



WILTON LEAGUE OF WOMEN VOTERS

REPORT OF THE
TOWN GOVERNMENT STUDY
COMMITTEE

MAY, 2006

WILTON LEAGUE OF WOMEN VOTERS

Town Government Study Committee

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WILTON LEAGUE OF WOMEN VOTERS
TOWN GOVERNMENT STUDY REPORT

EXECUTIVE SUMMARY

Recommendations

The Wilton League of Women Voters recommends that the Board of Selectmen:

- 1. Appoint a Charter Commission with a charge to consider a change in the election process and terms of the Board of Selectmen**
- 2. Instruct such Charter Commission to consider the creation of the position of Town Manager.**
- 3. Take steps to improve citizen involvement in town government**
- 4. Consider the appointment of a Chief Administrative Officer for the town.**

Rationale

Board of Selectmen

The changes in the election process and terms of the Selectmen represent the most significant changes in town government recommended by the Wilton League of Women Voters after a yearlong study in 2005-06.

Under Wilton's Town Charter, each member of the Board of Selectmen, including the First Selectman, is elected for a term of two years. All are elected at the same time, so that it is possible in a given election year, that all, or most, of the Selectmen will be new to the office. At a time when the complexity of town government, and the need for long-range planning has increased, the potential of a sudden loss of historical institutional memory can lead to a decrease in effectiveness. The League recommends, therefore, that the terms for the Board of Selectmen should be longer, and overlapping,

The League further recommends that the voting for the Board of Selectmen and the First Selectman should be separated. Currently, when a candidate for First Selectman is unsuccessful, the votes for that person are then counted as votes to be a member of the Board of Selectmen. A credible candidate, therefore, must demonstrate availability to serve as a full-time administrator, but must also be willing to serve as one of the remaining board members, a totally different responsibility. Another concern is that the losing candidate may

receive a sufficient number of votes to replace someone who is a candidate for the Board alone. Because of these complications, it is sometimes difficult to find willing candidates for First Selectman – one willing to serve in either of two positions and not reluctant to bump a deserving incumbent.

Amending the Charter

Under Connecticut law, a change in Wilton's Charter would require the appointment of a Charter Commission, several months of deliberation, hearings, negotiation, and, finally, a referendum. The League recommends that the Board of Selectmen appoint a Charter Commission in order to amend the Charter along the lines proposed.

A Town Manager

Once a Charter Commission is appointed, the League recommends that the Commission give serious consideration to the creation of the position of Town Manager, a paid, professional administrator, who could serve either along with a First Selectman or as a replacement for the First Selectman. Such a position might have organizational and cost ramifications beyond the scope of the League study. Nevertheless the concept had sufficient merit for the League to recommend detailed exploration by a Charter Commission.

The Town Meeting

A major component of Wilton's present structure of government is the Town Meeting, and so considerable attention was given to whether or not the Town Meeting should be eliminated or replaced. In fact, the initial impetus for the study was the concern about the fact that an ever-diminishing percentage of voters have been making major financial decisions. At the same time it was recognized that if all voters wished to attend a meeting of the Town Meeting there would be no facility large enough to hold them all.

Nevertheless, in spite of these concerns, the League was not ready to recommend elimination of the Town Meeting. There are two lines of reasoning behind this decision:

1. The belief that most Wilton voters are satisfied with the decisions that have been made by elected town officials and thus do not see the need of making the effort. However, they wish to retain the right to participate when they feel it is necessary.
2. The concern that to move away from the Town Meeting would diminish public involvement when the goal should be to find ways to increase such participation.

The powers of the Town Meeting were changed in the most recent Charter (1992) to give most of the ordinance-making power to the Board of Selectmen. There could be further limitation to other powers that could be considered, however, as long as the basic structure is retained.

While open to the possibility of further limiting the powers of the Town Meeting, the League does not support the substitution of a Representative Town Meeting (RTM) for the opportunity for direct participation by each voter.

Board of Finance

One existing limitation on the actions of the Town Meeting is the power of the Board of Finance to set a ceiling on the amount of funding that may be appropriated. The League supports retention of the Board of Finance, with present powers intact.

Other Changes – No Charter Required

At the start of the study, the League study group set three standards by which to judge the various possibilities that might be open. We asked whether a particular change would:

1. Increase citizen involvement in decision-making.
2. Enhance the quality of decisions made.
3. Result in greater effectiveness of town government.

This perspective led us to recommend additional improvements, those that would not require amendment to the Charter. These proposals involved ways to improve participation through better and more extensive communication of town to public, such as newsletters, greater TV coverage, etc., as well as ways to make Town Meeting participation more convenient, such as a change in days, hours, or methods of voting (within Charter constraints).

Finally, the League supports consideration of the appointment of a Chief Administrative Officer. This position would be an alternative to, or perhaps an interim step prior to some future creation of, a Town Manager. As with that professional position, the necessary investigation of the ramifications of such appointment in terms of administrative detail and cost were beyond the scope of the League study, but were considered to be of sufficient interest to recommend consideration.

Conclusion

The League will advocate actively for our recommendations for both structural and nonstructural changes. We will monitor the activities of a Charter Commission, should one be appointed, and follow with great interest any other Town action on the topics addressed in this report.

We have called attention to some of the challenges of a 21st Century government with a 19th Century form. We hope that our community can keep up with the many challenges of today while still retaining some of that old New England tradition and charm.

WILTON LEAGUE OF WOMEN VOTERS
TOWN GOVERNMENT STUDY COMMITTEE REPORT

MAY, 2006

INTRODUCTION

After a disappointing turnout of 14.2% for the Annual Town Meeting in May, 2005, some concerned members of the Board of Finance thought that the League of Women Voters might be able to help. The League was pleased with this request, for it came at a time when League members had decided that after more than a decade of experience with the Town Charter it was time to see whether that document was still appropriate in light of increasing governmental complexity and demands. We decided to select the topic of Wilton's form of government as the issue for extensive study in the 2005-06 League year.

Two questions immediately came to mind. First, is the low attendance at town meetings a real problem, or does it mean that most Wilton voters are satisfied with the decisions made by their elected officials? Second, are there other forms of government permitted under Connecticut law that would result in greater citizen involvement, a higher quality of decisions made, and greater effectiveness of town government?

With these two questions to address, the study began. This report describes our process, our findings, and our recommendations.

THE STUDY PROCESS

The kickoff for the study was a luncheon talk in September by Mike Martin, Research and Services Manager for the Connecticut Council of Municipalities, who described the various forms of town government in our State. Members were invited to join a study group to investigate the issue further.

In October, fifteen interested League members came together to form a study committee. This group included past and present town officials, long-time residents, and members of several political and public service organizations.

During the subsequent months, the committee gathered information and opinion from a variety of sources:

- A list of forms of government for Connecticut towns similar to ours.
- Interviews with officials in a subset of the above towns.

- Written materials such as the Connecticut General Statutes, the Connecticut State Register and Manual, the Model City Charter from the National Civic League, charters from several towns, and the Wilton Town Charter,
- Guest speakers, including Avon’s Town Manager, Wilton’s top administrators, and Wilton’s past and present First Selectmen.
- A survey of public opinion on Wilton’s Town Meeting form of government.
- A public forum, co-sponsored with the Wilton Library, to expand on the issues raised in the survey.
- General membership meetings in January and April to discuss the issues raised and to reach consensus on what recommendations the League should make.

In May, the Board of Directors of the League approved the consensus reached at the April membership meeting.

THE FINDINGS

The information gathered and discussed by the study group include first, a description of Wilton’s present form of government and, second, a consideration of other forms of town government that are permitted under Connecticut’s Home Rule statutes.

WILTON’S CURRENT FORM OF GOVERNMENT

Our form of town government is called, “Selectmen-Town Meeting-Board of Finance.” Governed by a Town Charter adopted in 1992, and in compliance with the General Statutes of Connecticut, the Town Meeting and the Board of Selectmen share the legislative responsibility, and the First Selectman is designated as the Chief Executive Officer and Chief Administrative Officer.

The Town Meeting and the Board of Finance

The Town Meeting is the legislative body of the town for purposes of appropriating funds for operating expenses and authorizing bonding for major projects. The Town Meeting has some ordinance-making power, but most ordinances may now be adopted by the Board of Selectmen.

The members of the Town Meeting are all of the registered voters and major property owners in Wilton. (The nomenclature leads to some confusion when one speaks of a meeting of the Town Meeting. For example, the Annual Town Meeting is the annual meeting of the Town Meeting.)

The Town Meeting meets annually in May to approve the annual budget. In addition, it meets for special meetings when called by the Board of Selectmen or when demanded through a petition signed by at least 50 voters. Certain leases (over 10 years) and sales of

real estate (valued at more than 1% of annual budget) also require approval of the Town Meeting.

The Board of Finance is an elected board of six members with overlapping terms and the power to fill its own vacancies. It receives budget proposals from the Board of Selectmen and the Board of Education and after required public hearings, it votes on the budget to be recommended to the Annual Town Meeting. The Selectmen's budget has separate lines for various departments: Police, Fire, Public Works, etc. The Board of Education's budget is represented, in accordance with Connecticut law, by a single line for their total request. The Board of Finance may accept or may add or subtract amounts in any single line in preparing their own budget recommendations. In addition to the annual budget, the Board of Finance must also give their opinion on any bonding authorizations to be submitted by the Board of Selectmen to the Town Meeting.

At the Annual Town Meeting, voters consider the budget and rate of taxation recommended by the Board of Finance, and any other issues, such as bonding authorization. At the meeting, the specific line items may be amended to a lower amount, provided it may not be reduced below the Town's obligations to pay. However, the proposed budget may not be increased, nor may appropriations be shifted from one purpose to another.

At the close of discussion, the meeting adjourns and reconvenes for voting purposes as the Adjourned Town Meeting. Voting begins immediately after the meeting and continues the following Saturday.

On the annual budget, the voters have three options: vote yes to approve the budget as amended; vote no because the budget is too high; vote no because the budget is too low. The no votes are added together. The budget is rejected only if 15% of the voters participate and a majority of them vote no. The budget is considered approved if a majority vote yes, or if fewer than 15% of the eligible voters participate. If rejected, the Board of Finance must reconsider, and then re-submit either the same budget or a revised one. This second budget may be amended, but may not be rejected in its entirety.

During the year following the final approval of a budget, it is possible that either the Board of Selectmen or the Board of Education will need more funds than have been appropriated. Under Wilton's Charter the Board of Finance may approve on its own authority a single appropriation in an amount up to 1% of the amount of the annual budget. In aggregate, the amount of so-called Charter authority is 2%.

Requests exceeding Charter authority may be submitted to the Town Meeting by the Board of Selectmen. The requirements for approval are similar to those for the annual budget, except the request may not be amended. If the Board of Finance approves of the appropriation, a simple majority will decide, without the 15% requirement. If the Board of Finance does not approve, the 15% minimum participation is necessary to approve.

The Town Meeting is cherished by some who honor its historical New England roots and value the opportunity to speak and vote directly on governmental issues, whether or not they

choose to attend. They point out that for controversial issues the turnout has been large. On the opposite side, others, with equally strong opinions, scorn the Town Meeting as a “relic of the past” pointing to the low attendance in recent years as evidence of apathy or laziness. They dismiss the opportunity argument believing that most people just don’t care.

The degree to which Wilton citizens value the Town Meeting was a major question the League sought to answer in this study. We attempted through a town-wide survey and through a public forum to ascertain opinion on this question. However, the small number of responders (146) who responded to the survey or who attended the forum (26) could not be considered representative of the town as a whole. It was evident that the responders were those who do like to be involved. In fact, only 10% of the survey responders said they had never attended a town meeting. Nevertheless, of those who responded, 58% agreed that low attendance is a problem. When asked if the present form of government should be retained, 33% said yes, 34% indicated approval for a minor change, 21% for major change. Comments at the public forum were similar.

The First Selectman and the Board of Selectmen

The First Selectman is the chief executive officer and chief administrative officer of the town, and is a full voting and participating member of the Board of Selectmen. In addition to having a vote on the Board of Selectmen, the First Selectman has the power to vote to break a tie.

The First Selectman, or his representative, is an ex officio nonvoting member of all boards of the town and of all organizations to which the town provides financial support. He also has the power to hire, fire and fix the compensation of all employees below the rank of department head.

He is directly responsible for coordinating and guiding the administration and future planning of all offices and boards of the town as well as conducting a continuous review of the financial needs and budget requirements of the town.

The Board of Selectmen, including the First Selectman, consists of five members, no more than three of whom may be members of a single political party.

The five members of the Board of Selectmen are responsible for selecting members of all non-elected boards and commissions, and for filling vacancies on all boards and commissions except the Board of Finance and the Board of Education. They are responsible as well for supervising the affairs and accounts of all boards except the Board of Education, and for approving grant applications and contracts. The hiring, firing, and compensation of town employees above and including the rank of department head require action from the Board of Selectmen.

In the most recent Charter (1992) much of the ordinance making power was given to the Board of Selectmen. There is a hearing process before an ordinance becomes final. Also, 50 voters may petition for a Town Meeting to override a decision by the Selectmen.

The election process for the First Selectman and Board of Selectmen causes some confusion in the public mind. Of the five members of the Board, including the First Selectman, no more than three may be members of a single political party. Each voter may vote for one person for First Selectman, and for no more than two persons for the Board of Selectmen.

When the votes are counted, the person receiving the most votes for First Selectman takes that office. Then, votes for the losing candidate(s) are counted as votes to be a member of the Board of Selectmen. Thus there is a possibility that an individual who loses the vote for the top job could get more votes than one or more candidates for the Board. This uncertainty could be discouraging for both aspiring CEOs, who would not be willing to serve as a Board member only, and for incumbent Board members, who might be anxious about being bumped.

Another concern is that all of the Selectmen, including the First Selectman, are elected at the same time for a term of two years, with no limit on the number of terms. Almost every present and past member of the Board thought that the term was too short for a new person to learn the job. Almost all were concerned about the lack of institutional memory, and the difficulty of long-range planning and follow-through, when, as sometimes happens, many of the members are new at the same time.

In all of the feedback on various proposals for change in Wilton's form of government, the election process and terms of the Board of Selectmen received the most comment and the strongest recommendations for change.

OTHER POSSIBILITIES FOR FORM OF TOWN GOVERNMENT

Under Connecticut law, towns have much latitude in the form of government that they may choose. Every town must have a legislative body, a chief executive officer and such boards and commissions as are necessary to carry out state mandates. We learned that our Selectmen-Town Meeting-Board of Finance structure is the most common, but we found other configurations of sufficient interest to take a look.

The Legislative Body

Wilton's legislative function is shared by the Board of Selectmen and the Town Meeting; however there are other legislative forms that are permitted, and a wide number of variations on those forms. We looked at some of the following, both separately and in combination:

- A limited town meeting – e.g., action confined to referendum on annual budget

- A Representative Town Meeting (RTM)
- A Council as replacement for Selectmen and/or Town Meeting

Limited Town Meeting

In the Wilton Charter of 1992, much of the power of the Town Meeting was transferred to the Board of Selectmen. It might be worthy of consideration to reduce the power further, leaving only the power to vote by referendum on the annual budget. Such a change might be combined with other changes, such as the creation of a Council.

Representative Town Meeting (RTM)

Under this form, the town is divided into districts, and each district selects individuals to represent the voters therein. The powers would be the same as with the current town meeting.

This form is most suitable when a town becomes so large that there is not a large enough facility to hold all the voters who wish to participate. In fact, when first allowed in Connecticut it was permitted only for towns of 50,000 or more. That minimum requirement was subsequently changed at the request of smaller towns that wished to adopt that form.

The selection of representatives by district also permits nonpartisan elections to take place - a practice that is appealing to some.

It is also possible under the RTM form to provide for direct citizen voting on certain issues or when such voting is invoked through a petition process

Some towns find it difficult to find people to serve as RTM members. In one town, for example, some districts are not represented because candidates could not be found. Another larger town recently dropped its RTM, replacing it with a Mayor-Council structure.

We could not find much interest in Wilton for an RTM. In other towns, however, we found a more positive response, and a desire to continue with their RTMs in spite of the disadvantages. A town may have both an RTM and a Board of Selectmen or Council.

Council

The formation of a Council was the most appealing of the changes that we considered. A Council can be of any size, and typically the terms are four years long and are overlapping. Those conditions are the ones that we see as desirable changes for our Board of Selectmen, which would, in effect if not in name, be the same as a Council.

One possible difference between a Board of Selectmen and a Council is the effect of state law concerning minority representation. A five-person Board of Selectmen may have no more than three members of one political party, whereas a five-person Council may have as many as four. However, even with a Council, a Charter may specify a greater level of

minority representation. For example, with a five-person Council, a Charter could specify that there be a maximum of three from any one party.

A Council can be given all of the powers now granted to the Town Meeting, or, contrariwise may exist along with a Town Meeting as does our current Board of Selectmen.

The League's presentation in April was confined to a description of the terms and powers and did not ask for a consensus on the name.

The Chief Executive Officer

Wilton's Chief Executive Officer (CEO) is the First Selectman. It would also be possible under Connecticut Law to have a Mayor and/or a Town Manager.

Mayor

The title of Mayor includes a wide range of possibilities concerning terms and powers. A change in the election process and length of term for Wilton's First Selectman would in effect create what is typically called a Mayor.

Mayors are the Chief Executive Officer in towns with a Mayor-Council form of government. The Mayor may or may not be a member of the Council. Where the Mayor is not a member, the Council may elect one of its members to serve as its Chairman or President.

Here again, the League was more interested in lengthening the term and separating the election of the CEO than in the title of the position.

Town Manager

Our study group was intrigued with the possibility of having a full-time, appointed, paid professional to manage town operations. The position of Town Manager is one that is of growing interest in Connecticut towns. The Town Manager can take on all the powers of a First Selectman or Mayor, or, as an alternative, serve under such an officer.

Wilton has been remarkably fortunate in having a pool of well-qualified citizens available and willing to take on the responsibilities of First Selectman. That we cannot always count on this advantage is a concern.

There are some significant disadvantages associated with the position of Town Manager. One of note is that qualified Town Managers are getting more difficult to find as interest in them grows. Another point of difficulty is cost. If the position would be in addition to that of the First Selectman/Mayor, there would be considerable cost involved, as in effect we would be paying double for the same job, unless there was a reduction in the responsibilities and compensation of the First Selectman.

Another objection to the position is that if the Town Manager were to become the only CEO, the voters would be deprived of the right to have a direct say in who would hold the job.

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And finally, voters may wish to have a Chief Executive Officer who has lived in the town and may thus have greater knowledge of community needs than an outsider, however well trained.

As the study came to a close we realized that additional study would be needed before we could come to a consensus either for or against the establishment of this position. Such study would be best done by a Charter Commission, which would have greater resources, including time, to give this issue the attention we believe it deserves. And so, the recommendation is that a Charter Commission be instructed to consider the appropriateness of Town Manager for our community.

CHANGING THE CHARTER

Under the Connecticut General Statutes any of the changes in structure described above would require the appointment of a Charter Commission. This body would be appointed by a 2/3 vote of the Board of Selectmen, or by a petition signed by 10% of the voters.

The Commission must have between five and fifteen members, no more than 1/3 of whom may hold other municipal office, and no more than a bare majority may be of one political party.

The recommendations of the Board of Selectmen (or those proposals contained in a petition) must be considered by the Charter Commission. Once the Commission is appointed, however, it may consider any other aspect of the Charter as well.

The process of developing the Commission report consists of a series of hearings, the submission of a draft report to the Board of Selectmen, and negotiations about any differences between the Board of Selectmen and the Commission.

As a safeguard to a rogue Commission, the Board of Selectmen may approve or reject the final Commission report in whole or in part. If rejected, a petition signed by 10% of the voters may force a referendum.

If the Charter amendments are submitted to the voters at a regular election, then a simple majority is sufficient to approve it. If it is submitted to a special election, then a majority can approve, provided 15% of the eligible voters participate.

Thus, although there are concerns about opening up the whole Charter to a Commission, there seem to be sufficient checks to any proposals that are beyond what the public will accept.

The entire process can take as little as two months, or as long as three years, depending on whether all deadlines are quickly met or whether they are stretched to the limit. A possible timetable developed by the League indicates that were a Charter Commission to be appointed in September, 2006, a Charter could be ready for a vote in November, 2007.

NONSTRUCTURAL CHANGES – NO CHARTER REQUIRED

Although any major structural changes would require amendment to the Town Charter, we found other changes that could be made in governmental operations that would move Wilton closer to the goal of increasing citizen involvement, enhancing the quality of decisions, and optimizing effectiveness.

These include:

- Expanded written communication from town boards and commissions to the voters. The newsletters from the Conservation Commission and from Social Services would be examples that the Board of Selectmen and other town boards could emulate.
- Expanded opportunities for the public to contribute to planning and to decision making. Open forums, focus groups, and surveys would be examples.
- Additional television coverage of town boards and commissions.
- Consideration of alternative dates and times for meetings and for voting (within Charter constraints)
- Consideration of appointing someone to be in charge of day-to-day operations, such as a Chief Administrative Officer.

On the last item, it is thought that the creation of this position could be either an interim step prior to appointment of a Town Manager, or an alternative to a Town Manager. The position could be filled either by adding staff or by using existing or personnel, depending on an analysis of need and of costs involved.

Although the Charter designates the First Selectman as both Chief Executive Officer and Chief Administrative Officer, those knowledgeable about the Charter believe it could be accomplished without Charter amendment, perhaps by a delegation of powers by the First Selectman.

RECOMMENDATIONS

The findings of our study have led the Wilton League of Women Voters to make the following recommendations:

1. That the Board of Selectmen appoint a Charter Commission with a charge to consider a change the election process and terms of the Board of Selectmen

2. That the Board of Selectmen instruct such Charter Commission to consider the creation of the position of Town Manager.
3. That Board of Selectmen take steps to improve citizen involvement in town government
4. That the Board of Selectmen consider the appointment of a Chief Administrative Officer for the town.

It should be noted that the first recommendation would lead to a structure similar in substance if not in name to a Mayor-Council form. The League did not take a position on the titles of these officials.

Also, the League did not take a position on term limits for the Board of Selectmen. The assumption is that a Charter Commission would include an exploration of that issue at the same time that the election process and length of terms would be considered.

It should be noted that there was no consensus in the League that the Town Meeting be abolished, although some modification of powers might be considered. However, the League consensus did favor the retention of the Board of Finance, with current powers intact.

CONCLUSION AND FUTURE ACTION

The changes recommended in this report are significant, but not drastic. We believe that most Wilton voters are pretty much satisfied with the way things are. In our opinion, the Town will be well served through a process of change that is gradual. Thus, we have proposed modest improvements in structure and in daily operations that will enhance the effectiveness of our present system, without losing the sense of community that the Town Meeting offers and that we cherish.

At the same time, we recognize that in coming years, additional changes may be indicated, and so we have suggested that attention be given to the exploration of such ideas as the appointment of a Town Manager.

Also, it may be that we will eventually conclude as a community that the Town Meeting no longer serves its purpose. However we would like to see the Town make some of the nonstructural improvements we have proposed in order to increase the level of citizen involvement. Perhaps we haven't tried hard enough to make that structure work.

We hope that this report will be of interest to many and that our recommendations will lead to action by the Town. We are especially interested in the appointment of a Charter Commission. Should the Commission be appointed we will monitor its activities and contribute what we can to an outcome that will be acceptable to the voters and will at the same time give us a government that is more responsive, effective, and wise.

SPECIAL THANKS

TO OUR GUEST SPEAKERS

Bill Brennan, First Selectman, Wilton
Joe Dolan, Chief Financial Officer, Wilton
Paul Hannah, Former First Selectman, Wilton
Mike Martin, Research and Info Services Manager, CCM
Bob Russell, Former First Selectman, Wilton
Phil Schenck, Town Manager, Avon
Sarah Taffel, Manager, Adm. Services, Wilton

AS WELL AS

THOSE WHO RESPONDED TO OUR QUESTIONNAIRE

AND

THOSE WHO ATTENDED AND PARTICIPATED IN OUR
PUBLIC FORUM

AND

THE WILTON LIBRARY