HOME RULE IN CONNECTICUT

by

Neil O. Littlefield

and

James R. Brown

Institute of Public Service
Continuing Education Services
The University of Connecticut
Storrs, Connecticut

HOME RULE IN CONNECTICUT

A Legal Commentary
by Neil O. Littlefield

A Citizen's Orientation
by James R. Brown

Copies of this publication
are available from

Institute of Public Service
Continuing Education Services
The University of Connecticut
Storrs, Connecticut

at 50 cents per copy

March, 1964

Foreword

The papers presented in this publication discuss the history and present status of home rule in Connecticut from two points of view. Dr. Littlefield's article develops the legal background and states the case for Connecticut's system of legislative home rule. Dr. Brown's article discusses the political history of home rule in Connecticut and the function of charter commissions under the 1957 Home Rule Act as amended.

Since its enactment in 1957 the Connecticut Home Rule Act has been used extensively by Connecticut municipalities to write new charters and amend existing ones. Now, after seven years' experience, it is pertinent to inquire how well this legislation is meeting the needs of municipalities which have used it and what are the prospects for the future. These articles provide the basis for such an inquiry. They also provide interested students and citizens with the history and development of home rule legislation in Connecticut and with insights into the powers which municipalities have under home rule. It is also pertinent to ask at this point whether the act has fulfilled the expectations of its supporters and the legislators who enacted it. Dr. Brown's article discusses this question.

The contribution of the Institute of Public Service to this publication primarily involved editorial suggestions. Responsibility for accuracy of fact and conjecture remains with the respective authors. The Institute is indeed grateful to Dr. Littlefield and Dr. Brown for their efforts in preparing these articles, both of which contribute significantly to the Institute's publications on Connecticut local government.

Beldon H. Schaffer, Director
Institute of Public Service

March, 1964

A Legal Commentary on Home Rule in Connecticut

by

Neil O. Littlefield

Associate Professor of Law

The University of Connecticut

Introduction

Home rule powers are being used in Connecticut. Over 125 home rule charter commissions have been appointed to frame or amend local charters in the short span of eight years. At least twenty-four charters and twenty-eight charter revisions have resulted.[1] This widespread use of home rule power should, in part, be attributable to the clear meaning of the Home Rule Act. The clear intent of the act, to be discussed in detail, to grant substantial power to local electorates has engendered confidence among Connecticut municipalities that they may frame their own charters.

The sole source of authority at the present time for the interpretation of the meaning and scope of the Home Rule Act is the act itself, to be found in the General Statutes as Chapter 99 of Title 7. There are no court decisions interpreting the nature of the powers granted by this act. Surprisingly and unfortunately, there is some diversity of opinion as to the effect of the act. Briefly, there is disagreement as to the extent of choice or latitude available to charter commissions. May they incorporate into the charter provisions which are not completely consistent with provisions of the General Statutes governing municipalities? What choices do the drafters of home rule charters have? It is the purpose of this writing to analyze the Home Rule Act in the context of Connecticut law and to suggest a meaningful and proper interpretation of its effect and scope. This will be done in language which it is hoped will guide non-lawyers as well as lawyers who may be called upon by their communities to implement home rule powers.

It is suggested here that the Connecticut home rule legislation, properly understood, offers local governments a unique opportunity for good and democratic administration of the towns, cities, and boroughs of this state. Home rule experience in other states has had varying success depending upon a number of factors. Often home rule has been unworkable or otherwise unsuccessful because the legal framework chosen for its implementation has been inadequate or too rigid. As will be shown, Connecticut's legal framework seems to reach a desirable compromise between constitutional rigidity and legislative inadequacy. It is greatly to be wished that Connecticut's municipalities, its legislature, and its courts will continue a course realistically aiming for better government.

Home Rule Theory

Basically, home rule means that the municipality, rather than the state legislature, determines the form of the municipality's government, the powers it may exercise, and how these powers are exercised. This description of home rule is misleading in its simplicity. Against a legal background of state-local relations which labels the municipality a "creature" of the state legislature, constitutional and legislative

[1]The record of home rule activity may be periodically checked in the "Home Rule Scoreboard" in the Connecticut Public Expenditure Council's *Taxpayers' News*. See Vol. 15, No. 5, September-October, 1968.

provisions for local autonomy have resulted in development of complex theories. Once home rule power has been given to a municipality, the problem arises as to the content and limits of that power. The legislative or constitutional statement of the content and limits of municipal home rule power has not always been easy to apply. A brief discussion of municipal law prior to home rule legislation is necessary at this point.

Non-Home Rule Theory

The law of American states had developed by the middle of the nineteenth century into a consistent pattern. The relationship between the state and the municipality was clearly and firmly stated in two strict rules. One is termed the "creature theory," and the other is labeled "Dillon's Rule."

The "creature theory" receives its name from the language of its classic statement. The theory refers to the fact that a municipality cannot successfully resist legislative interference. There is, in American law, no municipal right of "local self-government." The often-quoted statement of the judge-made rule here referred to is found in an opinion of the United States Supreme Court.

> A municipal corporation is simply a political subdivision of the State, and exists by virtue of the exercise of the power of the State through its legislative department. The legislature could at any time terminate the existence of the corporation itself, and provide other and different means for the government of the district comprised within the limits of the former city. The city is the creature of the State.[2]

The creature theory has been applied to uphold the removal of local officers by the legislature and appointments to the vacancies by a state official such as the governor.

"Dillon's Rule," named after Judge Dillon, an expert in municipal law of the last century, limits the powers which a municipality may exercise to those granted by the legislature. Its usual statement from Dillon's treatise, including his emphasis, is as follows:

> It is a general and undisputed proposition of law that a *municipal corporation possesses and can exercise the following powers, and no others*: First, those granted in *express words*; second, those *necessarily* or *fairly implied* in or *incident* to the powers expressly granted; third, those essential to the accomplishment of the declared objects and purposes of the corporation,—not simply convenient, but indispensable. Any fair, reasonable, substantial doubt concerning the existence of the power is resolved by the courts against the corporation, and the power is denied.[3]

Dillon's Rule has been applied to deny a municipality the power to offer a reward for the apprehension and conviction of arsonists, and to deny the city power to construct a plant for the production of street paving materials. The legislature had not expressly given these powers. Municipal corporations have no inherent powers of government.

---

[2] *Worcester* v. *Worcester Consolidated Ry. Co.*, 196 U.S. 539 at 548-49 (1905).

[3] Dillon, *Commentaries on the Law of Municipal Corporations*, 448-50 (5th Ed. 1911).

The result of the creature theory was that the legislature is free to legislate in every detail for every municipality if it so desires. The result of Dillon's Rule was that the municipality must continually turn to the legislature every time the municipality is faced with a local problem which requires a local solution. Special legislation (that is, legislation applying to one municipality rather than to all municipalities) became prevalent. Legislators used special legislation to the city's detriment, or city politicians went to the capital for local legislation ignoring their responsibility to their constituency. The evils attendant upon these and other practices led many American cities to push for home rule.

History of Home Rule

Municipal leaders in the nineteenth century began to seek changes in the law of state-local power relations in order to cure the evils of (1) the invidious interference in local government by the legislature which was upheld under the creature theory, and (2) the embarrassing lack of flexibility in municipal powers which resulted from Dillon's Rule which limited municipal powers to those expressly granted. It is important to recognize the two distinct rules and the resulting curative provisions. The label "home rule" has often been applied to constitutional and legislative measures of both kinds. Properly speaking, home rule means the granting of substantial general powers to certain municipalities—that is, a relaxation of the rigors of Dillon's Rule.

Interference with municipal affairs was the first target of municipal leaders. Constitutional amendments which prohibited "special" or "local" legislation pertaining to local government were proposed and adopted in a number of states. Most of these prohibitions on special legislation are found in constitutions of the midwestern, western, and southern states. Connecticut has not adopted such a constitutional prohibition although it has been proposed in recent General Assemblies. The 1957 Connecticut Home Rule Act includes a statutory restriction on special legislation.

Prohibitions on special legislation led to a power vacuum. Municipalities, in other states as well as ours, measure their total powers by those expressly granted in general acts and in special acts. General acts apply to all municipalities of a state or, perhaps, to all municipalities in a certain population class and, therefore, are express grants of power appropriate to nearly all municipalities. Special acts make express grants of power to named cities; and, therefore, the grant of power is tailored to the peculiar needs of that particular city. Universally, non-home rule municipal charters are special acts of the state legislature. Where special legislation is prohibited, it becomes difficult for a city of unusual size or one confronted with a problem not common to municipalities throughout the state to obtain the necessary grant of legislative power to respond to their peculiar problems .The legislature may be unwilling to grant an unusual or atypical power to all cities and unable to enact valid legislation pertaining to the one

city needing the power. Thus, in states where special legislation was prohibited, cities with special power needs (and sober reflection will lead to the conclusion that this includes many cities) had to seek a new means of acquiring power adapted to their needs.

The movement then began for what is properly termed home rule. Legally, it means a departure from Dillon's Rule. A city must be able to frame its own charter and to include in it the specific powers which the government needs. Legislation from the State Capitol will determine limits of municipal power, but need not spell out the specific contents of local governmental power. Home rule in this sense may be constitutional or legislative.

Constitutional Home Rule

Constitutional home rule came to American politics in the Missouri Constitution of 1875. Sections 20 to 26 of Article IX of that constitution endowed the city of St. Louis with certain powers of local self-determination. The city was authorized, by popular vote, to extend the boundaries of the city, to separate itself from the county of St. Louis, and "to frame a charter for the government of the city thus enlarged." The charter must, however, "always be in harmony with and subject to the Constitution and laws of Missouri."[4] The same constitution empowered cities of over 100,000 population similarly to frame a charter for their own government.

The basic feature of the Missouri home rule provision is that it empowers cities to frame a charter for their own government, the charter to be consistent with, and subject to, the laws and constitution of the state. When California included in its Constitution of 1879 provisions with respect to local self-government, it was again in terms of a grant of charter framing powers to cities of over 100,000 population. By 1890, this constitutional beneficence was extended to all cities of over 3,500 inhabitants.[5] However, the California constitution went further than its Missouri counterpart in conferring home rule powers upon municipalities. The 1879 constitution contained the following:

> Any county, city, town or township may make and enforce within its limits all such local, police, sanitary, and other regulations as are not in conflict with general laws.[6]

Notice that the Missouri and California constitutional home rule provisions set out here differ slightly. Missouri's original provision allows a city to frame a charter. Hence the charter, rather than general legislation, indicates what powers the city has and how it exercises them. The California example gives outright the power to enact local legislation by ordinance. Enabling legislation is unnecessary. Hence, Dillon's Rule is modified by constitutional amendment.

Greater freedom from the state legislature is given cities in a 1914 California constitutional amendment. Section 6 of Article XI, by that amendment, reads that cities and towns might amend their charters

[4]Missouri Constitution, Art. IX, sec. 23 (1875).
[5]California Constitution, Art. XI, sec. 8 (1879, as amended 1890).
[6]*Ibid.*, Art. XI, sec. 11 (1879).

so as to become empowered "to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in their several charters, and in respect of other matters they shall be subject to and controlled by general laws." Notice the important feature of this provision. Previously, both in Missouri and California, all home rule powers were subject to conflicting general statutes. That is, if a general act of the state legislature commanded all municipalities to elect the assessor, a home rule charter provision for the appointment of an assessor was invalid. But, under the 1914 California amendment, cities were now free from conflicting general legislation within the area of "municipal affairs." The result would be that a city charter could provide for the election or appointment of the assessor irrespective of the command or proscription of the state legislature. The manner of selecting an assessor is obviously a "municipal affair."

It is clear that the common feature of constitutional home rule is the one which empowers the city to frame its own charter. The general rule is that the charter is subject to general law. Thus, it is evident that the reason for the constitutional amendment is not so much protection from legislative interference as it is protection from legislative inaction. That is, the legislature may be unwilling to grant charter making powers to its cities. This actually was the case in the nineteenth century when legislatures were even more rural dominated than now. In some states, however, legislative home rule is the case.

Legislative Home Rule

This discussion of constitutional home rule indicates what must be the nature of legislative home rule. The state legislature ceases legislating here and there, hit or miss, with respect to local government. It simply tells municipalities to frame or revise their own charters in accordance with certain basic principles outlined in the home rule act. The act is not only subject to amendment or repeal from time to time by succeeding legislatures, but is also subject to any general legislative enactment which by its terms and obvious intent applies to all cities in a mandatory or prohibitive fashion. More about this later.

The disadvantage of legislative home rule is that theoretically municipalities are not free of legislative interference. Home rule advocates claim that the state legislature will take away what it has given if a constitutional provision does not protect home rule.

However, this disadvantage of legislative home rule is balanced by its proven advantages. Legislative home rule is flexible; it is flexible because the legislature can change the overall effect of home rule if necessary. In our complex times, any notion of "local" problems, "area" problems, and "state-wide" problems is fluid. Is education a local or state problem? Are welfare and its cost basically state or local? In early Connecticut history, poor farms, aid to the needy, and unemployment were handled locally. Today, the size of the budget of welfare agencies and the extreme mobility of the state's population make the solutions to welfare problems more appropriate to a state agency.

Modern economics highlights the corresponding disadvantage of constitutionally protected home rule. Constitutional home rule assumes that there are "municipal affairs" or matters of "local self-government." This language is written into the constitutional provision to indicate the scope of home rule charter powers. The courts are then faced with the problem of judicially determining whether any given function is a "municipal affair." The growth of Connecticut into a highly developed urban complex as part of the "megalopolis" of the Eastern Seaboard is an obvious fact. Problems of local government with respect to metropolitan area sewer and water service, police and fire protection, and governmental costs cannot be solved in one town or in one city. To protect certain areas of local government activity from legislative interference is also to restrict the flexibility of the state legislature to enact general legislation for regional or state-wide attack on urban problems. It is clear that legislative home rule provides the maximum of local self-government in areas of concern where the legislature is silent, while preserving desirable legislative flexibility.

Connecticut Home Rule

This discussion of home rule in Connecticut may be divided into three parts. First, the doctrine of local self-government will be analyzed. This doctrine, which is not accepted by Connecticut courts, means that municipalities have no legislative or governmental powers other than those granted by the legislature. Secondly, the present Home Rule Act, as amended to 1963, will be examined and described. This act is a grant of legislative powers in general terms. Lastly, the constitutionality of the Home Rule Act will be discussed. Experience in other states has cast some doubt upon the constitutionality of legislative home rule, but it will be shown that the constitution and law of the state of Connecticut permit home rule (charter framing powers) to be adopted by a general legislative enabling act.

Inherent Right of Local Self-Government

The question is often raised, although seldom by lawyers, whether towns have any inherent power of local self-government. The argument has been advanced that municipalities predate the modern state; that given the existence of a municipality, its nature entitles it to certain powers of a basic nature; and that historically the states (at least the New England states) might be described as products or creatures of the towns, rather than the reverse. The question is academic; courts and writers have universally denied the existence of an inherent right of local self-government. It is appropriate here only to state briefly the judicial story in Connecticut.

Early cases in Connecticut make little mention of the source of municipal governmental power. A dictum (judicial comment not necessary to the result of the case) in *Noyes* v. *Ward,* 19 Conn. 250 (1848), simply states: "The charter of the city is its constitution, and no by-law or regulation of the city can be valid which is opposed to the provisions of the charter." In the mid-nineteenth century, cases began to discuss

the powers of towns by using language appropriate to describing the powers of private corporations. Thus, in *City of New London* v. *Brainard*, 22 Conn. 555 (1853), it is stated: "It is well established, that corporations have only such rights and powers as are expressly granted to them, or as are necessary to carry into effect the rights and powers so granted." Notice that the word "corporation" is used without adjective. A private corporation for profit is treated the same as a public corporation organized for governmental purposes. In restating this proposition, the Connecticut Supreme Court of Errors added the following in 1858: "And it makes no difference whether the corporation is a joint stock manufacturing or trading corporation . . . or a municipal or territorial corporation . . . or is of the character of this school district."

In a series of cases in 1864 involving the validity of town resolutions providing for subsidies for Civil War enlistees, Mr. Justice Butler delivered the *coup de grace* to any hope of an inherent right of local self-government. In the first two cases he simply stated the rule that towns have no inherent legal power and that they only have such power as is given by the state legislature. In the third case, *Webster* v. *Town of Harwinton*, 32 Conn. 131 (1864), Butler squarely faced, discussed, and rejected the argument that historically some, if not all, towns in Connecticut enjoyed inherent powers or rights.

In 1896, Mr. Justice Baldwin, upholding a decision compelling the payment by Glastonbury of its share of the expenses of the Connecticut River Bridge, as directed by the legislature, summarized Connecticut law as follows:

> [W]hen the State at large or the general public have an interest in the construction or maintenance of such works, there is nothing in our Constitution, or in the principles of natural justice upon which it rests, to prevent the General Assembly from assuming the active direction of affairs by such agents as it may see fit to appoint, and apportioning whatever expenses may be incurred among such municipalities as may be found to be especially benefited, without stopping to ask their consent. As against legislation of this character, American courts generally hold no plea can be set up of a right of local self-government, implied in the nature of our institutions.[7]

It should be emphasized that the above discussion indicates only that municipalities in Connecticut cannot naturally determine their own powers. It does not indicate in any way that our constitution requires always that towns derive power from specific grants of legislative power. The denial of an inherent right of local self-government is exactly what makes the Connecticut Home Rule Act appropriate as a method of granting effective local self-government to the municipalities of the state.

Legislative Home Rule in Connecticut

This discussion of legislative home rule will start with a history of home rule legislation in Connecticut. However, a word of explanation about terminology and references used in the following discussion will help the reader who is unfamiliar with the form of legislative

[7] *State* ex rel. *Bulkeley* v. *Williams*, 68 Conn. 131, at 148-49 (1896).

enactments to appreciate the legislative history which follows. Reference will be made to "Special Acts," "Public Acts," and "General Statutes." Special Acts are those enactments of the General Assembly which apply to only one, named municipality. Special Acts do not become part of the General Statutes and are found only in the biennial printing of the Special Acts. Public Acts are enactments of general application and effect. Public Acts pertaining to municipalities do not name any municipality, but may apply to all cities, to all towns, or to all towns, cities, and boroughs. Public Acts are published in the year of their enactment in an official publication of the state. Citation to legislation may be, for example, to 1963 Public Act No. 162, section 3. Public Acts are compiled in the "General Statutes." The General Statutes is a continuous publication of all legislation of general application in effect in the state irrespective of the year of its enactment. The important thing to note in tracing and understanding the legislative history of any act is that the General Statutes is cumulative. It does not indicate whether, when, or how legislation has been amended. Also, an act which appears in one place in the Public Acts may later appear in widely separated sections and with different section numbers in the current edition of the General Statutes.

In examining the legislative history of home rule in Connecticut, as in any jurisdiction, it is important not to be misled by labels. For example, the present Chapter 98 of the General Statutes, entitled "Municipal Ordinances and Regulations," is derived from legislation entitled "Home Rule in Towns, Cities and Boroughs." The latter title is a misnomer as that legislation simply gives municipalities authority to enact ordinances with respect to certain enumerated topics. The provisions attempt to make general and special legislation unnecessary in certain matters, which is also a purpose of home rule, but they do not presume to give towns power to enact new charters nor to depart from general law.

1915 *home rule act.* Legislative home rule was stillborn in Connecticut in 1915. Public Act 317 of that year was entitled "An Act providing for Home Rule for Cities and Other Municipalities." Section 1 provided that any town governed under special act or any city or borough might "enact a charter for its government or amend a charter or special act." Under Connecticut law and practice a city or borough is always governed by a special act amended from time to time by the legislature while a town is generally governed by general acts. The procedure for charter enactment or amendment under this statute was to be instituted by a petition of not less than 10 per cent of the electors followed by a referendum on the question as to whether a charter commission should be chosen. If a commission of five to nine members was appointed and did prepare a charter, this charter was submitted to the electors. A simple majority vote of voters voting, the latter to be not less than 60 percent of the electors, was sufficient.

Section 8 of the 1915 act stated what the charter might contain. Generally, it indicated that the charter was to provide for organization of the government, election of officers, and procedures for exercising

taxing and bonding powers. The charter was not to affect the existing municipal court.

The 1915 act was repealed in 1929, and there is no evidence of its use. Undoubtedly, the requirement of petition by 10 percent of the voters plus the requirement at the referendum of a turnout of at least 60 percent of the electorate presented an unlikely chance of success.

Nevertheless, it is significant to note that this legislation bears at least two prime characteristics of the present home rule legislation. First, the act clearly was designed to allow local electorates to perform the function previously assumed by the legislature through special acts. Thus, the act applied to municipalities chartered by special act and expected that the new charter provisions would amend special acts at that time applicable. Secondly, the act relied upon charters or charter amendments prepared by a locally appointed commission and adopted by a vote of the local electorate.

1951 *and* 1953 *legislation.* The present home rule legislation stems from Public Act No. 338 of the 1951 General Assembly entitled "An Act Concerning Home Rule." This act was slightly reworded by the 1953 legislature[8] but not so as to change the nature of the home rule powers given. The 1951 and 1953 Acts were in the clear pattern of the 1915 act with a broader base.

Any municipality, whether operating under special act or under general acts, was given power, "to make, amend, add to or replace its charter or amend any other special act so far as such special act relates to the powers concerning the government of such town, city or borough." The charter or amendment could be proposed by a two-thirds vote of the legislative body of the municipality or alternatively by a petition of a certain percentage of the local electorate. Provisions for a charter commission were absent in this version, but the charter or amendment had to be approved by the electors. The 1953 act provided that "such action shall not be inconsistent with or contrary to the general statutes," but this unfortunate and misleading phrase was happily omitted in 1957.

1957 *revision.* The 1957 General Assembly carefully revised the Connecticut home rule law into substantially its present form. The act was originally 1957 Public Act No. 465 and is now Chapter 99 (sections 7-187 to 7-201) of the Connecticut General Statutes. A resume of its operative sections and limiting language will outline the pattern of the home rule legislation presently effective in this state.

Any town, city, or borough is given the power "to draft, adopt and amend a charter which shall be its organic law and shall supersede any existing charter, including amendments thereto, and all special acts inconsistent therewith . . . ." Following proposal of such action by a two-thirds vote of the municipal appointing authority (as defined in the act) or by petition of not less than 10 percent of the municipal

[8]1953 Public Act No. 466.

voters, a charter commission of between five and fifteen electors is appointed. After the commission's work is accepted by the appointing authority (It may also be rejected by it.), the proposals are submitted to the voters. The charter or amendment becomes effective if approved by a majority voting on the question at a general election or if approved at a special election by an affirmative vote which is both a majority of those voting and at least 15 percent of the electors.

Section 7-193 of the General Statutes sets forth certain required provisions of all charters. Essentially, the required provisions are simply that the municipality shall have (1) a legislative body and (2) a chief executive officer. Other than these limitations, the municipality may create its own government.

> Every town, city or borough shall have such other town, city or borough officers, departments, boards, commissions and agencies as are provided by the General Statutes or by the charter. Such officers, boards, commissions and agencies shall be elected or appointed in the manner provided by the General Statutes unless otherwise provided by charter.

Section 7-194 sets out in detail the powers which charter municipalities shall have in addition to the powers granted by the constitution and other general statutes. The enumerated powers are fifty-seven in number and include the usual range of governmental powers which are exercised by municipalities. Implied powers are granted as well as a broad area of regulatory power in the following terms:

> (26) to make and enforce police, sanitary and other similar regulations and to protect or promote the peace, safety, good government and welfare of the town, city or borough and its inhabitants.

Rightfully considering the consolidation of municipalities by local action to be an aspect of home rule, the 1957 legislature incorporated previous provisions of the General Statutes involving consolidation of municipalities and creation of special purpose districts into the 1957 revision. That is, the consolidation of municipal functions or of municipalities is to be effectuated through the charter framing and enacting process. An area problem can be met at the area level of citizen participation through the home rule process.

1959 *amendment—home rule ordinances.* The 1959 General Assembly made an amendment to the Home Rule Act which requires consideration. The purpose of 1959 Public Act No. 678 is discovered in the title, "An Act Concerning Local Substitution of Special Acts." The act, briefly, empowers a municipality to amend or substitute a special act previously applicable to it by adopting a "home rule ordinance." The operative words of the provision are as follows:

> [T]o adopt a home rule ordinance in substitution for a special act relating to its government, which ordinance may contain the provisions of such special act, with or without changes not inconsistent with the constitution or the general statutes, and may amend or repeal such home rule ordinance.

The procedure for enacting a home rule ordinance in substitution for a special act is the same as for adopting, amending, or repealing a home rule charter.

The first question raised by the 1959 Amendment is, "Why?" It would appear at first reading that the power has already been given. However, there is one logical explanation. Under the Home Rule Act as it read before 1959, towns, cities, and boroughs had power to "draft, adopt and amend a charter which shall be its organic law." Assume a municipality operating under the General Statutes but having a special act which it wished to repeal or modify. Arguably, it could proceed to do one of two things. First, it could ask the General Assembly to make the desired change. Secondly, it could frame, adopt, and amend a charter which included the change. This argument would claim that for the municipality simply to change the special act without drafting a complete charter would not be within the terms of the quoted provision of the pre-1959 Home Rule Act. Thus, the reason for the amendment—it allows towns to vary or repeal special acts without adopting a complete charter. This reasoning clearly demonstrates that the General Assembly desired municipalities to use the Home Rule Act where previously special acts were necessary. It also demonstrates that the General Assembly intended to grant power to the municipalities to vary the application of general municipal law.

The manner in which the 1959 Amendment is written into section 7-188 could lead to misunderstanding if the purpose of the amendment and the actual words of the amendment are not kept in mind. The pertinent parts of that section as amended now read as follows (The *italics* indicate the exact words added by the 1959 Amendment.):

> Any town, city or borough, . . . shall have the power to draft, adopt and amend a charter which shall be its organic law and shall supersede any existing charter, including amendments thereto, and all special acts inconsistent therewith, *and to adopt a home rule ordinance in substitution for a special act relating to its government, which ordinance may contain the provisions of such special act, with or without changes not inconsistent with the constitution or the general statutes, and may amend or repeal any such home rule ordinance,* provided the rights or benefits granted to any individual under any municipal retirement or pension system shall not be diminished or eliminated.

Misunderstanding can arise because of the inclusion in this amendment of the phrase, "not inconsistent with the constitution or the general statutes." It is clear from a reading of the quoted section as amended, that the latter phrase does not limit the effect of the municipality's power to frame its home rule charter. The phrase only limits the power of a municipality to substitute special acts by home rule ordinance.

Even ignoring the problem in interpretation raised by the 1959 amendment, there is reason to question the wisdom of introducing the home rule ordinance concept. It unduly complicates Section 7-188. There is no need for a new concept and there is no reason why a home rule ordinance varying special legislation need be "consistent with the general statutes."

The need for the 1959 Amendment, as indicated above, can only be that the legislature intended noncharter cities to have home rule powers without adopting a complete charter. However, municipalities already had this power. The example of the 1958 Simsbury home rule charter is in point. At that time the town of Simsbury had no charter

but was governed by general statutes and a limited number of special acts. The town desired to place control over the police department in the board of selectmen. No general statute was applicable. Rather than introduce a special act in the General Assembly, the town decided to proceed under the Home Rule Act. They drafted and adopted a brief charter. One provision of the charter stated that the town of Simsbury, with its present powers, rights, and duties was to continue in existence except as otherwise provided in this charter. Another provision directed that the control of the police department be in the board of selectmen. The result was the adoption of a "charter which shall be its organic law . . ." for the town of Simsbury. There is no doubt that such a charter is a valid action under the Home Rule Act. The 1959 amendment was unnecessary.

There is good reason why home rule charters need not be consistent with general statutes. Home rule charters are enacted only after careful drafting by electors of the municipality, after hearings have been held, and after submission to the qualified electorate of the municipality. This constitutes adequate protection against irresponsible or unwise legislation. Home rule ordinances are enacted pursuant to the same procedure. There is no reason for a different rule as to validity.

It might be that the unfortunate terminology "ordinance" led to the limitation in the 1959 Amendment. Legislation applicable to municipalities includes constitutional provisions, statutes, charters, and ordinances, with the latter being generally subservient to the others. Ordinances are enacted pursuant to charter or statutory authority. Thus, the term "ordinance" applied to legislation enacted pursuant to procedures typical of charter enactment is misleading.

Lastly, the home rule ordinance concept is inconsistent with the pattern of home rule established by the General Assembly. The general purpose of home rule in this state is obviously to endow municipalities with power to do that which previously was done by the General Assembly through special acts. Special acts are nearly always "inconsistent" with general statutes. If they were consistent, then they would be unnecessary. A special act is used to give a particular municipality power which it does not have by general statute or to vary the power as it is given by general statute. Therefore, it follows that legislation in substitution for special acts will be "inconsistent" with general statutes even as was the act which it substituted or amended.

A word here about "inconsistency" and "conflict" is appropriate even though a more complete treatment will follow. Home rule charters are inconsistent with general statutes if they provide for powers not provided by general statutes of if they vary what is provided by general statutes. Home rule legislation is not in "conflict" with general statutes unless the provisions of the charter allow a municipality to do something which general legislation forbids or attempts to excuse a municipality from performing a statutory duty. It is the thesis of this article that home rule charters are necessarily and desirably inconsistent with general statutes but not in conflict with them.

1961 *and* 1963 *amendments.* Both the 1961 and 1963 General Assemblies made certain amendments to the Home Rule Act which should be briefly commented upon at this point for the sake of completeness. The 1961 amendments were both clarifying amendments and did not affect the substance of the act. Public Act No. 490 of 1961 made specific reference to the fact that the powers listed in Section 7-194 were exercisable by "all towns, cities or boroughs which have a charter or which adopt or amend a charter." In other words, that section of the Home Rule Act was made to apply to all charter municipalities rather than only to home rule charter municipalities. Section 89 of 1961 Public Act No. 517 merely dropped a reference to municipal courts which no longer exist.

The 1963 General Assembly did strengthen home rule legislation without changing its character. Thus, Public Act No. 18 amends Sections 7-198 and 7-200 of the General Statutes in order to authorize consolidation commissions not only to draft and amend a consolidation ordinance but also to make any "necessary revision of the charter of any of the units of local government under consolidation so as to eliminate unnecessary offices, departments, boards, commissions or other agencies . . ." This was a desirable and necessary amendment to insure that home rule activity could adequately handle local consolidation. The authority has already been used in the consolidation of the town and city of Danbury.

Public Act No. 582 of 1963 broadens the effectiveness of the Home Rule Act by authorizing use of its provisions by fire districts and other districts created by special act.

A significant change in home rule procedure is made in an amendment to Chapter 99 found in Public Act. No. 184 of the 1963 General Assembly. Prior to that amendment, as has been pointed out in the above discussion of the 1957 act, the "appointing authority" of the municipality had final say on whether or not a proposed charter was to be submitted to the electorate. In other words, a carefully drafted charter proposed by a representative charter commission might never get to the polls if the appointing authority did not approve the charter. Public Act No. 184 provides that the rejection of the proposed charter by the appointing authority bars further action on the charter unless a petition for a referendum on the charter, signed by not less than 15 percent of the voters, is presented to the appointing authority within forty-five days after rejection. Thus, an active citizens' group will be able to get the matter placed upon the ballot even though the appointing authority is opposed to the changes incorporated in the proposed charter.

Analysis of Connecticut Legislative Home Rule

It has been shown that home rule includes the local power to frame, adopt, and amend a charter. An analysis of the home rule law of any particular state must outline the content and limitations of this charter-framing power. That is, what may a locally enacted charter

include? What is the effect on general statutes which might be inconsistent or in conflict? If it is assumed that general statutes in conflict with charter provisions will control, what is the test of determining "conflict?" These are the questions which will be discussed in the following paragraphs.

Where a constitutional home rule provision is involved, as in Missouri, Ohio, and a number of other states, the content and limitations of charter-framing power must be found in judicial interpretation of significant constitutional language. In legislative home rule, the enabling act is the key. In examining Connecticut law of municipal home rule, one is forced to rely wholly upon statutory language. As of this writing, there are no adjudicated cases discussing the scope of home rule powers. Fortunately, as will be shown, the language of the Home Rule Act, read in the light of past practices in this state, and supplemented with the home rule experience of other states, presents a more than workable pattern.

Purpose. The purpose of a legislative enactment is generally a good clue to its interpretation, and this is true in the case of the Home Rule Act. As already has been indicated the purpose is to free the General Assembly from the task of handling special acts for each municipality. This purpose is accomplished by giving municipalities the power to draft and adopt their own special acts. Up to the time of the home rule charter activity mentioned in the introduction to this article, municipal charters were enacted and revised periodically by the General Assembly. Special acts provided single provision amendments and corrections of municipal charters. A glance at any volume of the special acts of the General Assembly for any legislative year prior to 1955 will clearly indicate the large amount of piecemeal, as well as wholesale, municipal legislation enacted. There has been a sharp decline in this type of legislation since 1955. In the 1957 General Assembly, 234 of the 1,352 bills passed (17.3%) were special acts relating to municipalities. In the 1963 General Assembly, only 75 of the 1,043 bills passed (7.2%) were local in nature.[9]

As has been shown, the home rule legislation itself indicates its purpose to replace special legislation. The 1915 act applied to "any town whose government is conducted under the provisions of a special act, and any city or borough." (Cities and boroughs in this state were governed by special acts until the time of home rule.) The present act states that the home rule charter "shall supersede any existing charter . . . , and all special acts inconsistent therewith."

A very strong indication that the General Assembly intended that home rule charters do the work previously done by special act is found in the language of Section 2-14 of the General Statutes. This section does not appear in the home rule chapter of the General Statutes, but its source is the Home Rule Act of 1957. This means

[9]Connecticut Public Expenditure Council, *Taxpayers' News*, September-October, 1963.

that part of the 1957 home rule legislation was placed in Title 2 of the General Statutes, entitled "General Assembly." But originally that section was Section 19 of Public Act No. 465 of the 1957 legislature. It reads in part as follows:

> The general assembly shall enact no special legislation relative to the powers, organization and form of government of any town, city, borough or other unit of local government unless requested by a town, city, borough or other unit of local government, in the manner hereinafter prescribed, to enact such special legislation . . . .

This section then provides that special legislation may be proposed to the General Assembly not later than ten days prior to the session in one of four ways. A resolution proposing the special legislation may be adopted (1) by a two-thirds vote of the council, board of directors, board of burgesses, or other body charged with the duty of making annual appropriations, (2) by the board of selectmen in any town not having a body provided for under (1), (3) by a majority vote of the town meeting or representative town meeting, or (4) by a petition requesting such legislation signed by not less than 10 percent of the electors of the unit of local government.

Obviously, the purpose of the home rule legislation can be said to be that of reducing the amount of special legislation necessary in each General Assembly. Another purpose, of course, is to give the local electorate a greater degree of participation in local government. Participation in local government fosters good citizenship and increases the strength and vitality of political responsibility.

Scope of home rule powers. What does the home rule act presume that a Connecticut municipality will do? That is, what will be included in the charter? In what respects will the charter make provisions affecting the drafting municipality different from those already applicable to it? This is a key question in understanding the act. It appears that the language of the act itself indicates the nature of the power granted to municipalities choosing to exercise the home rule option. To describe the nature of this power, it is desirable preliminarily to indicate a distinction between the "government" or governmental organization of a municipality and the regulatory powers which it exercises coupled with the services which it performs.

The first concept, the government of a municipality, assumes that a local unit is created or exists to perform certain local functions. The structure or organization which regulates and services the community, the designation of its officials and employees, the composition of its component units and arms, and its internal business are all facets of creating and maintaining a local unit of government. Unfortunately, the most apt word to indicate this is at best an ambiguous and overworked word — "government." Secondly, the government of a municipality exists to regulate and to service. It regulates social conduct which experience and logic have shown is best regulated at a local level. It regulates local traffic, it prohibits certain conduct offensive to its community, it regulates private activities locally, and it provides for a safe, healthy, and desirable community of the

character best suited for the locality's geography, economy, and culture. Also, it provides on a local level such services as streets, transportation, water supply, sewerage, and fire and police protection as well as recreational or cultural facilities. Generally, "municipal powers" is an appropriate word to describe this functional look at municipal government, which includes its regulatory police power and its services.

Prior to home rule legislation, the General Assembly, through general enabling acts or special acts, created and prescribed the "government" of a municipality and further indicated what "municipal powers" this government should or could perform. Home rule in some states dictates, in effect, that local electorates shall frame charters for the purpose of defining the city's own government as well as indicating its powers. Limits have to be set so that the home rule city does so with respect to its "municipal affairs" or "local government." A determination is made by the draftsman of the constitutional proviso, often very inefficiently, as to what general law will operate in spite of conflict with charter provisions. This is not the method by which the Connecticut General Assembly introduced home rule.

Connecticut home rule legislation indicates quite clearly that home rule charters may provide for the "government" of a municipality, irrespective of the patterns previously established by general or special acts. This is where the Home Rule Act introduces needed flexibility into local government law. The act does not, however, indicate that this government can exercise regulatory powers or provide local services other than those provided by general statutes. The charter will, of course, indicate what regulatory powers and local services are to be exercised by the charter community. That is, the charter drafters might choose not to exercise all powers or perform all services. Actually, in practice, charters drafted to date include a provision which generally states that the municipality is to have all powers granted by general statutes, by special acts, and by the charter. The manner of exercising these powers, the bodies to exercise them, and matter of governmental organization and administration, however, are controlled by the charter and not by general statutes.

A brief examination of the Home Rule Act provisions will demonstrate the function of the charter.

Section 7-188 states that the charter of the municipality shall be "its organic law." The 1953 version used the phrase, "relates to the powers concerning the government of such town . . ." in describing the home rule charter. While neither of these expressions automatically compels the interpretation suggested here, there is further language of significance.

The limitations on the type and format of government which a municipal electorate may select is provided in section 7-193 of the General Statutes. That section of the Home Rule Act is entitled "Required provisions" and it provides that all charters must include provisions for an executive branch of one of a number of stated possibilities, and a legislative branch of one of a number of stated possibilities

or one of given combinations. Section 7-193, however, further states that the municipality shall have "such officers, departments, boards, commissions, and agencies as are provided by the general statutes *or by charter* . . ." and that they shall be "elected or appointed in the manner provided by the general statutes *unless otherwise provided by the charter* . . ." (emphasis supplied). In other words, the overall effect of the statute is that once the charter commission selects a basic pattern from section 7-193, then the charter may vary with respect to other departments and functions of government. The inescapable inference is that the legislature gives complete flexibility to the charter framers in establishing their "government."

In contrast to the grant of flexibility in organizing and staffing the municipal government is the grant of specific substantive powers. In other words, the home rule procedure may determine *what government* is to exercise the powers granted by the state legislature. The scope of powers which may be exercised under or through a home rule charter is clearly indicated in the opening sentences of Section 7-194 of the General Statutes.

> Subject to the provisions of section 7-192, [which states that nothing contained in the home rule act shall empower any municipality to levy or collect any tax not authorized by the general assembly] any town, city or borough which adopts or amends a charter under the provisions of this chapter shall have the following specific powers in addition to all powers granted to towns, cities and boroughs under the constitution and general statutes; . . . [Then follows a list of 57 enumerated powers.]

There is here no indication that a home rule charter may reach for a new power not previously granted by the legislature. Admittedly, this is a feature of the Connecticut home rule act which means less home rule than given in certain other states. Whether or not an amendment is desirable in order to endow municipalities with more general local regulatory and service powers is a question beyond the scope of this article.

Home rule legislation and other general statutes. The compelling question at this stage of the discourse involves the role which the home rule act plays vis-a-vis the bulk of general enabling acts. The careful analyst is aware that courts are chary of admitting that an authority to frame a charter for its own government permits a municipality to ignore general statutes. Courts know that the legislature intends that all municipalities should obey certain basic ground rules. They will not consciously throw upon the General Assembly the burden of enacting new legislation to prevent the establishment of a home rule city as an *imperium in imperio.*

Is this fear of an autonomous city, of a state within a state, a realistic fear? Is it real enough to suggest that the Home Rule Act be limited in its operation, either by court decision or by subsequent amendment by the General Assembly?

Preliminarily, it must be remembered that the Home Rule Act is simply a general act. It is of no greater force than other general acts. It can be stated without citation that the question of the effect of

the Home Rule Act on other acts is simply a question of statutory construction. That act must be construed in the light of other acts of similar force.

Assume that a city charter is being drafted, that the type of government for the city has been decided upon, and that the outline of the composition and procedures of the various agencies has been established. To what extent must the provisions of the charter accord with the General Statutes? Must a town manager be appointed pursuant to Section 7-98? Must the zoning commission consist of five members? Must the town meeting, if such is included in the plan of government, be held annually as provided in Section 7-1 and must the warning conform to the requirements of Section 7-3? May the charter provide for a greater degree of immunity to suit for tortious conduct of its agencies and employees than is provided by general statutes? These are only a few of the sample questions which have been presented to lawyers advising charter commissions and which may be presented to Connecticut courts. It is submitted that ordinary rules of statutory construction will provide clearcut answers in all but a few cases. There is no need to postulate that all charter provisions must be consistent with general laws. Only those in direct conflict need fall. A few examples should suffice to indicate that the answers are in the statutes, in the cases, and in the tradition of local-state relations in Connecticut.

Must a town manager be appointed in the manner set out in Section 7-98 of the General Statutes? That section states:

> Any town having a board of finance and which has adopted the provisions of this chapter as provided in section 7-100 may appoint a town manager. Such board shall nominate to the board of selectmen one or more persons for the office of town manager and the selectmen shall, within ten days from the date of such nomination, appoint from the list of nominees a suitable person . . . .

The Home Rule Act provides:

> . . . (b) the town shall have a chief executive officer, who may be one of the following: . . . (5) a town, city or borough manager appointed by the board of selectmen, the council, the board of directors, the board of aldermen or the board of burgesses; . . .

The result is crystal clear. There is no conflict. The first statute is permissive, granting towns the power to have a town manager if they so choose and setting forth the procedure of how they do it. The Home Rule Act, by its very nature, is more flexible. The town is recognized to have certain powers, and by its charter framing power is permitted to introduce some flexibility in the manner in which the powers are exercised.

Similarly, Section 8-1 of the General Statutes providing for a zoning commission of five members yields to the clear words of the Home Rule Act that each municipality shall have such "town, city or borough officers, departments, boards, commissions and agencies as are provided by the general statutes or by charter."

Must a town choosing a town meeting form of government hold an annual town meeting and must it be warned as provided in Section 7-3? Section 7-1 reads, in part, as follows: "Except as otherwise provided by law, there shall be held in each town, annually, on the first Monday in October, a town meeting . . . ." The Home Rule Act states that a town may frame a charter which does or does not include a town meeting, but it does not provide differently as to frequency of meeting. The imperative "shall" of Section 7-1, therefore, compels an annual meeting, and similarly the imperative in Section 7-3 requires a warning of such meeting in accordance with its provisions. The later enacted Home Rule Act provides by law that towns may, by choice, dispense with town meetings, but it does not affect the requirements of a town meeting if the charter chooses to incorporate a town meeting in the governmental framework.

Similarly, there are many areas of governmental regulation which are and have always been of state-wide concern. Thus, if a municipal charter did attempt to regulate court proceedings, the attempt would be ineffective. The administration of justice and the organization of local, as well as state, courts have always been matters for the state legislature. A municipal regulation cannot affect state-owned property. In Connecticut, even though elections are locally administered, a home rule charter could not change the state statutes with respect to elections of state-wide officials. This will be true even though the state statutes do not use explicit terminology forbidding local variation.

It is submitted that these examples can be supplemented with many more. The Home Rule Act can be read with other general acts so as to give to home rule charters that degree of flexibility intended by the General Assembly without impairing the patterns already established for local governments. It is further submitted that this approach is a more direct and workable one, involving fewer difficult interpretive questions than constitutional home rule amendments.

Home rule act and special acts. The discussion and analysis of the Home Rule Act has already adequately indicated how home rule charters affect the provisions of special acts. Special acts are variations of the general law theme for all municipalities which the legislature has composed for individual municipalities. Under the clear language, a city has the powers given by these acts; it may amend or substitute them, or it may repeal them.

It is true that there may be certain special acts presently applying to municipalities which cover subjects which cannot be treated by home rule charter. Thus, a few municipalities have special acts which limit their liability for injuries caused by icy sidewalks. A special act applicable to New Britain limits such liability to $1,000 per injury. However, the matter of municipal liability for failure to perform its duty of providing safe sidewalks is not a matter of municipal government nor of internal concern. Municipal liability regulates the rights and duties of municipalities with respect to private individuals. These individuals may or may not be residents and taxpayers of the

municipality. Court decisions of other states have determined that home rule charter provisions affecting municipal liability are ineffective as not dealing with "municipal affairs" or "local government."

Constitutionality

Many lawyers and most political scientists are shocked to discover that there is any serious thought that legislative home rule is unconstitutional in the American system. Certainly our legislature harbors no such concern. It is the writer's thesis that decisions inferring or holding that legislative home rule is unconstitutional (1) misunderstand and misapply certain basic constitutional provisions and (2) cannot be said to apply to Connecticut. This paper will briefly examine and discuss decisions in other jurisdictions and then will examine Connecticut authority and practice to demonstrate the constitutionality of present home rule legislation as already analyzed.

Court decisions in other states. The conclusion that legislative home rule is unconstitutional is based upon a misapplication of a well-known principle of municipal corporation law. This principle, which was discussed previously, is known as Dillon's Rule and is stated as follows:

> It is a general and undisputed proposition of law that a *municipal corporation possesses and can exercise the following powers and no others*: First, those granted in *express words*; second, those *necessarily* or *fairly implied* in or *incident* to the powers expressly granted; third, those essential to the accomplishment of the declared objects and purposes of the corporation,—not simply convenient, but indispensable. Any fair, reasonable, substantial doubt concerning the existence of the power is resolved by the courts against the corporation; and the power is denied.

This rule itself does not seem to compel or even suggest that home rule is bad. However, combine Dillon's Rule, firmly planted in a judge's mind, with the constitutional theory that the legislative power cannot be delegated; and the results are astounding. A few cases will illustrate the process. But, remember, there are, fortunately, only a few cases.

In 1899, the Michigan legislature attempted to grant to the city of Detroit the power to amend, alter, and repeal its charter by local action. Amendments recommended by the mayor and council were to be submitted to the electors. An action to restrain the city officials from proceeding under this act was *Elliott* v. *City of Detroit,* 121 Mich. 611 (1899). The Supreme Court of Michigan, in cavalier fashion in light of the important question raised, simply affirmed by adopting the opinion in the court below. This opinion admitted, as all must admit, that the legislature might delegate certain lawmaking powers to the city council. The lower court added, "but in delegating this authority it must point out specifically the powers delegated, and the extent of those powers." The opinion also made the error of concluding that inasmuch as the mayor upon the approval of the council or five thousand voters upon petition could submit proposals to the electorate, legislative powers had been delegated to them. It is submitted that neither of these arguments is logical or right.

First, with respect to the contention that the legislature can only delegate specific powers, the writer disagrees. Even if Dillon's Rule by some magic attains the status of constitutional dogma, a careful reading of it does not indicate that power must be delegated in *specific* terms. Municipal power, it is submitted, need only be *express*. An express grant of general power should be valid. Whether it should be strictly construed is another matter.

Secondly, *Elliott* v. *City of Detroit* stated as follows:

> Any attempt . . . to delegate wholesale, unqualified, and undefined authority, either to the mayor or any five thousand citizens who may see fit to present a petition, is, in our opinion, contrary to the constitution and laws of this state.

This conclusion is clearly wrong. To propose legislation is not to legislate. Many states provide for the initiative, which allows a certain percentage of the electorate to propose legislation for a general referendum. It does not give legislative power to anyone.

A Georgia case constitutes the apex or, more correctly, the nadir of misapplication of basic constitutional doctrine. The case, *Phillips* v. *City of Atlanta,* 210 Ga. 72 (1953), actually involved the question did the Municipal Home Rule Law of Georgia follow the constitutional directive of the constitutional home rule amendment? Thus the actual holding is inapplicable to our present question, but gratuitous statements of Chief Justice Duckworth indicate basic assumptions of certain courts with respect to local government law. In commenting upon the constitutional requirement that the legislature provide "uniform" laws for cities, he states:

> It was provided in order to refute any notion that municipalities had the green light to write their own tickets and assume such powers as they might choose to exercise. Such would not be orderly government, it would be a multiplicity of local laws and regulations that would ultimately destroy commerce and communication as well as individual liberty.
>
> The demonstrated wisdom of our American system of representative government and public laws enacted by representatives freely choosen is enough to demand extreme caution and critical examination of any proposed departure therefrom. History warns us of tragedies endured by the individual under practically every other system.

Insofar as the quoted sentiments apply to home rule legislation, suffice it to say whatever might be the law and political theory of Georgia, it certainly is not descriptive of Connecticut's.

A recent case, more in point, involved the constitutionality of a West Virginia special act purporting to give sweeping legislative power to the city of Wheeling. The Wheeling city charter, a special act, endowed that city with:

> [A]ll powers of local self-government and home rule that are now, or hereafter may be, granted to municipalities under the constitution and laws of the state, as well as all other powers possible for a municipality to have.

In *Law* v. *Phillips,* 136 W. Va. 761 (1952), the Supreme Court of Appeals held that the provision "cannot be relied upon as conferring upon the municipal government of [Wheeling] any powers not specifically, or by necessary implication, granted by the enactment of which it is a part."

Two comments might be made about this decision. First, it is surprising that the West Virginia court reached such a conclusive result without citation or developed discussion. The court's reaction seems almost as emotional as that of the Georgia court. Secondly, it must be noted that the provision invalidated in this case is general and without preface or limitation. It is not part of a carefully enacted and written general act as are the provisions of the Connecticut home rule legislation.

Both the Michigan and West Virginia cases involved legislation affecting only one city. The Georgia case involved legislation enacted under a constitutional amendment, and it was there held that the legislation did not meet the constitutional directives. The Connecticut legislation being discussed is legislation which applies to all municipalities. Its provisions do not attempt to give municipalities all powers possible. The delegated powers are clearly indicated, and there is no express constitutional provision involved. It should be noted that Connecticut's constitution is a simple, straightforward document. It is not cluttered with varying provisions referring to municipalities as is the case with constitutions of midwestern and southern states.

A recent Oregon case correctly decided the issue under discussion. The legislature may constitutionally grant general municipal power to a unit of government. In *Davidson Baking Co.* v. *Jenkins,* 337 Pac.2d 352 (1959), a city had enacted an ordinance imposing a license requirement and fee upon bakeries. The city claimed to derive power to enact this ordinance from a statute which read as follows:

> Except as limited by express provision or necessary implication of general law, a city may take all action necessary or convenient for the government of its local affairs.

It should be noted that even though Oregon has constitutional home rule, the city involved was not operating under a home rule charter.

The baking company contended and argued that the statute quoted above was a sweeping grant of power and, therefore, was unconstitutional The Oregon Supreme Court expressly held that the provision was good. The court pointed out that the rule restricting municipalities to powers granted by the legislature did not mean that the powers had to be granted individually or specifically. The Oregon court agreed with a Minnesota court which had made the following statement with respect to a provision of the Duluth city charter giving the city "all municipal power":

> What is meant by "all municipal power" is not defined, but as here used the expression is obviously broad enough to include all powers which may properly be given to and be exercised by municipal corporations. (*State* ex rel. *Zein* v. *Duluth,* 134 Minn. 355 (1916), quoted in the Oregon case.)

It is clear that the Oregon case is much more consistent with Connecticut law and with modern views of municipal government than such early cases as the Michigan case or those cases decided upon the peculiarities of Georgia or West Virginia constitutions. A brief look at Connecticut decisions will be illustrative.

Connecticut authority. The specific question — Is a legislative grant of home rule power to a municipality constitutional? — has not been presented to the Connecticut Supreme Court of Errors. The Connecticut Constitution has no provisions expressly controlling the question. The only question could be the well-recognized doctrine preventing the delegation of legislative power. Article II of the Connecticut Constitution dictates that "The powers of government shall be divided into three distinct departments," and each shall be separate. Article III, Section 1, entrusts the legislative power of the state to the General Assembly. The question of constitutionality of the Home Rule Act then becomes this: Is the Home Rule Act legislation of the General Assembly providing for local government in towns, or is it a delegation to towns and an abdication by the legislature of the latter's constitutional legislative power?

In *State* v. *Wilcox,* 42 Conn. 364 (1875), a local option law was upheld. An act of 1874 authorized the county commissioners to license liquor vendors in those towns where the sale of liquor was approved by a vote of the electors. The defendant contended that the law was an unconstitutional delegation of legislative power. Holding that the act was complete as it came from the General Assembly, Mr. Justice Foster stated:

> But these are not legislative powers. These are police regulations, quite fit and proper to be exercised by municipalities . . . for the protection of the morals and health, and the promotion of the prosperity, of their particular localities. Similar powers have been granted in the charters of cities and boroughs for a long course of years, and we are not aware that their constitutionality has ever been questioned.

In *State* v. *Carpenter,* 60 Conn. 97 (1890), the defendant was found guilty of violating a municipal ordinance prohibiting "policy playing." The defense contended that a legislative act authorizing the city to supress all forms of gambling and provide penalties for violations thereof abridged the fundamental maxim that legislative power cannot be delegated. The court replied:

> But this maxim cannot be applied in the unlimited manner asserted, for, if it could, it would invalidate every city charter and every ordinance, for the municipality has not life or power at all except as delegated to it by the legislature . . . The maxim must be understood in the light of the immemorial practice of this country and of England . . . .

A more recent case involved the constitutionality of a special act creating a parking authority for the city of New Haven and giving it power to acquire and operate off-street parking facilities. The authority was to issue bonds and exercise powers of eminent domain. In *Barnes* v. *City of New Haven,* et al., 140 Conn. 8 (1953), the Supreme Court of Errors initially determined that the project was for a legitimate public purpose. The court denied that the act was a delegation of legislative power, stating: "Creation of independent authorities to effectuate a public purpose within the area of a municipality is a proper exercise of the legislative function."

Finally, we come to the only case where the Supreme Court of Errors directly interpreted the Home Rule Act. In *Sloane* et al. v. *City*

of Waterbury, et al., 150 Conn. 24 (1962), a declaratory judgment action was instituted to determine the validity of proceedings involving a proposed charter amendment. The Waterbury charter gave the mayor the power of veto over "each vote, resolution, order, by-law or ordinance." It was contended that any action of the "appointing authority" under the Home Rule Act was subject to this veto. The court correctly held that the Home Rule Act was complete and exclusive in determining procedure for amending a charter. There was no discussion of the validity of the Home Rule Act. In the court's opinion Chief Justice Baldwin did say this:

> The Home Rule Act covers the entire field of charter drafting or amendment allowed to municipalities without action of the General Assembly. Enacted subsequently to the special act of 1931, revising the charter of the City of Waterbury, and the amendments to it pertinent here, the Home Rule Act takes precedence over any inconsistent provision in that prior special act.

Mr. Baldwin characterized the action of the "appointing authority" as that of an agent of the legislature. "It was acting independently of the charter and using a power conferred by the General Statutes."

The Connecticut authority examined does not directly resolve the issue. Its logic, however, seems to compel a conclusion that the home rule legislation of this state is constitutional. No Connecticut authority has been found invalidating a grant of power to a municipality upon the ground that it constitutes an invalid delegation of legislative power. This is not to suggest, however, that any delegation of power to a municipality would be valid. An attempted grant of power to cities to define murder, or to determine the validity of contracts, or to adopt a rule of comparative negligence for its citizens would not stand the test. A municipality could not be delegated power to enact laws which concern matters solely of state concern. This would be contrary to the constitutional provision giving state legislative (law-making) power to the General Assembly.

Where are the limits between valid and invalid delegations? Connecticut cases indicate the limits. For example, examine the opening sentences of Mr. Justice Hamersley's opinion in *State* v. *Cederaski,* 80 Conn. 478 (1908).

> It is well settled that the legislature may lawfully establish a municipality authorized to exercise within its territorial limits certain governmental powers of the state. The power thus authorized may include the powers necessary to the maintenance of a local government charged with the duty of preserving order within its limits, and of protecting the property, health, and morals of its inhabitants, and may include powers in the executive and legislative branches of the municipal government appropriate to the accomplishment of these ends.

There is here the recognition that municipal powers (1) are local and (2) relate to the property, health, and morals of the municipality's inhabitants. An Illinois court has said:

> Accordingly, we have held that the legislature may constitutionally delegate to the municipal corporations it creates the power to legislate on matters of purely local concern with their municipal affairs . . . and such functions as may be more advantageously performed by the municipal corporation . . . (11 Ill.2d, 125 at 147 (1957).

It is the considered opinion of this writer that the courts which have invalidated legislative home rule have done so on the theory that delegated powers to municipal corporations are limited to *specific* and express powers. Connecticut authority seems clearly to indicate that the legislature may delegate *express* power, whether general or specific, so long as such power is local in its effect and pertains to the health, safety, morals, or welfare of the citizens or is a traditional and usual power advantageously exercised by local government. Finally, there might be added at this place, the comment of the United States Supreme Court as to the doctrine of delegation of powers and local government.

> [W]hile the rule is also fundamental that the power to make laws cannot be delegated, *the creation of municipalities exercising local self-government* has *never been held to trench upon that rule.* Such legislation is not regarded as a transfer of general legislative power, but rather as the grant of the authority to prescribe local regulations, according to immemorial practice, subject, of course, to the interposition of the superior in cases of necessity. (*Stoutenburgh* v. *Hennick,* 129 U.S. 141 at 147 (1957), emphasis added.)

Conclusion

This has been an attempt, in advance of adjudicated cases, to outline the rights and powers of Connecticut municipalities under the Home Rule Act. It appears that the act basically speaks for itself. Read in the light of Connecticut history of state-local relations, the act is seen as the cap-stone in the building of strong local government. Viewed in the light of home rule experience of other jurisdictions, the work of the General Assembly rates high. The act is the result of mature thought and experience.

This writer has indicated his preference for strong and flexible legislative home rule for modern local government as contrasted with constitutional home rule. The latter need never come to Connecticut until such time as the General Assembly abuses its control over the towns of this state or until the municipalities themselves demonstrate that the flexibility presently granted is placed in irresponsible hands.

Perhaps the problem of constitutionality has been overemphasized. Certainly the attitude of the Connecticut courts has not been a dogmatic and unsympathetic one. The words of Mr. Justice Baldwin, as he then was, are an apt finale.

> It has never been the policy of this state to place in the hands of its local governments a large authority in the regulation of their local affairs.[10]

[10] *Jennings* v. *Connecticut Light and Power Co.,* 140 Conn. 650 at 663 (1954).

A Citizen's Orientation to Home Rule in Connecticut

by

James R. Brown

Professor of Public Administration

School of Business Administration

University of Hartford

Introduction

"Home rule" is a term well known throughout the United States. The term means that "under authority granted by the State Legislature, [or the State Constitution] municipalities are empowered, within a framework established by the Legislature, to set up, by local action, the form of government best suited to meet local needs, to adopt local ordinances, and to administer local affairs."[1] Under home rule a political subdivision of the state may perform all those governmental functions neither specifically denied such subdivisions by the state constitution or the general statutes, nor in contradiction with the constitution or the statutes. Home rule in Connecticut simply means towns carrying out local functions which are within their competence and ability. It means freeing state governments from multitudinous local problems of limited importance and allowing the state administration and legislature to attend to state matters. "Home rule makes it easier for townspeople to shape their local governments to the demands of changing times. In addition to this great advantage at the grass roots, home rule has the advantage of relieving the General Assembly of a burdensome load of local bills."[2]

For example, under home rule, the local community, not the state legislature would decide such questions as: Shall we have a mayor or a town manager? Shall we have five members or nine members on the local school board? How much shall we pay the people who work for the municipality? These are local questions answers to which affect local communities only. Home rule is just a common sense way of dealing with local problems.

Home rule is not some sort of an additional power that is called into existence when the General Assembly passes a home rule act. It is simply a redistribution of existing powers. "The aim of home rule is to distribute governmental control between the state and its municipalities in such a way as to provide for the more efficient use of the totality of powers residing in the state."[3]

The use of state power is changing because of the progressive urbanization of the state of Connecticut. The number of activities and services performed by state agencies has been increased in such areas as highways, schools, and welfare in order to build, maintain, and police highways and to help municipalities to meet mounting school and welfare costs caused by the growth and urbanization of the state's population. This means that older state agencies such as the State Board of Education, the offices of the Highway Commissioner and the Commissioner of Motor Vehicles, and the State Welfare Department are employing more personnel and using new techniques to handle the increasing work load in their offices. It also means that new agencies, such as the Department of Consumer Protection, have

[1]Connecticut Public Expenditure Council, *News and Views: Your State and Local Government,* No. 58, September 13, 1956. Words in brackets supplied.

[2]*Ibid.*

[3]Hendrick, Thomas E., *Progress Report, Workshop in Legislation, Subject: A Home Rule Act for Connecticut,* May, 1957, on file at the Connecticut Public Expenditure Council.

been created and staffed to provide new services the people need in a metropolitan state such as Connecticut. Legislating and appropriating for these services has taken up an ever-increasing share of the General Assembly's time. While the direct use of state power has changed and increased in the urbanization process, the need for a redistribution of that power exists. The same process that is causing the changing use of state power, makes it necessary for rapidly growing municipalities to increase and multiply their local services and to streamline and modernize their governmental operations and structures to provide for these new and expanded services. A proper distribution of the state's power must be flexible to meet these needs.

A home rule act, then, strives to achieve a good balance of the distribution of state power, giving municipalities power over functions and subject matter which may be treated individually by them with effectiveness and reserving to the state power over functions and subject matter which lend themselves to uniform or general treatment. It is a practical application of the principle of "subsidarity"[4] in the distribution of the powers of government. Thus local communities ought to have power over the use of their streets and over the automobiles, buses, taxicabs, trucks, and other vehicles which operate on them, while the state must have power over the intertown, or state, roads and provide regulations for vehicles which use them. Since no town is an island, state licensing regulations will apply to all vehicles within the state, but the town may set speed limits, determine routes on streets and the types of vehicles which may use them, and make parking regulations within the town limits.

It is clear, then, that even if home rule does mean giving local communities the proper powers to attend to local needs, it is still no more than a redistribution of state power through the form of a constitutional or legislative grant. There is no inherent right of self-government in local communities, not even in the most venerable of the colonial towns of Connecticut. Questions of constitutional or pre-constitutional rights or powers of local governments have been brought before the courts of this state, and the decisions have always been that no town in Connecticut has rights beyond those emanating from the state. The status of local municipal governmental units is that of being only creatures of the General Assembly and entirely subject to its will, under such limitations on legislative power as are contained within the state constitution.[5]

Home rule is a flexible concept. It is not inextricably tied up with any particular form of local government, such as the Connecticut town. The idea of home rule can be applied beneficially to towns, cities, boroughs, villages, fire districts, special districts, and improvement

[4]That a superior official, organization or power should never perform tasks which can be performed by a subordinate. See *Mater et Magistra,* encyclical of Pope John XXIII, Paulist Press Edition, 1962, p. 23. Also, *Quadragesimo anno,* encyclical of Pope Pius XI, 1931.

[5]See *Willimantic School Society* v. *First School Society of Windham,* 14 Conn. 457 at 469 (1841); *Central RR Company's Appeal,* 67 Conn. 197 at 214-15 (1896); *State* ex rel. *Bulkeley* v. *Williams,* 68 Conn. 149 (1896); and *Williams* v. *Eggleston,* 170 U.S. 304 at 309-10 (1897).

associations. Home rule has been applied to county governments in some states. The idea of home rule fits in with consolidation and cooperation; and it does not in any way, if it is correctly understood, interfere or prevent growth of any kind. Home rule works well with regional approaches to regional problems, such as the formation of regional school districts to provide more adequate educational facilities for a group of towns (Cf. Secs. 10-39 to 10-66, Chapter 164, General Statutes, Revision of 1958, as amended). The idea of home rule can be applied to and used by a metropolitan area just as well as it can be applied to and used by a small rural community. The idea is very flexible and adaptable.

Home rule is also a concept of positive power. It is properly concerned with grants of power, not prohibitions on the exercise of power. If it is not a grant of power, if it does not really endow municipalities with real powers over the form, structure, and operations of local government, it is nothing. It is true that some persons have the idea that home rule simply means that the legislature grants power, within limitations, to municipalities to pass local ordinances. In other words, home rule simply means the authority to enact ordinances, and nothing else. Home rule does include in its meaning the power to enact ordinances, but it is not restricted to ordinance-making power — it means much more. Ordinance-making power is an absolute necessity for any kind of local government. Without it there would be no local government at all, merely bureaus and subdivisions of the state administration. Home rule today really means not only the power of ordinance making but also the authority to change and revise the powers and structures of local government to meet changing local needs.

Home rule is a concept of decentralized power that strengthens rather than weakens the powers of state government. The difficulty with any redistribution of state powers is always that such a distribution may go too far — it may result in paralyzing the exercise of necessary state powers to solve problems that are state-wide in nature. Good home rule amendments or laws do not do this. They cannot give municipalities control over such things as all vehicular traffic, or air and water pollution, or any activity or operation in the state that transcends local boundaries and affects the lives and properties of large numbers of the state's citizens. Nor could such amendments or laws give municipalities the power to change such state laws as the criminal code. However, home rule can and does aid state governments in taking care of state-wide problems, by granting to municipalities the powers they really need to solve their own problems in their own way. Home rule strengthens both state and local governments and enables them to provide adequate services more effectively for the growing population.

There are two kinds of home rule in the United States. The first is constitutional home rule and the second is legislative or statutory home rule, both of which are treated more extensively in the legal article of this pamphlet. A brief summary will suffice here. Constitutional

home rule means the granting to municipalities the power of framing and amending their own charters by an article or an amendment in the state constitution. It may be self-executing, i.e., taking effect whenever the municipalities choose to put it into effect, or it may be dependent upon the legislature's enacting laws that put it into effect.

Connecticut has had a proposed home rule amendment pending in the legislature for twelve or more years. The proposed amendment has changed from legislature to legislature, so that although there has usually been an amendment proposed it is not the same one — there have been a variety of different amendments submitted over the years. Although these proposed amendments have been passed by the House of Representatives when they were introduced, they have never been able to muster the necessary two-thirds vote of both houses in the next elected legislature, as required by the constitution. As a result no home rule amendment has ever been submitted to the people of the state for referendum. In the January Session of the 1963 legislature, House Resolution No. 72, a proposed home rule amendment, was adopted by the House on May 28. It provides for a type of home rule that would require legislative action to give it full effect, and it will come before the 1965 Session for passage. This will require a two-thirds vote of both houses.

The same forces that were behind the earlier and the present proposed home rule amendments (state legislators who sought to relieve the General Assembly of purely local problems and local officials, citizens groups, and individuals seeking more autonomy for municipal government) succeeded in getting the legislature to pass a statutory Home Rule Act in 1957 which is now in effect. Therefore, although Connecticut now has a constitutional home rule amendment pending (House Resolution No. 72, January 1963 Session, mentioned above), home rule has been accomplished in this state by a liberal statute (Chapter 99, General Statutes, Revision of 1958, as amended) so that presently Connecticut would be classified as a legislative home rule state. The real questions regarding Connecticut home rule are: Is the present Home Rule Act constitutional? How much power does the present law actually give the municipalities in Connecticut?

Constitutionality

The constitutionality of the present Connecticut Home Rule Act has never been directly challenged in the courts. However, as the legal article in this pamphlet demonstrates, Connecticut cases, though not directly concerned with the question, compel the conclusion that the Home Rule Act is constitutional. Cases in the Connecticut courts regarding municipal powers and the exercise thereof have resulted in decisions which would generally support a broad interpretation of the powers granted under the Home Rule Act.

An out-of-state case, *State* ex rel. *Gebhardt* v. *Helena*, (102 Mont. 27; 55 Pac.2nd, 676, 1936) might be applicable here. The opinion in this case states that where the constitution is silent as to instances

of conflict between general law and municipal charters and ordinances, the courts have held that state laws prevail in matters of state-wide concern, but succumb to conflicting municipal charters and ordinances dealing with purely municipal affairs. Our state constitution is silent on this point, and it would seem that state courts generally, in similar situations, have upheld municipal charters and ordinances.

A brief look at the history, the forces that promoted activity that led to the passage of the Home Rule Act, and the intent of that act makes it clear that a liberal grant of power is given to the communities of this state.

History of the Home Rule Act — The Power It Grants Local Communities

For most of the history of this state, there was no formal Home Rule Act on the statute books. The home rule concept was limited to the grant of ordinance-making powers to the several towns whereby their legislative bodies could pass needful ordinances and provide for their enforcement. The form and structure of local government was ordinarily established under the General Statutes following the town meeting-board of selectmen pattern. The towns could make few changes in their structure or powers and their ordinance-making capacity was limited.

The failure of this as a workable distribution of the totality of state power for purposes of local government was early made apparent by the passage of special acts by the state legislature for the various towns. These special acts dealt with specific problems in the towns that were not adequately covered by the General Statutes and which the town officials did not think they had the power to handle without specific authority from the state legislature. Some of the special acts permitted deviations from statutory procedures, and some of them amounted to granting charters to certain towns. By the latter part of the nineteenth century and the beginning of the twentieth, there were thousands of these special acts in effect. The government of many of the larger towns had become an almost incomprehensible hodgepodge of boards, commissions, authorities and offices, each set up under separate special acts and all operating without much relation to each other.

The situation was so acute that in 1915 the legislature passed the first home rule act. This act provided towns governed under special acts and cities and boroughs with the power to enact charters for their own government, or to amend charters then in existence which were themselves special acts of the legislature. The grant of power was fairly broad but the law was nevertheless unworkable. What the legislature gave with the right hand it took away with the left for the act provided that any referendum on a charter or charter revision had to be adopted by a majority of the voters at an election at which 60 percent of the electorate had voted (Conn. Pub. Acts (1915) No. 317;

Conn. Gen. Stats. (Rev. 1918) Secs. 378-387). Connecticut towns just do not achieve this kind of popular participation in government. The turnout of electors at municipal elections on local questions is practically always less than 60 percent. For example, of 91 towns voting on charters and charter revisions during the period 1957 to 1962, only three, or 3.29 percent reported 60 percent or more of the electorate voting.[6] The law, being unworkable, was repealed in 1929 (Conn. Pub. Acts (1929) No. 247).

It was not until 1951 that another Home Rule Act was passed (Conn. Pub. Acts (1951) No. 338). This act, too, gave communities the power to do a great many things to their government, as long as their actions were not inconsistent or contrary to the General Statutes, but it, too, had an impossible provision. The law stated that no new charter, nor any changes in existing charters or special acts could be valid and effective

> . . . until approved at a general election of such town, city or borough, or at a special election called by a majority vote of the legislative body of such town, city or borough and warned and held for that purpose, at which election at least fifty-one percent of the electors qualified to vote at such election, as determined by the last-completed voting list, shall have voted on such action.

Despite the fact that Connecticut towns pride themselves on their citizen participation in government, a 51 percent requirement is too high. Although most towns achieve a turnout of over 50 percent of their electors who vote for the presidential candidates, and for national or state legislators and officials, fewer than 50 percent vote at local referenda. Out of the 91 town elections previously mentioned only nine had a voter participation of 51 percent or better—not quite 10 percent of the total number of towns holding elections.

In 1952 the law was amended to reduce the percentage of participating electors at a special election to 26 percent (Conn. Pub. Acts (1953) No. 466). This requirement also proved to be unrealistic and too high a percentage. Even the amendment of the state constitution requires only "that a majority of the electors present at such meetings (town meetings held to vote on a proposed amendment) shall have approved such amendments." (State Constitution, Art. XI.)

In 1955 a home rule amendment was introduced into the General Assembly, and at the present time another proposed home rule amendment is awaiting action by a second legislature (1965, having been introduced in 1963). The latest proposed amendment (House Resolution No. 72, mentioned above) would require the passage of a Home Rule Act for implementation. Meanwhile, as has been mentioned before, the legislature has passed a Home Rule Act (Chapter 99, General Statutes, Revision of 1958, as amended) which, with subsequent minor amendments, is presently in effect.

---

[6]Connecticut Public Expenditure Council, *Taxpayers' News*, Vol. 13, No. 6, November-December, 1962.

Forces behind Home Rule

The forces that brought home rule legislation were twofold. One of these was the growth of many of the towns. From being originally small rural villages, many had become thriving industrial cities or populous suburban towns. When towns were all farming communities, made up of 500 to 1,000 families, 90 percent of whom were faced with the common problems of wresting a living out of the rocky soil of this state, community problems were few and simple. They could easily be disposed of at town meetings and the tasks of one-room school education, road building and repair, and poor relief could be administered by a small board of education and a three-man board of selectmen. However, when towns became cities with enlarged populations, many of whom were foreign born, and the cities contained factories, railroads, streetcar lines, water works, and sewage disposal plants, the old town meeting-selectmen form of government just could not meet the demands. As a result, these growing communities asked more and more special acts from the state legislature. Reliance on legislative special acts to solve local problems was unsatisfactory. The process of getting special acts passed is not only cumbersome but often very slow. The increasing complexity of local government was a strong force for home rule legislation.

The other force was the very large number of special acts that were introduced into the legislature each year. They became far more numerous than any other single type of legislation and concern over those bills demanded time which ought to have been devoted to serious state-wide problems. The very nature of home rule legislation is such that it is time consuming. Most of the problems of each town at any given time are peculiar to that town itself and known only to the representatives of that town. To get his special act before the legislature, the local representative or senator had to get it on his party's agenda, and this usually meant that the party leaders required his support for certain state-wide legislative proposals. This sometimes put the legislator in a rough spot, since to get his constituents' special bill before the legislature, he had to support state-wide measures some of which might be unpopular at home. In addition to agreeing to vote for his party's legislation in order to get his special bill on the agenda, the legislator often had to agree to vote for the home town bills of a large number of other representatives or senators. These kinds of "deals" can only be made by personal negotiation and this meant that each legislator proposing special bills had to negotiate with the party leaders and sometimes with a hundred or more legislators just on local legislation of no state-wide value. When special bills introduced in each session began to exceed 500 in number, the general business of the state suffered severely. This pressure, added to the pressures of being caught between local constituents' desires and party leaders' mandates, resulted in strong forces being generated within the legislature itself to pass home rule legislation. The problems of the growth of towns and the increase in the legislature's burden were the forces that pushed for the passage of a home rule act that

gave municipalities real power to deal with their problems and thus relieve the legislature.

The Intent of the Home Rule Act

The intent of the Home Rule Act is revealed in legislative activity and by the actions of towns that have adopted charters or revised their charters under its provisions.

The intent of the legislature can be ascertained from committee hearings, from the records of the legislative floor action in the two houses, and from the legislators themselves. The intent of the party leaders is supposedly enshrined in the state party platforms, both of which supported the idea of home rule the year before the law was passed.[7] From all of these sources it is clear that both the proposed home rule amendment and the Home Rule Act received a favorable response from the legislators because of a longstanding and growing need to make the General Assembly a more efficient legislative body. At recent sessions, 500 or more bills dealing with strictly local affairs had been put into the legislative hopper. By 1957 over 17 percent of all the laws finally passed were of this character. The drafting, discussions, and passage of these local and special acts impeded and sometimes blocked action on legislation of paramount state-wide interest. Senator Duane Lockard, in a paper prepared for the Connecticut League of Women Voters in September, 1955, pointed out that special acts (for local governmental purposes) are pure log rolling, may be used by party leaders to keep the legislators in line, and are often rejected because of political maneuvers which have nothing to do with the merits of the bill. He described how a bill providing for a council-manager government for the town of Watertown was never passed simply because it got lost in transit between the two houses in 1953. Since the passage of the Home Rule Act the number of local bills filed has dropped by 68 percent and the number of special acts for municipalities passed by the legislature decreased to 7.2 percent. There is evidence that the legislature is very pleased with this state of affairs. There is no question that the legislative intent was to grant real powers to the towns to handle their own affairs and thus relieve the legislature.

---

[7] 1956 Democratic Platform: "Extension of . . . greater home rule."
1956 Republican Platform: "The Republican Party in 1955 initiated constitutional amendments to provide for greater home rule, annual budget sessions of the General Assembly . . . . In the interest of decentralization of government, a more efficient operation of our state legislature, we pledge ourselves to press for the adoption of these amendments and the necessary implementing legislation."
Composition of the General Assembly in December, 1957:

Senate	5 Democrats	31 Republicans	Total 36
House	30 Democrats	249 Republicans	Total 279

1958 Democratic Platform: "Adoption of the Home Rule Amendment."
1958 Republican Platform: "We favor the principle of home rule and will continue to work to make it a reality."

Actions of Municipalities

The actions of municipalities which have created charter commissions under the present Home Rule Act clearly indicate that the intent of the law was to grant real power to local communities. By September 12, 1963, 130 charter commissions had been formed by 74 towns, cities, and boroughs in the state. Many municipalities have had two or more such commissions since 1957. Of the 24 municipalities that had adopted new charters under the Home Rule Act of 1957, as of July 1, 1963, half of them instituted important changes in governmental structure and power. Six towns created council-manager governments, four set up strong mayor-strong council governments, and two put chief administrative officers into town meeting-selectmen forms of government. The charter commissions of these towns, their legal counsels, and their appointing authorities must have regarded their grant of power to change local government as broad, otherwise they would never have permitted these important changes in local government to be submitted to the people for a referendum vote.

Operations of Charter Commissions

In practice, how the authority granted Connecticut municipalities under the Home Rule Act is used, i.e., how charter commissions operate, gives more evidence of the existence of real power.

Under the law charter commissions are chosen by city or town councils, boards of burgesses, or by the boards of selectmen. In the great majority of cases the care that has been exercised in choosing these commissions illustrates the fact that the appointing authorities think the commissions perform an exceedingly important function that seriously affects the power structure of the community. The commissions selected are balanced as to political party affiliation, interest group representation, and geographic distribution. For example the Wallingford Charter Commission of 1959 had as members leaders of both political parties, a professor from Yale, a teacher from Choate, a young woman who is associate editor of *The Connecticut Teacher* (published by the Connecticut Educational Association), a lawyer, businessmen, and two housewives. Some of the members had served on municipal boards and commissions. A more recent example is the Meriden Charter Commission of 1963. This Commission had among its members a housewife who was an active member of the League of Women Voters as chairman, a minister, a lawyer, the secretary of the YMCA, and three members of the city council who were businessmen or corporation employees. Political parties and geographical areas of the city of Meriden were well represented.

The men and women serving on charter commissions in this state have, by and large, taken their assignments very seriously and have worked very hard at the task of revising an old or writing a new, charter. They have not hesitated to sweep away old and cherished institutions in favor of more modern governmental structures if they thought such changes were necessary for the improvement of municipal government.

Many charter commissions in the state have been assisted in their work by two publications of the Connecticut Public Expenditure Council, Inc. *Connecticut's Home Rule Law: An Aid to Charter Commission Members* contains the full text of the Home Rule Act with the latest amendments, an outline of suggested procedure for charter commissions, and a timetable. The timetable indicates when each action of the charter commission, the appointing authority, and the electorate must be completed in relation to the date of the commission's appointment. *A Guide to Charter Drafting* contains model charters for three forms of government — council-manager, council-strong mayor, and selectmen's chief administrative officer. These models are based on the National Municipal League's *Model City Charter* and the best charters in the state of Connecticut.

Steps in Charter Drafting

The history of charter commissions in the state gives evidence that the following steps are necessary in the work of preparing a new charter or changing an old one.

The first thing new charter commission members must do is a lot of "homework." They must orient themselves, and the better this job is done, the better the commission will function. There are several subjects that need to be studied during the orientation period.

Since charter commissions operate under the Home Rule Act, the members should become well acquainted with the act and its provisions. They should know what they can and cannot do and the time that is allotted to them to perform their task. A working knowledge of the Home Rule Act is a "must" for charter commission members.

Second, members of a new commission should study the broad principles of municipal government — its structures and powers. They should be conversant with the standard forms of municipal government, such as council-manager and mayor-council, and know the meaning of such terms as "audit," "budget," and "classified service." This can be accomplished by consulting standard texts on municipal government,[8] and by having a session, if possible, with a college teacher of state and local government. They should increase their understanding of the administrative and legislative powers exercised by municipal government, and how these are used under the different forms, e.g., council-manager and mayor-council.

Third, a new commission is well advised to become familiar with the work of charter commissions in other communities of the state that have been faced with problems similar to their own. Sometimes this can be done by reading charters written by such commissions, and sometimes members of those commissions can be brought in to meet with the new commission during one of its sessions in the formative stage.

[8]For example, MacDonald, Austin F., *American City Government and Administration,* 6th Edition (New York: Thomas Y. Crowell, 1956); Pate, James E., *Local Government and Administration: Principles and Problems* (New York: American Book Company, 1954); Babcock, Robert S., *State and Local Government and Politics,* Revised Edition (New York: Random House).

Finally, a new charter commission may make use of the resources of institutions whose personnel have experience and knowledge of charters and charter drafting. The Connecticut Public Expenditure Council in Hartford and the Institute of Public Service at the University of Connecticut in Storrs have a great deal of material on file about charters and they have personnel who can advise and assist charter commissions. The National Municipal League, 47 East 68th Street, New York, 21, N. Y., has a model charter which is available and other information that is helpful to charter commissions in their orientation stage.

All of this is preparatory work, or "home work" as it was designated above. There is no question that it is important. Commission members who fail to do their "home work" do not make the contribution they could to the deliberations of the group, and they sometimes drop out as active participants before the charter is finished. In one or two cases where the majority of the charter commission failed to prepare themselves properly for their task, the resulting charters were poor ones and they were rightly rejected by the appointing authorities.

Whether a charter commission orients itself or not, it must evaluate the existing municipal government of its own community. The history of a large number of such commissions reveals the fact that most commission members did not know much about their own municipal government before they were appointed. The usual method of studying the municipality's government is to read the existing charter, special act or acts, the pertinent general statutes, the relevant municipal ordinances, and interview municipal officials. Many charter commissions have discovered that a considerable number of the municipal officers interviewed did not know much more about the local government than the commission members did. A good number of officials interviewed demonstrated that they understood their own governmental functions well, but did not know much about their town government generally.

At these interviews the representatives of the various offices and governing bodies sit down with the commission and discuss their duties and their problems, and make any recommendations to the commission they care to make at that time. For both the commissioners and the municipal officials interviewed, these experiences have proven to be very enlightening, and often show that municipal government has, like Topsy, "just growed" without anyone understanding exactly how it all happened. As a result of the evaluation process charter commissions usually have decided whether their old charter should be amended or a new one written.

When commissions have evaluated their own municipal government, the next step they are faced with is to make a decision, or decisions, about what form of government the commission thinks is best for the town and how municipal services are to be provided under that form. Such decisions are the most important acts that commissions who are developing new charters have to make. It means, for example, deciding whether a town ought to discard a town meeting-board

of selectmen government and adopt a council-manager form, or a modified form of representative town meeting, or a mayor-council form. This decision affects all the work the charter commission performs thereafter. The story of charter commissions in this state shows that this decision, or these decisions, have usually involved considerable mental effort and sometimes several attempts before a final decision has been reached. That same history also demonstrates that commissions that have tried to postpone these tough decisions until after they have started writing the charter have soon had to go back and make their key decisions, because without them too many minor details could not be determined. A charter commission ought to make its fundamental decisions before determining the outline of its charter. This often disposes of the question as to whether the old charter can be rearranged or a brand new one written, if this has not been decided before.

The next step has taken the most time for all charter commissions and that has been filling in the details of the form of government that the commission has decided to recommend. This has meant making a large number of minor decisions such as which departments shall be consolidated with others and which shall be left alone or separated from others. Some of these decisions, such as putting fire and police departments together in a department of public safety, have been crucial for some commissions. Another decision that has been difficult for charter commissions is the adoption of a civil service system and providing a personnel department to administer it. A number of charter commissions have tackled these problems by dividing into subcommissions and actually writing a first draft of the new charter in this fashion—each subcommission writing a part of the document. Some commissions that did this then employed a charter writer to take the subcommissions work and put the charter into a complete first draft form. Other commissions have hired a charter consultant to write their first draft for them and then they have worked on this, going over it by the subcommission method, or as a whole commission. Sometimes a member of the charter commission has been able to do the drafting.

Experience has shown that when a charter commission has finished a first draft it has been useful to submit this to the electorate in some form (mimeographed copies or a series of newspaper articles presenting the text) and then hold one or more public hearings. One public hearing, of course, must be held before the charter is sent from the commission to the appointing authority. Usually there will be strong objections or suggestions presented at public hearings, and in the past, commissions have profited by such public statements and made changes in their first draft when they thought it useful to do so.

The last formal step the charter commission takes is to prepare and adopt a final draft. In the case of most commissions, this has meant a series of meetings where the first draft is reviewed paragraph by paragraph. Occasionally this has involved last minute changes because

commissioners have come to different conclusions than they had held when the first draft was prepared. After this last review has been finished—sometimes at two o'clock in the morning—a good many commissions have held a last meeting and taken a final vote on the whole document before it has been sent, with a forwarding letter, to the appointing authority for review.

The record of charter commissions demonstrates that it is very important that a commission resolve its own differences within itself before the charter is forwarded. The forwarding letter ought to bear the signatures of all the members. Commissions which have forwarded reports with dissenting opinions and without the support of the great majority of the members have usually failed in their objective. It often takes a lot of time and patience to get all the members of a commission to agree on a text in the charter that concerns a controversial matter, but it has proven to be very worth-while. Neither an appointing authority nor a community is likely to be moved to support charter changes or a new charter that does not have the support of the commission that produced the work.

The appointing authority under the law is free to make such recommendations concerning the charter submitted by the commission as it sees fit and return the document to the commission. If these recommendations are extensive and the commission has really desired to be cooperative, the result sometimes has been another series of commission meetings and a considerable amount of rewriting. It has also occasionally meant that the commission has stuck to its guns and not accepted many or any of the recommendations made by its appointing authority. The latter action has usually resulted in the appointing authority refusing the charter—turning it down and not presenting it to the electorate in a referendum—which has ended that particular charter activity for a year. Now the law has been amended to provide that a petition of the electors may compel a referendum.

A good charter commission will carefully choose the areas in which to do battle for its ideas. It ought to go along with the appointing authority's recommendations as far as it can and make an issue only of those provisions it regards as crucial to the whole charter. The recent Meriden Charter Commission, for example, had proposed modifying the structure and operations of the Veterans Memorial Hospital. The city council (the appointing authority) recommended the proposed changes be deleted and there was evidence, at public hearings, that the proposed changes antagonized many people. The commission accepted the council's recommendations deciding that the proposed changes were not of vital importance and that such changes would be better handled as a separate amendment later on if the council ever decided that any changes were necessary.

However, if the charter is finally accepted by the appointing authority and put on the ballot for popular referendum, many charter commission members have then become deeply involved in the job

of selling the new charter to the people. If a charter commission's powers were limited to making slight changes strictly within the framework of the General Statutes that set up and prescribe the town meeting-selectman form of town government, all these steps and such selling jobs would not be necessary. They are necessary and big campaigns are put on to support new charters because they represent important changes through an exercise of real home rule.

The Wallingford story furnishes an interesting example. The charter commission, appointed in October, 1959, scrapped a representative town meeting-board of selectmen form of town government (with an accompanying assortment of authorities, boards, and commissions) and proposed a streamlined strong mayor-council form. The proposed change was attacked by various groups in the town as being dictatorial, high-handed, and without precedent. A citizens committee, which included former members of the charter commission, put on an educational and get-out-the-vote campaign that resulted in the adoption of the new charter at a special election held in June, 1961. Everybody in Wallingford knew that the proposed charter represented an exercise of very real power on the part of the town.

Problems Faced by Commissions

The problems that charter commissions face, both in the process of evaluating their municipal governments and in writing new charters or proposing important revisions of existing charters illustrates the fact that commissions are exercising real power. These problems can be grouped under five major headings.

The first of these problems might be described as general resistance to change, even where dissatisfaction about the present structure and operation of the government exists. There is a general attitude that what has worked in the past, as long as there has been no major scandal, will work in the present and in the future. This reluctance to change can be present even when those who have it cannot suggest just how the existing governmental structure can cope with the problems facing it. They know, for example, that a police commission is not working well, but they are reluctant to do anything about it.

A common objection to changes raised at meetings of the 1962-63 Simsbury Charter Commission was that the present form of government had worked for 200 years. Why change? The commission was aware that Simsbury had been a rural town with a rather static population in the past and that a town meeting-selectmen form of government was adequate for such a town. For example, Simsbury's population had increased by 316 during the ten-year interval between 1930 (3,625) and 1940 (3,941). The next ten years the increase was 845 (1950 to 4,786). However, by 1962 (estimated population 11,700), the population had increased by 6,914, and Simsbury was no longer a rural town but a rapidly growing suburban community in an expanding metropolitan

area. The commission believed that the 200-year old government had to be modified and brought up-to-date to handle the problems created by such rapid change and growth. What had worked for 200 years in a country town will not work well in a metropolitan suburb.

Acquaintance with the *status quo* with all of its limitations is preferred to unknown forms. This is understandable, but it is not really an intelligent excuse for not changing a governmental form if it actually needs to be changed. Attachment to the form of a board of three selectmen is very illustrative of reluctance to change. As a town grows, either the three selectmen gradually surrender more and more of their duties to full-time town employees, because the selectmen have neither the time nor the talent to handle the multitude of tasks the governance of a large town imposes, or the first selectman becomes, in fact if not in name, a mayor or manager, exercising great powers as the head of a large administrative establishment, with neither the title nor the statutory authority necessary to exercise such power properly.

Another problem charter commissions face is the resistance of some town officials to any change. Town clerks, especially some of those who have been in office for a long time, occasionally seem to believe that all the important operations of town government are transacted within the confines of their own offices. They may resist changes which might even be directly to their benefit, such as the lengthening of their term of elective office, simply because it is a change from the past. Officials whose duties have been reduced with the passage of time, such as some town treasurers, will sometimes be opposed to any changes. Volunteer firemen and policemen have also been among those who resisted change simply because it seemed to be inconceivable to them that fire or police protection could be adequately furnished in any other way than the manner in which they had been furnishing it. Town employees generally seem to fear the work of charter commissions, particularly if there is any talk on the part of the commission of putting civil service provisions in the charter. This despite the fact that civil service would normally be an improvement in the lot of most town employees. It is understandable that certain town officials do not want to see any changes made in the governmental machinery they know even when such changes are necessary. A few officials reluctant to change can make the work of a charter commission much more difficult. However, not all town officials take this position, and some of them have aided charter commissions in their work by suggesting needed changes in municipal government.

A third set of problems is concerned with the removal of fiscal authority and responsibility from a board of finance and the placing of full fiscal responsibility in the hands of an elective council. This attachment to the board of finance persists although many people who express it, upon being questioned, show that they do not have

much knowledge about how a board of finance actually works.[9] People are just convinced that a board of finance works well. They do not want to see a council exercise final financial responsibility because they fear the power of politics over the council and they believe that political power in financial matters always means raiding the treasury and raising taxes.

These fears will be expressed by the same people who can give eloquent declamations in favor of representative government, or the town meeting, because these things mean the people in government and democracy in action. However, resistance to unification of financial operations under a council and attachment to boards of finance, whether elected, as in the case of Rocky Hill and Simsbury, or appointed under special charter such as in Meriden, or in Wallingford prior to 1961, is very strong. Charter commissions often have great difficulty in making up their minds to take the "great leap forward" and actually give the representative body the real power of the purse. This fear is often aided and abetted by inadequate councilmen themselves, who, although they can loudly complain about boards of finance, are privately not unhappy that the boards exist since they can always pass the buck for their own failures on to that convenient scapegoat. The logic of placing fiscal responsibility in elected legislative bodies gets completely lost in the arguments and counter arguments commissions hear about the virtues of boards of finance.

There is no question that boards of finance have worked well in municipalities governed by the selectmen-town meeting form of government. They perform a very necessary function in this type of town government. However, when a municipality reaches the point in its development where it ought to be governed by an elected council, that council ought to exercise full control over finances, just as state legislatures and the Congress do. A board of finance is not a "good" institution because it prevents an elected council from controlling its budget. Boards of finance are good in town meeting governments because a town meeting cannot prepare a budget, even though it can approve or reject one. It is true that a council does not prepare the municipality's budget. This is usually done by the mayor or manager (sometimes actually by a director of finance) and presented to the council with a budget message attached. However, when full fiscal responsibility is given to a council, it can change the budget as it sees fit and it can make great changes indeed, as the Hartford City Council did in 1963. In any case the lines of fiscal responsibility are

[9]The original concept of boards of finance was to have a town agency that would consider the financial needs of the whole town, would check expenditures, and would balance the budget. However, since the General Statutes provide only the fundamental legal structure for the board's duties and responsibilities, their roles vary. Boards set up under special acts and charters have also been assigned a variety of duties. As a result citizens supporting the retention of boards of finance at public hearings often do not really know what their boards of finance actually do. See Stuart, Patricia, *Handbook for Connecticut Boards of Finance,* 1963 Edition (Storrs: Institute of Public Service, The University of Connecticut, 1963), page 8 and following for further discussion.

clearer and a council should never be prevented from assuming this responsibility because of attachment to an institution which has no proper place in council-manager or mayor-council governments.

A fourth problem faced by charter commissions is the vague fear of the centralization of power due to the belief that the dispersion of power, even without accountability, is somehow safer. Thus, for example, a commission considering a manager or a strong mayor is beset by objections that the new chief executive will be a dictator or a czar and totally irresponsible. This takes on added local color when the objector speaks with a foreign accent and makes vague references to former years spent under some European dictatorship. There is a fear that an efficient local government, rationally organized, will mean a bureaucracy and that the bureaucrats will arbitrarily rule the town. Very high values are placed on commissions and committees because it is said that they represent citizen participation in government and offer great protection against dictators and bureaucrats. Now the people who express these fears are hard put to it to name Connecticut towns where the managers and mayors are tyrannical dictators and where the bureaucrats have run amuck but this does not prevent them from presenting this point of view with great eloquence.

A fifth problem that besets charter commissions is the problem of quaintness for quaintness's sake. There are towns in Connecticut that glory in the fact that they have a town meeting (or a representative town meeting) for no other reason than that this institution still exists among them. They do not know whether the town meeting is any longer an effective governing body or not, that does not matter; it is definitely quaint, and woe betide the unwary hand that would touch it. Boards of assessors are kept whose duties are much better performed by qualified and trained professional assessors. Police commissions are retained whose members have not had sufficient experience or training in modern police work to enable them either to make intelligent policy for the police force or to supervise properly a professional police chief and his assistants. The two-year term of office is given a totally unwarranted value as a great protector of freedom. A charter commission has real difficulties in recommending changes that touch the sacred precincts of these kinds of traditions.

A final set of problems plagues only the charter commission whose work is placed before the sovereign electorate in a referendum. The members of the commissions and friends of the charter now find themselves engaged in a campaign of selling the charter or the changes to the electorate against political and pressure group opposition. The greatest weapon the opposition has is the sweeping charge, e.g., that the new charter will set up a dictatorship. This kind of charge is difficult to answer and each point in the answer can be similarly attacked. Charter commissioners can be attacked as "crack pots" and their work branded as a subversive effort to take over the government by illegal means. Coupled with this comes the whispering campaign —"passing the word." Town employees can start rumors that the pension rights of men and women who have devoted their lives to

the service of the community will be wiped out and the funds painfully accumulated by contributions withheld from said employees' wages will be taken for the inflated salaries of unnamed bureaucrats or used for socialistic expenditures. These charges, of course, have no basis in fact whatsoever. Newspaper editorials can complain about the existing pension systems and at the same time castigate a new charter's classified service system, even though it contains provisions that would protect all pension rights and place them in a sound fiscal system. Finally, there is the last minute frontal attack that is delivered a day or so before the charter is to be voted on. This is frequently a simple attack and yet one that is hard to answer forthwith, e.g., that a new form of government will automatically mean higher taxes.

All of these problems faced by charter commissions would not exist, or would exist on a much reduced scale, if the work of such commissions was without any real effect. If it were true that the Home Rule Act actually gave no real power to Connecticut municipalities, charter commissions could not recommend any changes of consequence in local government and its operations. The existence of the problems —and the history of most charter commissions gives ample evidence of their reality—is irrefutable evidence that the present Home Rule Act is a grant of real power to the communities of the state which they exercise at their option.

Conclusion

Connecticut's Home Rule Act is an effective instrument by which the municipalities of this state can make sweeping changes in their own governments—if they choose to do so. It is not compulsory, and a number of the towns of this state have not seen fit to take advantage of it (95, as of September 12, 1963), but enough of them have made use of the law to demonstrate its validity (74, as of September 12, 1963).

The Home Rule Act allows local people in local communities to solve local problems in the best, cheapest, and most efficient way. Far from centralizing the powers of government, it has precisely the opposite effect. It returns power to deal with town problems to the towns. The whole accent of the law is on the positive use of real power. It is not a negative concept or a denial of power or a restriction of its use. What has happened in Connecticut since the law was passed demonstrates that the citizens in the communities of this state are very capable of acting responsibly and effectively in their own behalf at the local as well as at the state level of government. There has been a notable lack of court action on home rule charters.

The act makes it possible for the state legislature to devote itself to the problems of the state instead of being bogged down in the myriad local problems of the 169 towns and the various special purpose districts of the state. It has freed the General Assembly as a body and the legislators as individuals of a mass of petty legislation that took up too much of their time, energy, and effort, doing things at the state level that could be accomplished much better in the towns themselves without outside interference.

The act has made local government a dynamic, efficient reality, or at least the law gives each municipality the opportunity to make its government so instead of keeping it as an archaic historical anachronism. It is a real application of the theory of democracy and a clear recognition that the vitality and efficiency of local government is important to the life of the state and the development of leadership for the future. Without either destroying or weakening the sovereignty of state power, it redistributes it in the most logical, efficient, and economically sound way possible.

There have been no proposals before the 1959, 1961, or 1963 General Assemblies to limit home rule or render it inoperable. Instead, amendments to liberalize the law have been proposed. In 1963 the law was amended to give more responsibility to the local electorate by including a process whereby a petition may be circulated to force a popular referendum on a charter rejected by the appointing authority. The process of community and district consolidation has been facilitated by simplified procedures contained in 1963 amendments to the Home Rule Act.

The law not only permits communities to tackle their own problems themselves, but it allows them to cooperate with neighboring communities in solving problems that are common to all of them. It does not freeze-in the *status quo* in any way. Under the Home Rule Act towns that have a common sanitation problem or any other common problem may work together to solve that common problem by cooperative activity. These cooperative activities have no artificial politically developed limits but may cover whatever region it is necessary to cover in order to achieve the best and most natural solution possible.

The act encourages the municipalities of the state to play their proper role in our urban society. Without even suggesting the destruction of any municipalities or their form of government, it permits the proper growth of the natural regional areas of the state that are being produced by the tremendous suburban growth that has taken place in the last twenty years. It equips the local governments to prepare for and to solve the problems that will be produced in the years ahead.

Connecticut's Home Rule Act is an enlightened grant of power that ought to be used to its fullest by every municipality whenever it needs to do so to improve its own government and its services to its people in the years to come.

Publications of the Institute of Public Service

The Connecticut Town Meeting, Revised Edition, May, 1960.

Handbook for Connecticut Assessors, 1963 Edition, July, 1963.

Tips on Town Reports, Revised Edition, December, 1960.

Handbook for Connecticut Selectmen, Revised Edition, January, 1960.

Handbook for Connecticut Boards of Finance, 1963 Edition, December, 1963.

Recommended Standard Classification of Accounts for Connecticut Municipalities, May, 1962.

Handbook for Connecticut Town Clerks, Revised Edition, March, 1959.

Handbook for Connecticut Tax Collectors, Revised Edition, November, 1959.

Handbook for Connecticut Boards of Education, March, 1956.

Handbook for Connecticut Town Treasurers, July, 1959.

Handbook for Connecticut Boards of Tax Review, October, 1960.

Administration of Justice in Connecticut, January, 1963.

State Aid to Local Government in Connecticut, Revised Edition, February, 1964.

Forms of Town and City Government in Connecticut, February, 1964.

Units of Local Government in Connecticut, Revised Edition, March, 1959.

Forms of City Government in Connecticut, Revised Edition, September, 1956.

Summary of Charter Provisions in Connecticut Local Government, March, 1964.

A Guide to Property Revaluations, October, 1960.

Local Bond Sales and Interest Rates, April, 1954.

State and Local Taxation in Connecticut, February, 1956.

Assessment Administration in Connecticut Towns and Cities, 1964 Edition, March, 1964.

Municipal Employee Benefits in Connecticut, October, 1959.

Employee Benefits in Connecticut Public and Private Employment: A Comparison, October, 1959.

Municipal Personnel Practices in Connecticut, May, 1961.

Property Tax Exemptions for Veterans and the Blind with a Reference Manual Section, 1963 Edition, November, 1963.

County Government in Connecticut—Its History and Its Demise, Summer, 1964.

Improving State Assistance to Local Assessors, February, 1962.

Actions of the 1963 General Assembly of Interest to Connecticut Towns and Cities, November, 1963.

Home Rule in Connecticut, March, 1964.

Facts about Property Assessment for Connecticut Taxpayers, March, 1958.

Law Making in Connecticut, January, 1963.


TRAINING
RESEARCH
INFORMATION
FOR LOCAL GOVERNMENT OFFICIALS AND
EMPLOYEES AND CITIZENS IN CONNECTICUT