

Two Fundamental Questions the CRC Has Not Addressed:

- **How should we evaluate the performance of our existing governance system?**
 - **How should we decide whether any major changes are warranted?**

Fairfield Taxpayer believes that our existing governance system has served the Town quite well and that, although it can be updated and tweaked in a number of constructive ways, any major changes in its basic structure should be made only if the expected benefits will significantly outweigh any costs and risks. It is easy to argue, as some have done, that certain major changes would be beneficial by associating them with words like “efficiency,” “transparency,” “accountability,” “competency,” “best practice” and “modernize.” It is easy to assert that one or more recent problems in Town could and would have been avoided under a different structure. It is easy to claim that times have changed and Fairfield should therefore adopt the same structure as other towns of its size, or should do whatever some “subject-matter experts” and/or the “Model City Charter” recommends. However, all these simplistic arguments ignore the overarching facts that: (a) Fairfield has prospered for many years under the existing structure because far more good things than bad things have happened; (b) bad things regularly happen to other towns and cities under every conceivable governance structure; and (c) it is perilously easy to overlook unintended adverse consequences of major governance changes.

The Charter Revision Commission

With the overarching goal of facilitating Fairfield’s ability to continue to prosper, the seven-member **Charter Revision Commission** (CRC) has been asked to determine if there are any ways in which we can improve our **Town Charter** — which is the document that sets out the rules by which our community chooses to govern itself — either by fixing any practical and administrative problems or by making more fundamental structural changes that will allow us to better address future challenges and opportunities.

Putting aside the need for any “administrative fixes,” the really important question is whether the CRC should recommend any major changes in a basic governance structure that has served the Town so well for so many years. After meeting for several months, and having listened to several “experts” on municipal government who have opined on various structural alternatives, the CRC is now considering some major structural changes (e.g., adopting a Town Manager/Town Council form of government, eliminating the Board of Selectmen, shrinking the size of the Representative Town Meeting), some of which were included in a “*Framework for Deliberations*” (see Appendix A) for its February 24th meeting.¹

Two really important questions are missing from both this framework and from the CRC’s deliberations to date:

- **How should we evaluate the performance of our existing Governance System; and**
- **How should we decide whether any major changes are warranted?**

Before we address both of these critical questions, it is helpful to describe the six key entities that comprise our existing governance structure.

¹ See page 5/27: https://www.fairfieldct.org/filestorage/79/110822/114835/02-24-22_Backup_for_CRC_Meeting.pdf
This framework listed five main deliberation topics, including: *What are your goals; First Selectwoman; Legislative Authority of RTM; Composition of RTM; and Organization of the RTM.*

Fairfield's Existing Governance Structure

1. A **First Selectperson** (FS) who serves a four-year term (with no term limits) and acts as the Town's full-time senior executive — in effect, the Town's Chief Executive Officer (CEO) — who is paid ~\$150,000/yr. (plus the cost of healthcare and retirement benefits) and who is supported, among other staff, by a **Chief Administrative Officer** who is selected by and reports to the FS and is paid ~\$125,000/yr. All Town-service department heads report to the FS (e.g., Police, Fire, Public Works, Parks & Recreation), as do the Town-administrative department heads (e.g., Chief Fiscal Officer, Town Attorney, Director of Human Resources, Tax Assessor, Conservation Director). In total, there are ~500 municipal employees, including ~16 service and administrative "town officers" who report to the FS.
2. A three-person **Board of Selectmen** (BOS) — including the First Selectperson — all the members of which serve concurrent four-year terms (with no term limits), and no more than two members of which can represent the same political party. The second and third Selectpersons are paid \$12,000/yr.
3. A nine-person **Board of Finance** (BOF), which provides comprehensive financial oversight of the Town's affairs, all the unpaid volunteer members of which serve staggered six-year terms (with no term limits), and no more than six of the nine members of which can represent the same political party.
4. A **Representative Town Meeting** (RTM), the Town's legislative body, composed of no more than 56 members (currently there are 40), with an equal number elected from each of the Town's ten political districts (i.e., from each of its ten neighborhoods), all the unpaid volunteer members of which serve concurrent two-year terms (with no term limits), and all of whom can be members of the same party.
5. A nine-person **Board of Education** (BOE), which is responsible for oversight of the Fairfield Public School system (FPS), all the unpaid volunteer members of which serve staggered four-year terms (with no term limits), and no more than five of the nine members of which can represent the same political party. A **Superintendent of Schools**, who is hired by and reports to the BOE and who is paid \$232,000/yr., is responsible for managing FPS. To a much greater extent than any other Town body, the BOE is subject to State oversight, regulations and mandates. Spending on our schools now represents ~66% of the Town's total spending and an even larger percentage of total capital outlays (primarily for 17 school buildings). Collectively, there are ~1,500 FPS employees.
6. A seven-person **Town Plan and Zoning Commission** (TPZ), which both enacts and administers the Town's land-use regulations, all of the unpaid volunteer members of which (plus three alternates who serve as needed in the event of absences and recusals) serve either two- or four-year staggered terms (with no term limits).

In addition to these six key governance "entities," there are ~44 other boards, commissions and committees (See Appendix B) that provide direction and oversight of specific public affairs (e.g., Parks & Recreation, Golf, Marina). Though some are elected (i.e., the Board of Assessment Appeals and the Zoning Board of Appeals), most of the unpaid volunteer members of these bodies are appointed by the FS or the BOS (in some cases subject to the approval of the RTM), and their decisions are subject in most cases to the oversight and consent of one or more of the FS, the BOS, the BOF and the RTM. In total, at any given time, there are more than 400 people (representing ~1% of the Town's ~40,000 adult residents) serving in various elected or appointed governance positions.

Beyond this basic description, it is important to consider the intangible effects of our governance system on our community. For example, the fact that Fairfield has many residents who have served on one or more of these many boards, bodies, commissions and committees means that we have many residents who have some familiarity with our governance system and how it works, and who by virtue of their service know

personally many past and present elected and appointed officials and public employees. As a guess, there are probably ~1,000 people who have served on one or more public bodies. Though it is impossible to quantify the value of this collective community engagement, the resulting knowledge and experience is arguably quite important to our **Civic Culture**. Among other benefits, there are many people in Fairfield who are able and willing to defy the old adage, “You can’t fight City Hall.”

With this background, we now return to the two questions posed earlier.

How should the CRC evaluate the performance of our existing Governance System?

Evaluating a governance system is not easy because the performance “outcomes” of any political entity (town, state, nation) are subject to myriad influences over time, and thus whatever measures of success and failure are adopted, they are subject to many, many confounding variables. Thus, it is not usually possible to determine if outcomes are primarily the result of the system or of the leadership at any given time. Accordingly, it is very important when evaluating performance, whether good or bad, and whether broadly or narrowly, to distinguish between structural influences and management influences. In general, there is no perfect governance system that avoids all problems (e.g., negligence, malfeasance, corruption) and always optimizes performance. **The three most important determinants of getting good results and avoiding problems are: (a) electing and/or appointing good, honest, diligent, competent people; (b) following good oversight and control processes and procedures; and (c) a Senior Executive who establishes a “Tone at the Top” that fosters a culture of high performance and high integrity.**

How should the CRC decide whether any significant changes are warranted?

As Fairfield Taxpayer has stated previously, ***“any proposal to alter a governance system that has served Fairfield well for so many years should be subject to a very high standard of conviction that the expected benefits will significantly outweigh any costs and risks — direct and indirect, tangible and intangible.”***²

Any serious analysis of the costs, benefits and risks associated with any major structural changes should begin with agreement on the core values and principles that should apply. Some examples are as follows.

- Flexibility is good.
- Checks and balances are good.
- Ballot-box accountability is good.
- Minority party representation is good.
- Neighborhood legislative representation is good.
- Concentration of power is bad.
- Efficient government is good; efficient governance can be very bad.
- Incremental change is good; radical change can be very bad.
- Having many citizens involved in Town government is good.
- Institutional governance knowledge in a community is good.

Another set of core principles applies to the standards and criteria that should be applied to justify any major structural changes, some examples of which are as follows:

- If it ain’t broke, don’t fix it.

² [Power - FairfieldTaxpayer.com](http://FairfieldTaxpayer.com)

- Beware of unintended consequences.
- Don't change structure if there is an easier way to accomplish the same objective. For example, if more professional management of municipal services seems desirable (i.e., a Town Manager), instead of permanently altering our governance structure we could simply authorize the FS to retain a highly competent Chief Administrative Officer (or Chief Operating Officer) and then hold the FS responsible at the ballot box for the performance of his/her selection, in the same way that presidents and governors are held responsible on Election Day for their staff and cabinet selections.
- The experience of other towns with different governance structures may or may not be applicable to Fairfield, irrespective of any similarities (e.g., in size or location).
- The recommendations of "subject-matter experts" and of publications like the "Model City Charter," and the opinions they express with regard to what "works best," may or may not be applicable to Fairfield, which like every other town, is unique (including 383 years of history).
- It is quite possible that some if not many of the towns being used to benchmark "best practice" would do no worse and might do much better if they adopted Fairfield's governance structure.
- Not being able to find electoral candidates from both major parties for every open seat on every governance body (or in the case of the RTM, in every district) is not a problem unless there are actually empty seats on those bodies.
- Any major changes that are recommended should be linked directly to one or more specific problems or opportunities that cannot be addressed more easily by simply changing either the people we elect or the management processes and procedures to which their actions are subject.

The CRC should obviously develop its own lists of core values, principles, standards and criteria, but these and others will be used by Fairfield Taxpayer to evaluate any recommendations made by the CRC.

In Conclusion

The CRC should consider carefully how we should evaluate our existing governance structure and how we should decide whether any major changes are warranted. It should offer its recommendations of any major changes with clear explanations of why and how they would, on balance, be in the best interests of our Town based on a rigorous analysis of all the related benefits, costs and risks — direct and indirect, tangible and intangible. Any recommendations that are not unanimous should include dissenting opinions from the CRC members who opposed them.

APPENDIX A

The CRC "FRAMEWORK OF DELIBERATIONS" That Was Included In its Backup Materials

What Are Your goals?

- Vibrant accountability structure: Delineation of responsibilities
- Clear administrative operations: A mix of elected officials supplemented by professional management
- Planning tools: Multi-year capital budgeting, collective bargaining approaches and strategic planning mechanisms
- Public access and participation: Robust comment and appointed service opportunities
- Reduce complexity and byzantine organizational structures
- What is a realistic approach for government reform?

First Selectwoman

- Sole Executive Authority? Role of Board of Selectmen?
- Chief Administrative Officer

- Appointment Authority and Relation to Boards and Commissions
- Annual Report
- Legislative recommendations to RTM
- Absence, vacancy and succession

Legislative Authority of RTM

- Investigative and Audit Powers
- No diminution of legislative authority by Ordinance
- Assumption of legislative/historic special act authority of Board of Selectmen
- Adoption of Legislation – Ordinances and Resolutions.
- Approval Functions/Right of Rejection.

Composition of RTM

- Smaller more accountable legislative body: 15 members?
- At-Large, subject to minority party representation or an odd number?
- District representation (one member per district or odd-number multiple member districts, subject to minority party representation?)
- Hybrid comprised of an at-large component and district representation

Organization of the RTM

- RTM President/Chair/Moderator as Presiding Officer?

APPENDIX B

OTHER TOWN BOARDS, COMMISSIONS, BODIES, COMMITTEES

- | | |
|--|--|
| • Affordable Housing Committee | • Flood and Erosion Control Board |
| • Bicycle and Pedestrian Committee | • Forestry Committee |
| • Board of Assessment Appeals | • Golf Commission |
| • Board of Condemnation | • Harbor Management Commission |
| • Board of Health | • Historic District Commission |
| • Board of Library Trustees | • Housing Authority |
| • Bond Committee | • Human Services Commission |
| • Burr Gardens Advisory Committee | • Inland Wetlands Agency |
| • Charter Revision Commission | • Joint Retirement Investment Board |
| • Community Emergency Response Team | • Land Acquisition Commission |
| • Conservation Commission | • Parking Authority |
| • Earth Day Committee | • Parks and Recreation Commission |
| • Economic Development Commission | • Police & Fire Retirement Board |
| • Employees Retirement Board | • Police Commission |
| • Ethics Commission | • Racial Equity and Justice Task Force |
| • Fairfield Arts Advisory Committee | • Shellfish Commission |
| • Fairfield Cares Community Coalition | • Solid Waste & Recycling Commission |
| • Fairfield Citizen Corps Council | • Strategic Plan Committee |
| • Fairfield Commission on Disabilities | • Sustainable Fairfield Task Force |
| • FairTV Commission | • Town Facilities Commission |
| • Fire Commission | • Water Pollution Control Authority (WPCA) |
| • Fitness Council | • Zoning Board of Appeals |

March 9, 2022