually determines when a CRC is formed, and it

always determines when the CRC's draft report must be submitted and whether the CRC's recommendations will be voted on at a normal November election or at a special election. This power of the appointing body matters a great deal for three reasons. First, if the deadline for submission of the draft report is too soon, it will prevent a responsible CRC from considering major charter changes, such as in the form of government. Second, if the deadline for submission is too far away (it can be up to sixteen months), this takes a lot of wind out of the sails of any movement for charter change. Third, if the appointing body chooses to have the CRC's recommendations voted on at a special election, it is far more difficult to have such recommendations approved, because at least 15% of registered voters must vote in favor of the recommendations for them to pass. It is rare for much more than 15% of voters to vote in a special election, especially when taxes are not involved.

b. Since special elections are expensive and attract few voters, they should not be an alternative available for votes on charter revision recommendations. This option asks to be abused. In the alternative, there should not be any minimum percentage of votes required for passage of charter revision recommendations.

c. Since even a CRC created to deal with a specific issue can look at all charter provisions and consider all sorts of changes, from typos to a change in form of government, there should be a minimum length of time, at least five months, and a shorter maximum length of time, no more than a year, before the CRC files its draft report. And the appointing body should be required to create a CRC at a time when its recommendations can be voted on in November, without too large a lag between the filing of its report and the election. A range of limits could be included in the charter revision rules, so that political games cannot so easily be played with timing.

## 6. Ballot Questions.

a. As it stands, the appointing body has five opportunities to help or undermine the chances of charter revision: by deciding whether to have a CRC, by appointing CRC members, by determining the timing of various events, by accepting or rejecting the CRC's recommendations, and by wording the ballot question(s). Whether or not the CRC has been created by the appointing body, the appointing body should not be able to word the ballot question(s), at least not by majority vote.

As discussed above in Lesson 28 and on pages 34-35, wording of the ballot question(s) can make the difference between their acceptance or rejection by voters. This wording is too important to be left to the political party that controls the appointing body and is often opposed to charter revision. The ballot questions' wording should be discussed long, carefully, and honestly, the appointing body should be consulted, and the wording should be approved by a two-thirds vote of the CRC, not by the appointing body.

b. An equally serious problem with ballot questions is the fact that voters can only vote for one solution to a problem. For example, everyone in Stratford agreed that something had to be done to improve the form of government, but there were two distinct solutions, one embodied in the CRC's majority report, the other in the minority report. However, voters were not allowed to vote for the minority solution. They had to choose between the majority solution and the status quo. The rules should allow voters to choose between two different sets of recommendations (as in Stratford), or between the status quo and two different sets of recommendations. If three or more solutions are included on the ballot and none of them wins a majority, there could be a runoff between the two with the largest number of votes. This is complicated, but under the current rules, so is the decision of people who support the minority solution: they must choose the lesser of two evils. The difference is that, as in Stratford, where everyone on the CRC agrees that both solutions are improvements on



the status quo, town residents should be able to vote on which of the two solutions they prefer.

Massachusetts does not have the politicized charter revision process that Connecticut has. In Massachusetts, the charter revision process begins not with a decision by town leaders, but by petition of fifteen percent of registered voters (ten percent for cities that want to change to one of six designated forms of government without calling a CRC). CRC members are selected not by politicians, but are nominated by residents and elected on a nonpartisan basis in an election at which the question is also asked whether the voters want a CRC to be created. Town councils and boards of selectmen can themselves propose charter amendments, which need not go to referendum, but they cannot make “any change in a charter relating in any way to the composition, mode of election or appointment, or terms of office of the legislative body, the mayor or city manager, or the board of selectmen or town manager.” In other words, only an elected, nonpartisan CRC can propose a change in the form of government, and such a proposal cannot be blocked by the elected officials it affects, but only by the town’s voters or the town meeting (in Massachusetts, town officials are elected at town meetings rather than in elections; a vote on charter revisions is held at the same time officials are elected).

In addition, it is the Massachusetts CRC, rather than an appointing body, that determines how many questions to present to voters, and the state statute sets forth the basic form of such questions, which excludes propaganda. Also, the CRC’s report must be distributed to every residence in town with at least one registered voter, at least two weeks before the election. Multiple alternatives can be submitted to voters, with the one that gets the largest vote winning. For more information, see Mass. General Laws Ch. 43 & 43b (<http://www.mass.gov/legis/laws/mgl/gl-pt1-toc.htm>).

Massachusetts' charter revision process is certainly not perfect, but it presents a clear alternative to a process which gives a principal role to those with the greatest interest in preserving a situation that benefits them personally and politically. It also recognizes that charter revision is nonpartisan and, therefore, that parties should play no more role in it than any other community group.

## Addendum A

### Examples of Changes in Form of Municipal Government

1. From Town Meeting form to
    - a. Representative Town Meeting form
    - b. Council-Manager form (council could be called board of selectmen to provide appearance of stability, but the board would increase in size to at least five members and act as legislative body rather than executive body) (with a weak mayor or first selectman, or a council president or chair)
    - c. Mayor-Council form (council could be called board of selectmen to provide appearance of stability, but the board would increase in size to at least five members and act as legislative body rather than executive body)
      - (1) Strong Mayor form, where the first selectman or mayor would keep many of the first selectman's powers, but where there would be oversight and representation by a sitting legislative body
      - (2) Weak Mayor form, where the first selectman or mayor would be a member of the council (either chosen by council members or directly by voters) and would have fewer executive powers (generally, but not necessarily, this form would have a town manager as the executive)
- (Note: in either b or c, the town meeting may be preserved for specific matters, such as discussion of the budget or approval of large bonds and

appropriations, but generally these rights of the town meeting are preserved, if at all, in the form of referendums)

2. From Council-Manager form to

- a. Strong Mayor form, where a mayor (or first selectman) would take on most of the manager's executive powers (often, the mayor appoints a chief administrative official who has many of the manager's duties, but few, if any, of his powers)
- b. Council-Manager form with a weak mayor instead of a council president, providing the town with a clear leader who can represent the town ceremonially and externally (the mayor may also have focused responsibilities, such as for development)

3. From Strong Mayor form to

- a. Council-Manager form, usually with a weak mayor to preserve continuity
- b. Weak Mayor form without a manager, changing the balance of power between mayor and council (usually the mayor would still be elected separately and would have more powers than a weak mayor in the Council-Manager form, but less than a strong mayor)

4. From Weak Mayor form to

- a. Council-Manager form, preserving the weak mayor
- b. Strong Mayor form

5. Town Meeting: Changing the level of power that a board of selectmen has over calling, setting the agenda of, and running the town meeting; this may include

changing the rules of procedure (e.g., by preventing the closing of debate until everyone has had his say, or by developing special rules or selecting a simplified version of Robert's Rules); changing the rules for calling or petitioning for a town meeting; creating a regular (say, bimonthly) town meeting that can deal with any issue residents choose to raise (or, at least, one annual meeting, that could go past a single meeting, that has this authority); using the town meeting to provide advice on a wider range of issues rather than binding decisions on a small range of issues; creating town meeting committees similar to council or representative town meeting committees (this will effectively create a representative town meeting, not in terms of voting, but in terms of people who feel responsible (although not to particular neighborhood) and provide continuity); changing requirement for voting in town meeting and/or referendums (whether elector (including non-resident property owners) or registered voter); or changing or adding a quorum requirement for the town meeting (to prevent a small number of unelected and unrepresentative residents from making important decisions for the town, and to encourage town leaders to effectively notice and advertise town meetings). An additional change that may be made is, in the many instances where the state legislature passes statutes governing municipal behavior, to change the legislative authority given to the board of selectmen that is, in other forms of municipal government, given to municipal legislatures; this can be done either by specifying the statutes being overridden or by generally stating that all such authority is automatically given to the town meeting or a committee thereof (which would most likely have to be created), or to the representative town meeting.

6. Referendums: Addition or removal of, or changes to, referendum rights; votes by

town meetings are often transferred to votes by referendum, especially with respect to the annual budget (although the town meeting usually still meets to discuss the budget, when there are referendums fewer people attend the town meeting and those who vote are usually less knowledgeable and less likely to have been confronted with arguments for and against approval); when a Town Meeting form is changed to another form, the town meeting is sometimes preserved for limited purposes, but its votes are often transferred to votes by referendum; other considerations include whether to require a minimum turnout for a referendum to count (this prevents, for example, sneaking through votes when people are away in the summer or over holidays), whether referendums are automatic or must be petitioned for, and whether referendums are binding or nonbinding

7. Budget Process: Adding, removing, or changing the powers of the board of finance.

This can be done alone or in conjunction with a change in form, to add or improve oversight, to add another level of approval to budget process, or to remove a level when adding others (e.g., mayor or council). There are numerous other changes that can be made to the budget process, including the order of consideration and approval; who sets and confirms the mill rate; voting percentages; whether town meeting or referendum votes can specify that the budget is too high or too low; the effect of or next step after town meeting or referendum rejection of budget (process of making budget cuts); each individual's or body's budget review period; timeline (relative to information re announcement of state funding, for example); hearings required; number of referendums allowed; whether referendums are automatic or limited (e.g., no referendum if budget does not go up by some percentage); using percentages

(e.g. of budget) instead of amounts so that numbers (such as appropriations required to be approved by council or town meeting) can rise automatically with inflation; supplemental appropriations and transfers; the capital budget and additional capital expenditures; and board of education budget (role, if any, of mayor, board of selectmen, manager, council, or board of finance).

8. Non-budgetary Expenditures and Transactions: Adding, subtracting, changing, or clarifying the non-budgetary items that require town meeting or council approval, for example, land transfers and leases; bonds; ordinances; collective bargaining and other contracts or commitments; filling vacancies; changing amount of bonding or appropriations that can be approved by board of selectmen without seeking approval of town meeting, or by mayor/manager without seeking approval of council; and personnel matters.
9. Reserve Fund and Transfers: Creating or getting rid of, changing or checking authority over use of reserve or contingency fund, either between town meeting/referendum and board of selectmen, or between mayor/manager and council, with potential role of the board of finance. Also, authority over, and checks on, moving funds between departments, especially out of pension funds into general funds (which has been a problem in some Connecticut towns).
10. Splitting Up Votes on Government and Education Budgets. This was found to be legal by the Connecticut Supreme Court in *Board of Education v. Naugatuck* (268 Conn. 295 (March 2004)). This is often done because many people vote for high government budgets to preserve the education budget; splitting the vote allows the government budget to be treated on its own merits. A related

issue is whether to centralize government and education purchasing and accounting.

11. Partisanship: Changing from partisan to nonpartisan primaries and elections, or vice versa. However, in Connecticut there are currently no nonpartisan municipal primaries or elections on the government side and few on the education side. Related issues: determining the nominating and other roles of party town committees, the ease with which independent and minor party candidates can run for office (see 15 below), and requirements for the appointment of volunteers who are unaffiliated or have no support from party town committees.
12. Bodies: Changing the size of legislative body, boards, or commissions, or changing how many seats voters can vote for.
13. Boards and Commissions: Adding, subtracting, merging or dividing boards or commissions, including the taking away of executive or legislative powers and giving them to a board or commission (this often involves taking legislative powers from a council and giving them to a board appointed by the executive). There has been a trend in merging zoning and planning functions in a single commission, although this might involve too much work in towns with a great deal of development activity.
14. Nomination process: Changing it so that, for example, there are competitive elections for every seat. In many towns and for many bodies covered by bare majority minority representation rules in the charter, parties nominate only one



candidate more than half the seats on the body (e.g., five nominees for nine seats), so that all but one candidate wins a seat; this gives a great deal of power to the party town committees, gives voters almost no choice, and therefore lessens interest and participation in municipal elections.

15. Voting process: Changing it to give independent and minor party council candidates a better chance of getting elected. Alternatives include (i) allowing voters to select only a portion of the candidates running for at-large seats, for example, 5 for a 7-member council; (ii) having voters rank candidates in order of preference; (iii) cumulative voting, where voters get 7 votes for 7 seats, but they can concentrate those votes for one or more candidates, e.g., 3 votes for Candidate A and 2 votes each for Candidates C and D; and (iv) proportional representation, where there are more than two parties, allowing a minor party a chance to get a seat on a 9-member council even when it only has the support of, say, 15% of the people in town (proportional representation has recently been recognized as an alternative by the National League of Cities in its Model Charter).
  
16. Mayoral Role on Bodies: Inclusion or exclusion of mayor/first selectman on boards and commissions (including board of education; in some cities, strong mayor appoints some or all of board of education), as non-voting/ex officio member, tie breaker, or full voting member.
  
17. Minority Representation: Requiring it on boards and commissions where not already required by state law (CGS §9-167a) or to an extent greater than required (the requirement is for no more than a 4-1 split on a five-member

body, 5-2 on seven-member body, 6-3 on nine-member body ; many towns' charters allow only a bare majority, that is, 3-2 or 4-3, but since this is in terms of the majority party's limit, in a strongly one-party town with a seven-member council there could be 4 members of the majority party and three members of minor parties or independents (often former members of the majority party), with no members from the minority party).

18. Filling Vacant Seats: Changing how vacant board and commission positions are filled (by executive, by legislature, by a combination of the two, by departing member's party town committee, or otherwise).
  
19. At-Large vs. District: Changing from (or to) a council that is elected at-large to one of several alternatives: (a) elected at-large, but with district residency requirements for candidates; (b) elected by district or ward (often called board of aldermen); (c) is elected partially at-large and partially by district (a hybrid council); or (d) one of the more unusual alternatives described in #15 above. A factor to be considered here is minority representation, a limit on the percentage of seats held by the majority party (pursuant to CGS §9-167a) that is lost when voting is done by district (the minority representation rule can complicate hybrid voting: see Danbury for an example). Another issue involves which individuals and/or bodies set the district boundaries and the size of the majority required to set them.
  
20. Elected vs. Appointed: Changing a position or board/commission from elected to appointed (or from appointed to employee), and vice versa. Appointment may be made by the executive (mayor/manager/first selectman/board of selectmen)

or by the legislative body, usually with approval by the other (except where first selectman/board of selectmen). Recent instances of such change include the board of finance, zoning board, library board, board of education (partially or wholly), treasurer, tax collector, clerk, town attorney, department heads. The current trend is to make more positions appointed, because it is impossible for voters to assess a large number of candidates for positions they do not understand; but this depends on how much voters trust those who would have the power of appointment compared to how much they trust the party town committees who nominate candidates for election (a principal element of trust here is the selection of qualified and capable people rather than people who are loyal or who are owed favors).

21. Veto and Majorities: Giving or taking from the mayor a veto over council decisions (and whether line-item or all-or-nothing veto). Another consideration is allowing the council an override of the veto and the size of the majority needed to override. A related issue is the size of the majority required for other sorts of council votes.
  
22. Council President: Giving or taking from council right to remove council president.
  
23. Terms of Office: Increasing or decreasing term of office of mayor, first selectman, council members, board of selectmen members, clerk, board and commissions members, etc. In general, shorter terms favor accountability, longer terms favor stability and experience, but stability and experience are often exaggerated, because incumbents are usually re-elected when they run. Councils often want

the same term as the mayor, but voters prefer to give mayors longer terms, feeling this allows them to be more effective leaders or stand up to a party machine. With councils and boards, there is also the question of whether to stagger terms so that there is not a complete turnover of personnel, although this chance is usually slim if terms are not too long; with longer terms, staggering them is more advisable to provide continuity of experience. Longer terms are sometimes combined with recall provisions and/or term limits.

24. Term Limits: Placing or removing, increasing or decreasing term limits on people holding a particular position in municipal government (for all positions, for mayor and council, for members of land-use bodies that can become too cozy with developers, and for any other position or body). Another choice is a term limit followed by a fallow period before running or serving again.
25. Recall: Allowing, disallowing, or changing the rules with respect to the recall of elected officials.
26. Charter Revision: Mandating appointment of CRC on a regular basis (usually no less than every ten years, but as little as every two years) or changing the mandate, if there already is one.
27. Website: Requiring the placement of the charter, ordinances and proposed ordinances, development and environmental plans, notices and agendas of meetings along with all relevant documents, minutes and transcripts of meetings, administrative and legislative annual reports, complete budget data and information (as it becomes available to officials), and other types of

information on the town website in a timely manner. Nothing helps make officials accountable, and gives residents power, more than access to information on a timely basis.

28. Meeting Records: Requiring full transcripts of council, board of selectmen, town meetings, and other important meetings.
29. Code of Ethics: Requiring a code of ethics for town officials and employees, as well as for consultants, lobbyists, and those doing business with the municipality; important considerations include who selects the people who write the code of ethics, who selects (and, possibly, approves) the members of the board of ethics, whether advisory opinions can be given only by ethics board or also by town attorney, who can discipline ethics code violators, basic guidelines/purposes of code of ethics, mandated regular period for consideration of revisions to code of ethics (for more on codes of ethics, see my Municipal Ethics Survey at <http://www.commoncause.org/atf/cf/{FB3C17E2-CDD1-4DF6-92BE-BD4429893665}/2004%20municipal%20ethics%20survey.pdf>)
30. Competitive Bidding: Allowing, disallowing or changing the rules with respect to sealed competitive bidding for contracts with the town over a certain amount (including rules relating to whether or how contracts can be divided up in order to get around such rules)
31. Personnel: Changing rules on the authority to hire and fire personnel, to fill vacancies, and to negotiate with unions and to set labor negotiation standards

32. Independent Legislative Legal Counsel: Provision of independent legal counsel for legislative body

33. Boroughs: Consolidation of town and borough, or creation of borough