

Protocol Column

Home Rule- How Far Does It Go?

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The third topic in the Protocol series is Home Rule. The Protocol Column is intended to help citizens understand the procedures and structure of their government to assist in developing a strong public life.

Home Rule is a greatly misunderstood concept. Many people think that local towns are autonomous and able to make decisions on their own which govern the community. This is only partially correct. While towns may determine certain aspects of their own fate, they have never been autonomous and in complete control of every matter.

Since the early days of the founding of the state of Connecticut, the towns which incorporated under the laws of the state gave up a great deal of local control and autonomy. Today, there are 169 incorporated towns and cities in Connecticut. Each is a municipal corporation which exists and functions under the laws of the state. This means that towns which are created by state law are subject to state law.

State law gives towns a choice: they may choose to operate in total compliance with the general statutes of the state, or they may adopt their own charter. This is known as a "home rule charter." In towns with home rule charters, state law is still supreme and the charter may not contain provisions which are contrary to state law. State law does permit a certain degree of choice regarding the type of governmental structure under a home rule charter, but the choice is completely governed by state law.

Winchester has a home rule charter which adopted one of the governmental structures permitted by state law: a legislative body which shares legislative functions made up of the Town Meeting and a Board of Selectmen. The authority and duties of both parts of the legislative body are set forth in the home rule charter.

The following reprint of the *Home Rule* pamphlet from the *Know Your Local Government* series explains the relationship between the towns and the state, lists the different forms of town government permitted by state law and lists those items which must be included in a local charter. The pamphlet is available at no cost at the Office of the Community Lawyer.

Know Your Local Government

Home Rule

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

Home Rule—What It Is

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

Some provisions of state law still apply to all town governments, however, regardless of whether they operate

under the state statutes or under their own charters. These provisions include rules which towns, whatever their form of government, cannot change, whether or not the particular subject is addressed in the town charter. Examples include:

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

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

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

What Must Be Included In a Charter?

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

Legislative Power

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

Executive Power

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

Boards and Commissions

Third, the home rule charter must provide for officers, departments, boards, commissions and agencies that are required by the state statutes. In addition, a town may have as many other boards, departments or commissions as it wants to, as long as the ones required by state law are maintained. The method of election, appointment or organization of boards and departments can usually be chosen or changed

Continued on page 20