

Methods of Merging and Consolidating Municipalities: Updated

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Issue

How can municipalities or taxing districts (units of local government) in Connecticut merge or consolidate? This report updates [2023-R-0007](#).

The Office of Legislative Research is not authorized to provide legal opinions and this report should not be considered one. Please note that a municipality's or district's charter may impose additional or different requirements not outlined below. Additionally, under the state's Voting Rights Act, actions in certain jurisdictions affecting municipal or district boundaries or corporate existence may require the Superior Court or Secretary of the State's approval ("preclearance") ([CGS §§ 9-368i & - 368m](#)).

Summary

The merger of two units of local government, or the creation of a new one, can be accomplished by a special act of the legislature, at the impacted units' request. These special acts can be used when more than one town is involved (for example, combining two towns into one) or when the consolidation of subdivisions of government is involved (for example, consolidating a town with a borough therein or merging multiple fire districts into one).

The consolidation of a single town and one or more of its subdivisions can alternatively be accomplished by following the statutory process outlined in [CGS § 7-195 et seq.](#) The process requires the appointment of a representative consolidation commission and approval of its consolidation plan by referendum.

Lastly, the law provides a process for a district operating under the statutes to terminate its corporate existence and transfer its assets to the host municipality. (With the host municipality's approval, it may also transfer its debt.)

Requesting Special Legislation Concerning a Merger

Connecticut's Constitution generally bans the General Assembly from enacting special acts regarding the powers, organization, terms of elective offices, or form of government of any single town, city, or borough. However, one of the exceptions provides that the legislature is authorized to pass special legislation concerning the "formation, consolidation or dissolution of any town, city or borough" ([Conn. Const., Art. Tenth, § 1](#)). State statute, but not the state constitution, requires that any special legislation concerning the powers, organization, or form of local government be requested by the affected unit of local government ([CGS § 2-14](#), as amended by [PA 26-132](#)).

A proposal to create, dissolve, or consolidate a municipality or district can be brought before the state legislature in three ways:

1. A two-thirds vote on a resolution endorsing the action, adopted by the:
 - a. council or board of directors in a town having such a body;
 - b. board of aldermen, council, or body charged with making appropriations in a city or consolidated town and city;
 - c. board of burgesses in any borough or consolidated town and borough; or
 - d. board of directors or district committee in a district.
2. In a town without a council or board of directors, a resolution endorsing the action, adopted by:
 - a. the board of selectmen or
 - b. a majority vote of the town meeting or representative town meeting.
3. 10% of the municipality or district's electors sign a petition supporting the action.

Under state statute, it appears that each impacted municipality or district must request the special legislation. Once local action is taken, the legislature may opt to enact the requested special legislation creating, dissolving, or consolidating the municipality or district; but the process under CGS § 2-14 does not automatically create legislation that legislators can or must vote on.

Using the Statutory (Home Rule) Consolidation Process

The statutory consolidation process, which is part of the Home Rule Act, cannot be used to consolidate different towns into one; it can only be used within a town to consolidate one or more cities, boroughs, or districts with the town government. Before the passage of the Home Rule Act in 1957, consolidation required a special act by the state legislature.

Beginning the Process

The consolidation process can begin two ways: a legislative body's vote or a petition of electors.

Proposal by Legislative Body. Under this process, if a proposal is adopted by a majority vote of the entire membership of a unit of local government's legislative body (or a majority vote of the town meeting present and voting), a copy is then transmitted to each other unit in the proposal (that is, any town, city, borough, or district included). Within 30 days of the proposal's adoption, the impacted units' legislative bodies must accept or reject it. The resolution accepting or rejecting it must be filed with the town clerk ([CGS § 7-195\(b\)](#)).

Petition Method. If the process commences with a petition, it must first be filed with the town clerk ([CGS § 7-195\(c\)](#)). The law provides the format of the petition ([CGS § 7-196](#)). From the date of filing, the law allows 90 days to collect the required signatures. Unless a special act specifies a lower percentage, the petition must be signed by at least:

1. 10% of the electors of each city, borough, or district within a town which will be consolidated and
2. 10% of the electors of the area of the town, if any, outside the borders of such political subdivisions.

At the end of the petition period, if enough signatures have been collected, the certified petition is transmitted to the town's legislative body ([CGS § 7-195\(c\)](#)).

Consolidation Commission

Appointment. If the impacted units' legislative bodies agree to the consolidation proposal or a sufficient petition has been certified, the town's legislative body's presiding officer must call a joint meeting of the legislative bodies of all the units included in the proposal. At the meeting, by joint resolution, a consolidation commission of between 5 and 15 members must be appointed.

The law specifies that each city, borough, or district included in the proposed consolidation and the area of the town, if any, outside the boundaries of any unit must be represented on the commission

in proportion to the number of electors residing in them, as nearly as possible. It further specifies that each unit and the affected area of town outside the borders of the unit or units must each have at least one representative ([CGS § 7-197](#)).

Powers and Duties. The commission must prepare a consolidation ordinance, which must:

1. allocate local governmental functions and services to existing offices, departments, boards, commissions, or other agencies of the town, city, borough, or other unit of local government;
2. eliminate unnecessary offices, departments, boards, commissions, or agencies;
3. define areas in which services will be rendered and establish necessary taxing districts to pay for the cost of these services;
4. distribute assets and liabilities; and
5. accomplish other matters required to effectuate the consolidation, including making necessary charter revisions without going through the generally applicable charter revision process.

But state law specifies that the ordinance cannot impair the contractual obligations of the town, city, borough, or other unit of local government. The ordinance must be submitted to the town clerk at least 90 days, but not more than 18 months, after the commission is appointed ([CGS §§ 7-198 to 7-200](#)).

The law provides that a consolidation commission may receive funds from any source, including local appropriations, to complete its duties. Within available resources, it may hire employees and consultants. These authorizations also apply to any charter commission appointed as part of the consolidation process ([CGS § 7-201](#)).

Adoption of Ordinance by Referendum

After the consolidation ordinance is submitted to the town clerk, it must be voted on at the next general election. A special election may be held before the next general election if at least 10% of the town's electors sign a petition requesting it.

The consolidation ordinance takes effect if a majority of electors voting approve it, provided that majority is equal to at least 15% of the town's electors ([CGS § 7-199](#)).

Terminating a District's Corporate Existence Under Statutory Process

Distinct from the Home Rule consolidation process described above, the special taxing district law provides a process for a district operating under the statutes to terminate its existence and turn its assets over to its host municipality.

Under this law, a district's termination can begin two ways:

1. by vote of the district's officers to terminate the district's corporate existence or
2. a petition of voters (either 10% of the district's voters or 20 voters, whichever is fewer).

In either case, the district clerk must call a special meeting during which voters will decide whether to terminate the district. If prior to the special meeting 10% of district voters, or 200 voters, whichever is fewer, petition for a referendum, then the question of termination must go to referendum instead.

A termination vote requires a two-thirds majority of voters present at the meeting, or casting votes in the referendum, as applicable. If termination is approved, the district's officers must wind up the district's corporate affairs, including paying off outstanding debts. With the host municipality's approval, the district's assets are transferred to it. A host municipality may also agree to assume the district's debt.

Special Act vs. Statutory Districts

A special taxing district created by a special act of the legislature is different from a special taxing district that was formed under the statutory procedure. Special taxing districts created by special act can exercise any powers granted in that act (their charter). Those established under the statutory process have only the powers specified in statute ([CGS § 7-324 et seq.](#)).

Many of the state's special taxing districts were originally created by special acts of the legislature (i.e. special act districts). But since the mid-1900s, most special taxing districts have been established locally, pursuant to the statutory process (making them statutory districts).

The law specifies the procedure the district clerk must follow to notify the public and the Office of Policy and Management of the district's termination ([CGS § 7-329](#)).

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