

David L. Grogins

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TO: Rudy Marconi

FROM: David Grogins

DATE: June 9, 2021

RE: Subcommittees of the Planning and Zoning Commission

Dear Rudy,

I am writing in response to your question regarding the legality of seating non-members of the Ridgefield Planning and Zoning Commission (the "Commission") on the subcommittees thereof.

In Ridgefield, a town that has adopted a municipal Charter, the Commission is a creation of both state statute and the Charter. See Conn. Gen. Stat. § 7-187 et. seq. Therefore, Ridgefield only has the powers and duties that are expressly granted through the Charter and the relevant state statutes. Ridgefield has the power to create, establish, and appoint members to municipal committees either at the Town Meeting or by vote of the Board of Selectmen. Charter § 5-16. This power extends to subcommittees, which are defined as "portion[s] of the whole committee."<sup>1</sup> The powers and duties of both committees and subcommittees are limited only to those expressly delegated to them by either the Town Meeting or the Board of Selectmen, whichever body created them. Charter § 5-16.

Nothing in the Connecticut General Statutes, the Charter, or other municipal authorities gives the members of elected commissions the authority to appoint non-members to serve on the subcommittees thereof. See Charter § 4-11 (discussing powers and duties of Planning and Zoning Commission). In the absence of any express authority to do so, the seating of non-members on such a subcommittee is unlawful. Therefore, official subcommittee membership on the Planning and Zoning Commission should be limited to commission members only.

However, the subcommittees of the Planning and Zoning Commission could lawfully seek advice, input, and guidance from non-members. For instance, Charter § 4-11 expressly permits certain Planning and Zoning officers to engage professional consultants as they dispense with

<sup>1</sup> Connecticut General Assembly, *Legislative References, Glossary - Legislative Terms & Definitions* (2021).

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their duties. As to non-members, they may appear before the Commission and provide information to its subcommittees as requested.

As always, please reach out to me if you would like to discuss this issue further.

Regards,

*David L. Grogins*

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