Citizens Have Recourse in Budget Debate

By Charlene LaVoie 5/28/92

The Charter of the Town of Winchester outlines our rights as citizens of this community just as the State and the Federal Constitutions outline our rights as citizens of Connecticut and the United States. Confusion over the rights of Winchester citizens has arisen in the context of the Annual Town Budget Meeting. Perhaps we may better understand our rights under the charter by reference to two recent town issues. First, the annual budget:

Under the Charter the Board of Selectmen prepares and presents the town side of the annual budget. The Board of Education prepares and presents the education side of the budget. The Board of Selectmen then has the overall responsibility to review and present the entire proposed budget to the citizens. Finally, at the Annual Town Budget Meeting the electors have the power to accept or reject the Board of Selectmen's proposed budget. This procedure gives citizens the opportunity to challenge decisions and express their will, a process which has been repeatedly employed in Winchester.

On May 4, 1992, the Town Meeting voted to reject the Board of Selectmen's proposed budget. Charter section 1108 states that if the budget is not adopted the selectmen "shall resubmit an annual budget..." Agree or disagree, the Charter does not require the Selectmen to consider the input of the Town Meeting. On May 11, 1992, the Selectmen voted 4-3 to submit essentially the same budget. This does not mean, however, that the people are without recourse.

Citizens may vote on the budget at another Town Meeting or, under state law, petition to bring the Town Meeting to a referendum. Either way, the people have the final word. My office has provided information on the petition process both to citizens who oppose the proposed budget and those who support it.

This is a perfect example of the power of the citizenry in the Town Meeting/Selectmen form of government. The Charter clearly outlines a procedure which places the final authority for the adoption of a budget with the people. Citizens may return the proposed budget to the Board of Selectmen time after time until the board accepts the will of the people. Procedural recourse in the budget process is built into the charter. This process should encourage citizens to flex their democratic muscles and persuasively argue to build support from their position.

A second town event presents the opposite situation. Citizen reaction to the dismissal of former town manager Wayne Dove was ignored and there was nothing that citizens could do to effect change.

The Dove issue was created by the Board of Selectmen when they dismissed the town manager without reason. This violated Section 501 of removal of the charter which requires the selectmen to state the reasons for removal of the town manager. It was, therefore, the duty of citizens and the Community Lawyer to object to the charter violation.

In the Dove matter there was no mechanism in the charter for citizens to challenge the violation of procedure. The will of the people was ignored and citizens had no procedural recourse.

In both examples, the proper focus of the community lawyer is on procedure. Adherence to procedure maintains accountability of public officials and reduces citizen distrust and cynicism. The public dialogue benefits when the focus of discussion remains on procedure rather than on baseless accusations and uninformed rhetoric.

I invite anyone with questions about citizen rights under the charter and procedure to contact me.

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