

Local Government of the Future Subcommittee Advisory Commission on Intergovernmental Relations

Thursday, January 7, 2021

A video recording is available at [NEED LINK TO ZOOM RECORDING](#)

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

Other Participants: Jennifer Berigan (alt.), Sheila McKay, Danny Medress, Rick Porth

ACIR staff: Bruce Wittchen

1. Call to order

Commission chair Sharkey called the meeting to order at 4:10 and provided an overview of this subcommittee's purpose.

2. Approval of draft minutes of the 12/2/2020 and 12/18/2020 meetings

A motion was made and seconded to approve the draft minutes of the subcommittee's [12/2/2020](#) and [12/18/2020](#) meetings. The motion was approved unanimously.

3. Discussion of Local Government of the Future initiative

Commission chair Sharkey provided an update on actions since the subcommittee met on 12/18/2020. He explained the interest in modifying the [Regional Performance Incentive Program](#) (RPIP) to stand up the [Councils of Governments](#) (COGs) and [Regional Education Service Centers](#) (RESCs). A lot of time was spent reconfiguring the statutory language and he took the proposed changes to the Office of the Governor (OTG) and co-chairs of the legislature's [Planning & Development Committee](#).

Commission chair Sharkey said Jonathan Harris of the OTG convened a meeting on 12/31 to coordinate the governor's and legislature's approach for this. It will be part of the Governor's legislative package and that is good. It requires further vetting by OTG attorneys. Commission member Heft further described the meeting and said this follows on the Governor's previous interest in strengthening the ACIR.

Commission chair Sharkey said he also explained the ACIR's other priorities for legislation. The first is the ACIR's desire to change how school districts are defined to reduce the burden for districts wanting to share a service. The second is to implement the ideas regarding meetings and notice requirements as outlined in ACIR's recent [report identifying executive orders for priority continuance and codification](#), ideas that have been described as "best of" the executive orders.

Commission chair Sharkey said today's meeting should work on those two concepts so they can be considered at tomorrow's ACIR meeting. He said the Governor's office is not going to include those concepts in its legislative package, so the intent is to provide them to the PD Committee for their consideration in raised bills. Commission member Heft said there are a number of "best of" bills this year, including one being developed by the Governor's office, so the response to the ACIR's proposal is not due to a lack of interest. Commission chair Sharkey said that it is still a good idea for the ACIR to proceed with its own proposal.

Commission chair Sharkey returned to the school district issue and outlined the impediment to local school districts sharing a service. Commission member Seidman said the state does not define “school district” and said his town and two neighboring towns have a mix of local districts for lower grade levels and a regional school district for upper levels. [CGS 10-158a](#) authorizes the “supervision district” that has been created to share services among the three local districts but requires a separate school board with duplicative reporting. He said that section of statute should be amended to enable a semi-regional district that can be changed more easily than a fully regional district allowing two or more districts to work together. There was a discussion of the state’s requirements and desired changes.

Commission member Seidman described the role of a [local education agency](#) (LEA), a federal designation, which in some states can be at the level of a county. He described the transitional Pre-K program operated in his region’s towns and the difficulties created by the current statutory language. Commission chair Sharkey asked if the federal designation of applies only to special education and Commission member Seidman said it applies to everything. He also noted the opportunities that changing the statutes would create for collaboration among small towns as well as for a larger city to collaborate with surrounding towns, without the commitment required for full regionalization.

Commission member Filchak asked if a definition of “school district” should be added to the statutes or if that could open a can of worms. Commission member Seidman mentioned possible state Dept of Education (SDE) concerns. Commission alternate O’Connor asked if the SDE can do this unilaterally through regulations. There was further discussion and Commission member Seidman highlighted that CGS 10-158a gives an agreement like that between his area’s three towns the weight of a separate school district.

Commission member James O’Leary said he would vote to move this along to the full ACIR, but asked if a school district definition should be included. There was a discussion of what would be defined and Commission member Seidman said the statutes define a board of education and he would like to leave this open-ended. There was further discussion of the effect of providing such flexibility. Commission chair Sharkey said there seems to be a consensus to move this forward, but to tread carefully regarding that definition.

Commission member Heft pointed out that the Legislative Commissioners Office, which must review legislative language, does not like references to definitions in other statutes or regulations, but this can be worked out later. Commission alternate Gara said the legislature had asked the SDE for more information regarding related issues and Commission member Seidman said COVID-19 might have delayed that.

Commission member Sharkey said this proposal would have to go to the legislature’s [Education Committee](#) and recommended reaching out to committee leaders. Commission member Filchak said it would be helpful to provide a narrative explaining the intent of this proposal and Commission member Heft said he will write that.

Commission member Pickering said he has the progress in distance learning and asked if the proposed change could make it possible for two students in a small-town school to take a course in Japanese offered by a city school. Commission member Seidman said it would but pointed out that differences in school scheduling can be a problem. There was a discussion of labor agreements and Commission member Sharkey said he will provide the proposed language to commission member Hart for review. Commission member Seidman said teachers in his area’s schools favor this change.

Commission chair Sharkey said he hopes to provide this to the full ACIR tomorrow. It’s the last minute, but Commission member Hart can begin working with it. He asked if the group is ready to vote to send it to the ACIR and Commission member Hart said representatives of the American Federation of Teachers (AFT) and CT Education Association (CEA) might not be able to review it by then.

Commission member Sharkey recommended sending it to the ACIR, hopefully with the initial agreement of the CEA. Commission member Heft said the full ACIR's vote should also be contingent on the review of the CEA and AFT. A motion was made and seconded to approve sending this proposal to the ACIR for its approval as described and the motion was approved unanimously.

Commission member Sharkey said the second legislative concept to discuss is the 42-page "best of" proposal. Commission member Filchak explained that it is the result of converting each of the priorities identified in the "best of" report to the language of actual legislation. He pointed out that some of the sections of statute included are long, with only a little new language. He explained the format. There was a discussion confirming that everything included in the proposal had been included in an executive order and further discussion how changes were handled.

Commission member Heft asked if the provision for hybrid meetings makes them mandatory or if they would be municipal option. Commission member Filchak said executive orders enable them; they do not mandate them. The proposed language does the same. There was further discussion of issues of hybrid meetings. Commission member Filchak also pointed out that email might not be the only additional option that should be available and mentioned the possibility of remote notarization.

Commission chair Sharkey scrolled through the document on screen, with Commission member Filchak explaining different sections. Commission member James O'Leary asked if the reference to "annual town meeting" in [CGS 7-344](#) can be expanded to "town meeting". Commission member Filchak said that reference is to the specific "annual town meeting"; other "town meetings" are addressed as "meetings" in other sections. He also pointed out that a number of the statutes proposed to be changed relate to land use and Commission chair Sharkey added that most are for notices and appeals.

Commission member Filchak said LCO could choose to add references to even more statutes than identified in this proposal. He also mentioned that some of the statutes included here are ancient. He also highlighted that this is just a start and additional changes might be wanted by others.

Commission chair Sharkey recommended the subcommittee vote to approve this as a concept to take to the full ACIR. A motion was made to do so and it was seconded. Commission member Filchak noted that a bill like this would go to the [Government Administration & Elections Committee](#) (GAE) and suggested it be discussed with GAE leaders. There was further discussion regarding the limited opportunity to review the proposed language and Commission member Sharkey said it will be distributed following this meeting. There was a vote on the motion and all were in favor, with the exception of Commission member Pickering, who was opposed. Commission chair Sharkey said the proposals will be transmitted and said this has been a good use of time.

4. Next steps

There was no further discussion of next steps

5. Adjourn

A motion was made and seconded to adjourn the meeting and the meeting was adjourned at 5:13.

Minutes prepared by Bruce Wittchen, OPM