

Local Government of the Future Subcommittee Advisory Commission on Intergovernmental Relations

Tuesday, March 23, 2021

Note: This document is ACIR staff notes written during this subcommittee meeting. It is a public document and has been provided to meeting participants for their review and revised in accordance with any comments received but is not approved minutes of the meeting.

An audio recording is available at:

https://portal.ct.gov/-/media/ACIR/Meetings/2021/2021-03-23_ACIR_LGF_telemeeting.mp3

Members present:

Debra Borrero (alt.), Maureen Brummett, John Filchak, Brian Greenleaf, Leah Grenier (alt.), Marcia Leclerc, Brian O'Connor (alt.), James O'Leary, Brendan Sharkey (Chair), Bob Valentine, Lyle Wray (Vice-Chair)

Other Participants:

Sheila McKay, Danny Medress, Meghan Portfolio, Richard Porth, Margaret Wirtenberg

ACIR staff: Bruce Wittchen

1. Call to order

Commission chair Sharkey called the meeting to order at 10:38 and explained the purpose of the ACIR's standing subcommittee and remote meeting procedures.

3. Discussion of Local Government of the Future initiative

Commission chair Sharkey summarized the ACIR's 3/5/2021 discussion ([draft meeting minutes](#), [meeting recording](#)) of the subcommittee's recommendations regarding the [CT Assoc. of Public School Superintendents](#) (CAPSS) [Blueprint to Transform Connecticut's Public Schools](#). He noted that the [draft letter to the Governor](#) was discussed but not voted on. He outlined the concerns raised during the ACIR's meeting and said the purpose of today's meeting is to decide whether to proceed in providing recommendations to the Governor. If so, the draft letter must be more finely tuned. He asked for suggestions.

Commission member Filchak pointed out the wide scope of recommendations in the blueprint and suggested that a small number of recommendations consistent with the ACIR's mission be selected for the ACIR to work on. Commission chair Sharkey said he thinks the primary stumbling block at the ACIR meeting was recommending the Governor redo the budget by saying what to do with federal [Elementary and Secondary School Emergency Relief](#) (ESSER) funds. Commission alternate Grenier agreed and said the state Dept. of Education (SDE) agrees with many of CAPSS's ideas but cannot endorse recommending the Governor change his budget.

Commission chair Sharkey noted that the subcommittee had requested CAPSS identify blueprint recommendations that would be eligible uses of ESSER funds. Commission member James O'Leary said he supports many of the blueprint recommendations and suggested they might be doomed because the blueprint proposes too much change. He said change management must be considered; do the work to find where the obstacles are. Commission chair Sharkey agreed and said the subcommittee's recommendation was not fully baked in telling the Governor to spend ESSER funds that way.

Commission chair Sharkey asked if it would be better for the ACIR to recommend the blueprint but not that ESSER funds be spent on it? Commission alternate Borrero questioned how effective that would

be and noted the need to also make that recommendation to the legislature. Commission chair Sharkey agreed and said the ACIR is not the final word on education spending, but that recommendation might move the needle. Commission member Leclerc said shedding light on it keeps it alive and added that the ACIR should weigh in on this.

Commission alternate O'Connor suggested the group choose one item, such as the delayed increase in state funding of ECS. There was a discussion of there being many similar agendas. Commission chair Sharkey asked if the ACIR is in a good position to weigh in on the delayed increase in state funding for ECS. Commission alternate said the ACIR should assert itself. Commission alternate Grenier said the SDE cannot participate. Commission chair Sharkey outlined a possible approach, including the ACIR offering an opinion on the pause in ECS.

Bruce Wittchen said OPM, like the SDE, cannot participate in that, but noted Commission member Filchak's recommendation to select a few CAPSS recommendations that are well-aligned with the ACIR's mission and said the ACIR could research those, which could help guide decisions about them. Commission chair Sharkey said the letter can be revised so that the ACIR endorses the blueprint and recommending that the ECS increase not be suspended, recognizing that some must abstain, and offer that the ACIR is available for further review.

Commission chair Sharkey provided an overview of the previous day's hearing regarding [HB 6448](#), the Governor's bill that includes the [Regional Performance Incentive Program](#) (RPIP) proposal developed by the ACIR. He noted that sections of the bill proposing permanent changes to public meeting requirements are controversial. Margaret Wirtenberg said the ACIR members who testified did very well. Commission chair Sharkey said he does not know what the committee will do and mentioned that he referred to the ACIR's RPIP proposal as RPIP 2.0.

Commission member Filchak said discussions during the hearing revealed confusion regarding the meaning of "home rule". There was a discussion of how the term is used and Commission member Filchak pointed it was mentioned in opposition to [HB 6647](#), the geographic information system (GIS) bill and noted the term's political undertones. Commission member Sharkey mentioned that Desegregate CT had asked him to testify on behalf of a different bill the previous week and said he politely declined because it might be interpreted as him testifying on behalf of the ACIR.

Margaret Wirtenberg said the ACIR once published a report on home rule. Bruce Wittchen said the report was published in 1987 and offered to circulate its link on the ACIR website: [Home Rule in Connecticut: Its History, Status, and Recommendations for Change](#). Commission vice-chair Wray mentioned [Dillon's Rule](#) and said towns in CT can only do what the state says they can. He added that local governments in some states can do anything that is not specifically prohibited by the state. He noted that references to home rule have political implications like references to states' rights and said it is not about bike paths and highways.

Commission member Valentine said the legislature provided towns with autonomy regarding land use decisions. The current concern comes from the possibility of the state creating a right for certain uses that is not present in existing zoning. Commission vice-chair Wray agreed and mentioned the controversy regarding the state stepping in to enable group homes. He added that he is from Canada, which has a tradition of government reorganization not present here. He noted that such reorganization is also more prevalent east of the Mississippi in the US.

There was further discussion of home rule and of concerns regarding state-level changes to zoning. Commission chair Sharkey said members seem to be generally sympathetic to the goals of Desegregate CT but noted it raises other issues. He mentioned wastewater disposal issues and said health districts also have a role in density of development. Commission member James O'Leary noted the level of controversy regarding efforts to promote racial equality and to level the playing field and said we should plan for what is needed to make things better. He agreed with going back to the 1987 report.

Commission member James O’Leary mentioned that one other issue to consider is the use of the word “endorse” in characterizing the ACIR’s opinion of the CAPSS blueprint. He thinks it would be better to say “recommend for consideration” or something similar. He believes the word “endorse” makes it appear to be part of a broad platform. Commission chair Sharkey said that is a point to discuss at the ACIR meeting; the current phrasing could be too direct.

Commission member Filchak recommended the group look at and consider updating the 1987 ACIR report and other reports issued by the ACIR and by UConn’s former Institute for Public Services. The ACIR should consider what can be updated and how to work with various organizations. He noted that [CGS 8-30g](#) originated in the late 1980s and was flawed when it went into effect, but was created as a compromise. Commission vice-chair Wray added that the federal government got attention by not funding without affordable housing and said a carrot can be big enough to look like a stick. He said that if the ACIR does not do this, who will?

Commission member James O’Leary recommended the group look at all reports and Bruce Wittchen said he can circulate a list. Commission member Filchak asked that a list of Institute for Public Services reports also be circulated. There was a discussion of how to make information available. Margaret Wirtenberg mentioned that she and her husband had recorded a video of a regionalization conference the ACIR held in 2004. She will look for it.

Commission member Filchak mentioned the [MA Dept. of Revenue’s Division of Local Services](#) and noted he is using its research in some of his work. He also said it can provide seed money for new initiatives. Commission chair Sharkey recommended this topic be discussed at the next meeting. Commission member Valentine highlighted the value of the Institute for Public Services’ guides for selectmen and other local officials but pointed out that they have not been updated in a long time.

4. Next steps

There was no further discussion.

5. Adjourn

The meeting was adjourned at 11:43.

Notes prepared by Bruce Wittchen, OPM