

Board and Commission Members

Roles and Responsibilities

June 2021

Roles and Responsibilities

OVERVIEW

Appointed Boards and Commissions are part of town government and therefore are required to follow applicable state statutes, town ordinances, Board of Selectmen policies and the operating policies implemented and overseen by the first selectman/woman.

Appointed Boards and Commissions are authorized in one or more of the following manners:

- Town Charter
- Town Ordinance
- State Statute
- Board of Selectmen

Roles and Responsibilities

State statutes, town ordinances, Board of Selectmen policies and the operating policies implemented and overseen by the first selectman/woman

Applicable state statutes most frequently encountered by appointed boards and commissions are:

- **Freedom of Information Act (FOIA)**
 - See details on slides 5 & 6
- **Code of Ethics** (<https://ecode360.com/8024748>)
 - Defines conflicts of interest.
 - Board of Selectmen may also impose restrictions due to perceived conflicts of interest.
- **Minority Representation:** Sets limits on the number of members from one party. Sets procedures for filling a vacancy if one party has a majority per the statute.

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Applicable Charter and policies most frequently encountered by appointed boards and commissions:

- Term length and 10-year limit.
- The members may appoint a subcommittee within their own membership. Only the Board of Selectmen is empowered to appoint subcommittee members who are not already appointed members of the board or commission.
- **Appointed boards and commissions do not have budgetary or spending authority.** Recommendations/requests can be made related to spending. All expenditures must be made from a department budget and comply with Town disbursement policies and procedures.
- **Appointed board and commissions, other than police and fire, do not have authority over town employees.**
 - The Town's Charter specifically prohibits Board of Selectmen members from directing Town department heads unless permission is received from the first selectman/selectwoman. By extension the same applies to the BOS appointed boards and commissions.
 - Town employees provide professional subject matter guidance and administrative support to boards and commissions.
- The [2019 Plan of Conservation and Development](https://www.wiltonct.org/sites/g/files/vyhlf4046/f/pages/adopted_pocd_effective_10-01-2019.pdf) provides Town priorities.
(https://www.wiltonct.org/sites/g/files/vyhlf4046/f/pages/adopted_pocd_effective_10-01-2019.pdf)
- Meetings generally follow Roberts Rules of Order.
- Press Releases should be submitted to the Coordinator of Community Affairs for distribution through the Town's e-alert system. This ensure proper distribution and consistency of releases.

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Freedom of Information Act (FOIA) Basics

Meetings:

- All meetings must be **noticed at least 24 hours in advance**, except for the rare emergency meeting.
- All meetings must be **held in a public place, accessible to the public**.
- The public has the **right to request personal notice of meetings**.
- These rules **apply to full commission meetings and subcommittee meetings**
- The **definition of a meeting is different under FOIA vs Roberts Rules**.
 - A quorum is not required to qualify as a meeting under FOIA.
 - Any deliberative conversation, whether in person or by phone or by email, is defined as a meeting under FOIA.

Emails:

- **All correspondence related to a commission should be with your wiltonct.org email.**
- This policy requirement is **for your protection and the Town's protection. Your emails can be requested through a FOIA request or a legal request. You don't want to involve your personal email in either.** If your correspondence is on your wiltonct.org email, the Town can easily produce responses to a request without your involvement. Legal requests could be received after you have left the commission.
- **No deliberative conversations should occur by email**

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Freedom of Information Act (FOIA) Basics, cont.

How violation claims are processed:

- Claims of FOIA violations are **reported to the FOIA Commission by a member of the public.**
- A representative for the Commission **investigates and attempts to resolve the claim.**
- **Hearings are required when the claim can't be resolved.**
- Hearing officers **tend to be deferential to the public** at the hearings.
 - At a minimum, **Town Counsel and the commission chair attend the hearing in Hartford.** It typically takes a day's time due to delays.
 - The individual filing the claim **may request other members of the commission or other town employees attend and testify.**
 - Town Counsel, the chair, the first selectman/woman and others **meet prior to the hearing to prepare for the hearing.**

Claims are expensive and time consuming

- During the couple **years leading up to FY2016, the Town had numerous time consuming claims.** One lead to a case before the CT Supreme Court
- The **procedures put in place**, including town emails, [The Guide to Serving on Boards and Commissions, videotaped training sessions](#) and a greater focus on compliance by board and commission members **have meant very few violations since 2016.**

Claims can easily be avoided-know and follow the rules

Roles and Responsibilities
CONSERVATION COMMISSION

Role defined by Ordinance and Statute

Section 7-131a of the CT statutes.

Chapter 10 of the Town's ordinances, eff 12/1/1977 (<https://ecode360.com/8025126>)

Highlights:

10-8 Responsibility to Board of Selectmen.

The Commission shall be responsible and subordinate to the Board of Selectmen in all matters.

10-1 Establishment; purpose.

A commission...is hereby established pursuant to Section 7-131a....to organize, maintain and direct conservation activities for the Town of Wilton for the following purposes:

- A.** To constitute a Conservation Commission within the meaning of Section 7-131a and to have all the rights and powers conferred upon it by such statute.
- B.** To guide the development and conservation of the natural resources within the Town of Wilton.
- C.** To propose, manage and maintain or provide for the maintenance of open-space lands and lands devoted to nonintensive use, owned by the Town of Wilton.
- D.** To manage any privately owned property permanently dedicated to the conservation and nonintensive recreational uses of residents of the Town of Wilton.
- E.** To be an advisory and consulting body to private individuals and private and public groups on issues involved with the environment, conservation and land use.
- F.** To develop and sponsor educational programs promoting sound environmental practices.

Roles and Responsibilities

CONSERVATION COMMISSION

Chapter 10 of the Town's ordinances

Highlights:

§ 10-8 Responsibility to Board of Selectmen.

The Commission shall be responsible and subordinate to the Board of Selectmen in all matters.

§ 10-9 Powers and duties.

A. Subject to § **10-8**, the Commission shall have the powers and duties of a Conservation Commission as set forth in Section 7-131a of the Connecticut General Statutes, as amended. To further the purposes for which it is established, there is hereby delegated, conferred and confirmed to and upon the Commission, subject to § **10-8**, the power and duty to

- **(1)** With the approval in advance of the Board of Selectmen, obtain technical assistance to carry out its responsibilities as set forth in this ordinance or the general statutes.
- **(2)** Solicit or receive or hold in trust, in the name of the Town, gifts, devises and bequests of real or personal property, or any interests therein, from private corporations or individuals for any of the conservation and related purposes of the Commission. The Commission shall administer such gifts of real or personal property for the Town and may accept such gifts subject to the terms of the gift after holding a public hearing thereon as provided in § C4-5B(5) of the Wilton Charter and after obtaining the approval of the Board of Selectmen to accept such gift. The Commission may execute any trust agreement or other appropriate documents in connection with any such gift.

Roles and Responsibilities

CONSERVATION COMMISSION

Chapter 10 of the Town's ordinances

§ 10-9 Powers and duties, cont.

- **(3)** Administer and maintain open space and land and facilities of the Town devoted to nonintensive recreational use. For purposes of this ordinance, "open-space use and nonintensive recreational use" is defined as land which is maintained in an undeveloped state for the purpose of conservation of natural or scenic resources or which is devoted to field trails, nature study, hiking, horseback riding and similar nonorganized activities which do not disturb the natural and indigenous character of the land.
- **(4)** Unless otherwise required by law, following the approval of the Town Meeting and the Board of Selectmen, enter into contracts, trust agreements and other appropriate documents in the name of the Town to enable the Town to receive grants, gifts or contributions of land or money for conservation or related purposes from the state or any political subdivisions, agencies and instrumentalities thereof or the federal government or any agency thereof.
- **(5)** Conduct research into the present and future utilization of land areas of the Town and to prepare maps, pamphlets and similar documents for the Commission's purposes.
- **(6)** Make recommendations to and assist the Planning and Zoning Commission in maintaining maps and technical information on wetlands and watercourses, as provided by § **18A-2** of the Code of the Town of Wilton and the Wilton Inland Wetlands Regulations.
- **(7)** With the approval of the Town Meeting, acquire land and easements in the name of the Town for conservation purposes.