

Advisory Commission on Intergovernmental Relations

Friday, January 8, 2021

A video recording is available at <http://ct-n.com/ctnplayer.asp?odID=18066>

Members present: Kyle Abercrombie, James Albis, Carl Amento, Maureen Brummett, John Elsesser, John Filchak, Betsy Gara (alt.), Sam Gold, Leah Grenier,(alt.), Rick Hart, Martin Heft, Marcia Leclerc, Brian O'Connor (alt.), James O'Leary, Francis Pickering, Lon Seidman, Scott Shanley, Brendan Sharkey (Chair), Bob Valentine, Lyle Wray (Vice-Chair)

Members absent: Luke Bronin, Sen. Stephen Cassano, Greg Florio, Brian Greenleaf, Neil O'Leary

Other participants: Sheila McKay, Rep. Cristin McCarthy Vahey

ACIR staff: Bruce Wittchen

1. Call to order and overview of telemeeting procedures

Commission chair Sharkey called the meeting to order at 10:33 and provided an overview of the meeting.

2. Agenda review and additions

There were no changes to the agenda.

3. Approval of the minutes of the 12/4/2020 meeting.

A motion was made and seconded to approve the [minutes of the December 4, 2020 meeting](#) and the motion was approved unanimously.

4. Proposed 2021 meeting schedule

Commission member Sharkey explained that, as discussed last month, there had been some consideration of changing the [proposed meeting schedule for 2021](#) to avoid potential conflicts with meetings of the [Planning & Development Committee](#) (PD). He spoke with Rep. McCarthy Vahey, co-chair of that committee, who said they will attempt to avoid conflicts in scheduling. A motion was made to approve the schedule as proposed and the motion was seconded and approved unanimously.

5. Report Review

a. 2021 Mandate Compendium Supplement

Commission chair Sharkey provided an overview of the report, which is due to the legislature by 1/20/2021. Bruce Wittchen provided additional information, noting that he has corrected a typo that Commission chair Sharkey pointed out prior to this meeting and added that a regulatory mandate was added, the first of the year, due to a regulation recently adopted by OPM. A motion was made and seconded to approve the report and the motion was approved unanimously.

6. Old Business

a. Update on executive orders and other state matters

Commission member Heft said there have been four additional [executive orders](#) since the ACIR's previous meeting, numbers 9Q – 9T, and provided an overview. He mentioned the upcoming February 9 deadline for many executive orders and said review is underway regarding some relevant to municipal budgeting. Commission chair Sharkey noted that vaccination will take time and asked Commission member Heft for his sense of expectations for executive orders to be extended.

Commission member Heft said executive orders without expiration dates have been extended while those with expiration dates have been allowed to expire. He noted that the governor's exercise of authority through executive order might change with the legislature back in its regular session.

b. UConn & UGA policy studies

Commission vice-chair Wray said the shared services and best practices reports are complete and provided an overview of each. Other studies are in progress and, as discussed in December's meeting, the plan is to have a student present the work in a webinar, one per quarter. He described possible approaches for the webinars. Commission vice-chair Wray also described [MA's approach to municipal best practices](#), which includes grants. Commission member Elsesser said he and Commission member Pickering expect to receive a draft report on 1/10/2021 from the student they are mentoring.

There was a discussion of a possible approach for the webinars, with Commission chair Sharkey moderating and a panel of volunteers to react to each presentation. Commission member Sharkey requested that anyone interested in participating contact Bruce Wittchen. He also pointed out the relevance of the best practices study to other work of the ACIR.

c. "CT Local Government of the Future" 12/18 and 1/7 meeting overviews and next steps

Commission chair Sharkey described the work of this group and said it has made a couple minor tweaks to the previously discussed legislation that would reconfigure the [Regional Performance Incentive Program](#) (RPIP). He described a meeting that he and Commission member Heft attended with people from the Governor's office and the co-chairs of the PD Committee. The Governor's office is adopting the RPIP proposal as part of the Governor's legislative package. He said that is a significant step and noted that there will be further vetting of the proposed language by that office.

Commission chair Sharkey said the subcommittee has forwarded two additional legislative proposals to members that are being prepared for consideration by the PD Committee. He asked Rep. McCarthy Vahey if she had anything to add. She there are good things in the ACIR proposals and highlighted the importance of conversations like this but pointed out the need to be realistic about what can be done in this session.

Commission chair Sharkey said the subcommittee approved the two remaining proposals. He explained that [the larger of the two documents](#) is legislative language to implement priority recommendations of the ACIR's recent "[best of the executive orders](#)" report. He noted that others are submitting similar proposals, but this one includes priorities from the perspective of ACIR members.

Commission member Filchak summarized the proposal, explaining that he had taken the priorities endorsed in the report and put them in statutory language. Noting the short amount of time available for ACIR's review, Commission chair Sharkey said they are looking for the ACIR's endorsement of the concept. Commission member Shanley made a motion to approve the concept, noting that there can be additions and subtractions. It was noted that the previously approved RPIP language is not included in this proposal and Commission member Gold said the CT Association of Councils of Governments (CTCOG) should discuss that language at its next meeting. Commission chair Sharkey offered to attend.

Commission chair Sharkey invited further comments about the “best of” proposal and Commission member Pickering said the proposal adds an allowance for email in some places where the existing language might not prevent it. He also pointed out that the areas covered by CT’s newspapers extend beyond municipal borders, so a notice published in a newspaper is seen more broadly than one posted on a town’s website. He suggested such postings be at the level of the state or a COG. Commission member O’Connor agreed with postings be made at the level of COGs and noted that there is a greater level of participation online.

There was further discussion of the concept and Commission member Valentine said this is a good step in the right direction. He pointed out that people in his town can subscribe to town notices and don’t have to read the newspaper the day a published notice appears. There was further discussion of the availability of public notices.

Commission alternate Gara said there should be statutory authorization for actions taken by municipalities in accordance with executive orders. There was a discussion and general agreement that such a provision should be included if not already there. The motion and second were modified. Commission member Pickering recommended that a provision also be added requiring that public notices posted on municipal websites also be provided to the COG. He also said the language of these sections must work for all forms of municipal government, including representative town meetings. There was a discussion of how to address that.

Commission member Filchak said the ACIR’s proposal will eventually be combined with others and detailed wordsmithing can be postponed until then. Commission chair Sharkey agreed, but recommended that the ACIR modify its proposal to address the immunity issue raised by Commission alternate Gara and the representative town meeting issue raised by Commission member Pickering.

There was a discussion of where those changes are required. Commission chair Sharkey asked if the discussed immunity would apply to all municipal actions undertaken in accordance with executive orders and Commission alternate Gara said it should. She will have the municipal attorneys group review this and noted that it is known as a validating act. Commission member Shanley said a future topic for the ACIR is the role of journalism in good governance, due to the significance of public notice ad revenue to newspapers.

The motion and second were amended again to address the consolidated public notice posting and representative town meeting issues raised by Commission member Pickering and the immunity issue raised by Commission alternate Gara. The motion passed unanimously.

Commission member Sharkey referred to the [smaller of the two documents](#) forwarded yesterday and said it is the concept that Commission member Seidman previously brought to the ACIR to better enable boards of education to coordinate services. Commission member Seidman outlined the problem to be solved, using the school districts of his area as an example. Three towns each have a local school district for elementary education and formed a regional district for higher grades. For the local districts to share the cost of a service provided at lower grades, they are obligated by [CGS 10-158a](#) to have a fifth district. This results in significant duplication of effort.

Commission member Seidman said the solution to that problem would be to amend CGS 10-158a to enable cooperative agreements among schools and enable those to serve as a school district. He highlighted that such arrangements require much less commitment than forming a fully regionalized school district, which would encourage small town to consider partnerships with school of larger municipalities. He described some of the concerns that limit interest in full regionalization and said his suggested change would be a more palatable way to break down barriers between school districts.

Commission chair Sharkey said the problem is not new and said the current approach creates inequities. The state should provide more flexibility. Commission member Seidman said local districts should be able to ease into it and noted the difficulty of quantifying the added administrative time required by the current approach. Commission Sharkey provided acknowledged the lack of time for others to provide formal input and asked if the group is willing to approve this as a concept too.

Commission member Hart said the American Federation of Teachers (AFT) was able to review it since yesterday's subcommittee meeting and is cautiously supportive but noted the bargaining issues. He has not received a response from the CT Education Association (CEA) yet. He asked that language be included regarding labor's willingness to negotiate. Commission alternate Grenier said the state Dept. of Education also agrees in concept and the proposal will be reviewed by the department's legal team.

A motion was made and seconded to approve the concept and to forward it to the PD Committee with the provisos regarding additional input. Commission member Valentine said the changes are long overdue and Commission member Brummett said she will run it by the [CT Assoc. of Public School Superintendents](#) (CAPSS), who she represents on the ACIR.

d. Upcoming Reports – 2020 Annual Report and 2021 Work Plan

Bruce Wittchen explained that the annual report is required by statute but without a due date. Given that the ACIR now includes a work plan for the coming year, it makes sense to complete it early in the year. He will update the current draft based on recent discussions of the ACIR and the subcommittee and provide it for consideration at the next meeting.

7. New business

There was no new business.

8. Other municipal, regional, or state matters for ACIR consideration, if any

There was no further discussion.

9. Future Discussion Topics

Commission member Brummett said CAPSS has released a [report about transforming CT public schools](#) and asked if the ACIR would like a presentation. Commission chair Sharkey recommended it be on the February agenda.

Commission member Elsesser said he is chair of the state's Enhanced 911 Commission and said the ACIR might be interested in the state radio system. He moved his town's DPW to it and others are moving to it too. There is a statewide impact and towns are saving millions and gaining efficiency. Commission chair Sharkey said there should also be a presentation on this in a future month. Commission member Elsesser said he will coordinate this.

10. Additional public comments

Sheila McKay of the CT Assoc. of Boards of Education (CABE) said CABE also supports the concept of the education proposal discussed earlier and will review it further.

11. Next meeting

Commission chair Sharkey said the next meeting will be Friday, February 5, at 10:30.

12. Adjournment

A motion was made and seconded to adjourn the meeting and it was approved unanimously. The meeting was adjourned at 11:57.

Minutes prepared by Bruce Wittchen, OPM