



**Town of Mansfield
Agenda Item Summary**

To: Town Council
From: Matt Hart, Town Manager *Matt H*
CC: Maria Capriola, Assistant Town Manager
Date: February 24, 2014
Re: Proposed Amendments to the Ordinance Regarding Regional Council of Governments

Subject Matter/Background

As you will recall, at Mansfield's request the Connecticut Office of Policy and Management (OPM) has recently been re-designated the Town as a member of the Capitol Planning Region, and Mansfield is now eligible to become a member of the Capitol Region Council of Governments (CRCOG).

In order to withdraw from the Windham Region Council of Governments (WINCOG) and to join CRCOG, OPM requires the Town Council to enact the attached ordinance.

Chapter 80, Section 1 of the Town's Code of Ordinances was adopted by the Town Council on January 27, 1997. The Council's adoption of the proposed Chapter 80, Sections 1-5 will repeal and replace the former ordinance.

Legal Review

The Town Attorney has reviewed and approved the form of the proposed ordinance.

Recommendation

Staff recommends that the Town Council schedule a public hearing to solicit public comment regarding the proposed amendments to the Ordinance Regarding Regional Council of Governments.

If the Council supports this recommendation, the following motion is in order:

Move, to schedule a public hearing for 7:30PM at the Town Council's regular meeting on March 10, 2014, to solicit public comment regarding the proposed amendments to the Ordinance Regarding Regional Council of Governments.

Attachments

- 1) Mansfield Code of Ordinances, Chapter 80 (adopted 01/27/1997)
- 2) Proposed Amendments to the Ordinance Regarding Regional Council of Governments (draft dated 02/20/14)
- 3) Connecticut General Statutes, Section 4-124i to 4-124p
- 4) Section 249 of Public Act 13-247
- 5) Map of OPM Proposed Redesignations

Town of Mansfield, CT
Thursday, February 20, 2014

Chapter 80. REGIONAL COUNCIL OF GOVERNMENTS

[HISTORY: Adopted by the Town Council of the Town of Mansfield 1-27-1997. Editor's Note: This ordinance provided that it should become effective upon "receipt of such certified ordinances from not less than 60% of all such towns, cities and boroughs and all other eligible towns, cities and boroughs within the planning region that a regional council of governments has been duly established within such planning region." Said ordinance has been duly ratified by the required parties and is now in effect. Further information regarding the ratification process and results is on file in the town offices. Amendments noted where applicable.]

§ 80-1. Adoption of statutory provisions.

The Town of Mansfield adopts the following sections of the Connecticut General Statutes that provide for the creation of a regional Council of Governments:

"Sec. 4-124i. Regional councils of governments. Definitions. As used in sections 4-124i to 4-124p, inclusive:

- (a) "Planning region" means a planning region of the state as defined or redefined by the secretary of the office of policy and management, or his designee under the provisions of section 16a-4a;
- (b) "Regional Council of Elected Officials" means any regional Council of Elected Officials organized under the provisions of this chapter;
- (c) "Regional Planning Agency" means any Regional Planning Agency organized under the provisions of chapter 127;
- (d) "Chief Elected Official" means the highest ranking elected governmental official of any town, city or borough within the state;
- (e) "Elected Official" means any selectman, mayor, alderman, or member of a common council or other similar legislative body of any town or city, or warden or burgess of any borough;
- (f) "Council" means a regional council of governments organized under the provisions of sections 4-124i to 4-124p, inclusive;
- (g) "Member" means any town, city or borough within a planning region of the state having become a member of a regional council of governments in accordance with said sections.

Sec. 4-124j. Creation. Membership. Withdrawal. Within any planning region of the state a regional council or governments may be created by the adoption of sections 4-124i to 4-124p, inclusive, by ordinance of the legislative bodies of not less than 60 per cent of all towns, cities and boroughs within such planning region entitled to membership on such council as hereinafter provided. Where any regional council of elected officials, or a regional planning agency, exists within a planning region, a regional council of governments may be created either as hereinabove provided, or by the adoption of said sections by resolution of any such regional council or councils of elected officials and any such regional planning agency, and the ratification of any such resolution by ordinance of the legislative bodies of not less than 60 per cent of all such towns, cities and boroughs. All towns, cities and boroughs within a planning region will be entitled to membership on such council, including any city or borough with boundaries not coterminous with the boundaries of the town in which it is located. Any nonmember town, city or borough entitled to membership may join the council by the adoption of said sections by ordinance of its legislative body. Any member town, city or borough may withdraw from the council by adoption of an appropriate ordinance of its legislative body to become effective on the date of such adoption, provided, however, that any such withdrawing member will be obligated to pay its pro rata share of expenses of operation and pro rata shares of funds committed by the council to active programs as of such date of withdrawal.

"Sec. 4-124k. Representatives of members. Each member of a regional council of governments will be entitled to one representative on the council who will be the chief elected official of such member, or in the absence of any such chief elected official, an elected official appointed in the manner provided by ordinance of the legislative body of such member. Each representative of a member will be entitled to one vote in the affairs of such council.

"Sec. 4-124l. Certification of establishment of council. Transitional period. Reversion to a regional council of elected officials. (a) Upon the adoption of sections 4-124i to 4-124p, inclusive, or upon the ratification of a resolution adopting said sections, as provided in section 4-124j, by any town, city or borough entitled to membership on a regional council of governments, the clerk of such town, city or borough will immediately prepare and file with the secretary of the office of policy and management, or his designee a certified copy of the adopting or ratifying ordinance, and, upon receipt of such certified ordinances from not less than 60 per cent of all such towns, cities and boroughs within a planning region, said secretary or his designee will certify to such towns, cities and boroughs and all other eligible towns, cities and boroughs within the planning region, that a regional council of governments has been duly established within such planning region. Any subsequent ordinances adopting the provisions of said sections, or affecting the withdrawal from the council of a member will be similarly filed. Except as hereinafter provided in this section, upon the establishment of a regional council of governments within a planning region in accordance with said sections, no regional council of elected officials nor regional planning agency will be subsequently established within such planning region.

- (b) If at the time of the adoption or ratification of the provisions of said sections by the requisite 60 per cent majority of all eligible towns, cities and boroughs within a planning region there exists within such planning region, a regional council of elected officials, or regional planning agency, or both, the existence and activities of any such regional council of elected officials or regional planning agency will continue uninterrupted for the duration of a transitional period commencing with the certification of the establishment of the council by the secretary of the office of policy and management, or his designee pursuant to subsection (a) of this section. The chief elected officials of each town, city or borough subsequently adopting said sections, or in the absence of a chief elected official, an elected official appointed by the legislative body of any such member, will constitute a transitional executive committee of the regional council of governments during such transitional period. Any such transitional executive committee acting under this subsection will have the following authority and responsibilities: (1) To draft and propose bylaws for adoption by the council; (2) to select and propose for election by the council, candidates for offices of the council which may include any one or more members of the transitional committee; (3) to propose staffing arrangements, for adoption by the council; (4) to prepare and propose, for adoption by the council, a program of planning and implementation activities, which will provide for the assumption of such active programs of any such existing regional council of elected officials or regional planning agency, as such executive committee may deem appropriate and a budget for a period not to exceed one year following such transitional period; (5) to propose, for adoption by the council, the date upon which such transitional period will terminate, which date will not be later than one year from the date of certification by the secretary of the office of policy and management, or his designee of the establishment of the council.
- (c) Upon the expiration of the transitional period provided for under subsection (b) of this section, the regional council of governments will succeed to and be responsible for all of the rights, privileges and obligations, whether statutory or contractual, of any regional council of elected officials, or regional planning agency, or both, within the planning region, and no regional council of elected officials nor regional planning agency will be subsequently created within such planning region, except as provided in subsection (d) of this section.
- (d) If at any time after the establishment within a planning region of a regional council of governments the members of the council will constitute less than 40 per cent of all eligible towns, cities and boroughs within such planning region, the council will thereafter be deemed a regional council of elected officials without the rights and duties of a regional planning agency for so long as and until the membership of the council shall again constitute not less than 60 per cent of all such eligible cities, towns and boroughs within the planning region. Whenever the members of the council shall constitute less than 40 per cent of all such eligible towns, cities and boroughs within the planning region,

a regional council of elected officials and a regional planning agency may be established within such region under the general statutes, as amended.

"Sec. 4-124n. Bylaws. Officers. Committees. Meetings. A regional council of governments will adopt bylaws for the conduct of its business, including the organization of the regional planning commission created under section 4-124o, and will annually elect from among the representatives to the council a chairman, a vice-chairman, a secretary, a treasurer, who will be bonded, and such other officers as may be designated or permitted in the bylaws. The bylaws may provide for alternate representatives of the council to attend and vote at any meeting in place of absent representatives. No representative will be eligible to serve more than two consecutive terms in the same office. The bylaws will provide for an executive committee of the council and an executive committee of the regional planning commission and may provide for additional committees including nonvoting advisory committees. Meetings of the council will be called by the chairman or as the bylaws will otherwise provide and minutes of all meetings of the council, its committees and other official actions will be filed in the office of the council and will be of a public record.

"Sec. 4-124o. Regional planning commissions. Except as hereinafter provided, the planning duties and responsibilities of a regional council of governments, including the making of a plan of development pursuant to section 8-35a, will be carried out exclusively by a regional planning commission, acting on behalf of and as a subdivision of the council. Each member will be entitled to a representative on the regional planning commission who will be an elector of such member and on its planning commission. Such representative will be appointed by such planning commission, with the concurrence of the appointing authority of such member. Each member may also appoint an alternate representative who will be an elector of such member and who will be appointed by its planning commission, with the concurrence of the appointing authority of such member. Such alternate representative will, when the representative of the member from which he was appointed is absent, have all the powers and duties of such representative. Each regional planning commission representative will be entitled to one vote in the affairs of such commission but will not otherwise be entitled to vote in the affairs of the council. All matters referred to the council which by statute or otherwise are required to be referred to and considered by a regional planning agency will be considered and commented upon by the regional planning commission in accordance with procedures recommended by such commission and adopted by the council with the concurrence of such commission. The council will have the authority, at the request of a party having referred any such matter to the council's attention, to review and revise, in whole or in part, the comments and recommendations of the regional planning commission as to such matter. If at any time the council is deemed a regional council of elected officials under subsection (d) of section 4-124l, the existence of such regional planning commission will terminate forthwith.

"Sec. 4-124p. Receipt of funds. Dues. Contracts. Audits. Annual report. Each regional council of governments established under the provisions of sections 4-124i to 4-124p,

inclusive, is authorized to receive for its own use and purposes any funds from any source including the state and federal governments and including bequests, gifts and contributions made by any individual, corporation or association. Any town, city or borough participating in a regional council of governments will annually appropriate funds for the expenses of such council in the performance of its purposes. Such funds will be appropriated and paid in accordance with a dues formula established by the regional council of governments. Such council may withhold any services it deems advisable from any town, city or borough which has failed to pay such dues. Within the amount so received, a council may from time to time engage employees, and contract with professional consultants, municipalities, the state and the federal governments, regional councils of elected officials, regional planning agencies and other intertown, regional or metropolitan agencies, or with any one or more of them, to carry out its purposes. The accounts of any regional council of governments will be subject to an annual audit under the provisions of chapter III and such council will file an annual report with the clerks of its member towns, cities or boroughs, with planning commissions, if any, of members, and with the secretary of the office of policy and management, or his designee."



**Town of Mansfield
Code of Ordinances**

“Ordinance Regarding Regional Council of Governments”

Draft dated February 20, 2014

CHAPTER 80. REGIONAL COUNCIL OF GOVERNMENTS

Chapter 80, Section 1 is repealed and replaced, as follows: Chapter 80, Sections 1-5.

Section 1. Title.

This chapter shall be known and may be cited as the “Ordinance Regarding Regional Council of Governments.”

Section 2. Legislative Authority.

This ordinance is adopted in accordance with Section 4-124j of the Connecticut General Statutes and Section 249 of Public Act 13-247.

Section 3. Findings and Purpose.

The Town of Mansfield has recently been re-designated by the State of Connecticut Office of Policy and Management as a member of the Capitol Planning Region, and is now eligible to become a member of the Capitol Region Council of Governments.

Section 4. Withdrawing from the Windham Region Council of Governments (WINCOG).

The Town of Mansfield hereby withdraws its membership in the Windham Region Council of Governments effective June 30, 2014 provided, however, that the Town of Mansfield shall be obligated to pay its pro rata share of expenses of operation and pro rata share of funds committed by the Windham Region Council of Governments to active programs as of such date of withdrawal.

The Town of Mansfield Town Manager shall continue to serve as a member of a transition board for the sole purpose of assisting the executive director in dissolving the WINCOG entity and all its assets and liabilities through December 31, 2014.

Section 5. Joining the Capitol Region of Governments (CRCOG).

The Town of Mansfield hereby joins the Capitol Region Council of Governments, effective July 1, 2014 and adopts Sections 4-124i to 4-124p, inclusive, of the Connecticut General Statutes, in accordance with the procedures set forth in Section 4-124j of the Connecticut General Statutes.