

Local Government of the Future Subcommittee Advisory Commission on Intergovernmental Relations

Tuesday, June 22, 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/2021/2021-06-22_ACIR_LGF_Audio.mp3

Members present: John Filchak, Rick Hart, Martin Heft, Marcia Leclerc, Francis Pickering, Rick Porth (alt.), Brendan Sharkey (Chair), Bob Valentine, Lyle Wray (Vice-Chair)

Other participants: Daniel Medress, Steve Mednick, Margaret Wirtenberg

ACIR staff: Bruce Wittchen

1. Call to order

Commission chair Sharkey called the meeting to order at 10:33.

2. Discussion of [5/25/2021 meeting notes](#), if necessary

There was no discussion.

3. Discussion of Local Government of the Future initiative

a. Legislative update

Commission chair Sharkey said the bill containing the ACIR's main proposal, [HB 6448](#), was not passed in the regular session but its language was incorporated into [SB 1202](#), the budget implementer passed in special session. He highlighted that it includes ACIR's proposed change to the [Regional Performance Incentive Program](#) (RPIP, which the group refers to as RPIP 2.0). He also noted that Sec. 168 of the implementer requires the ACIR to conduct a study.

Commission member Heft provided an overview of SB 1202 and Commission chair Sharkey said the study is a significant obligation and, although it is listed later on the agenda, the group can discuss it now. He noted that the ACIR must pull together other groups and there is a lot of work to be done. He read Sec. 168:

Sec. 168. (Effective from passage) The Connecticut Advisory Commission on Intergovernmental Relations established pursuant to section 2-79a of the general statutes, shall, in consultation with the Freedom of Information Commission established pursuant to section 1-205 of the general statutes, the Connecticut Association of Municipal Attorneys and the Chief Information Officer or the Chief Information Officer's designee, conduct a study concerning the implementation of the provisions of section 163 of this act, and the feasibility of remote participation and voting during meetings, including remote voting using electronic equipment such as conference call, videoconference or other technology. Not later than February 1, 2022, the commission

shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to government administration and planning and development. Such report shall include, but need not be limited to, (1) findings, including any challenges encountered, (2) recommendations concerning best practices for the implementation of said provisions, (3) an analysis of the feasibility of remote participation and voting during meetings using electronic equipment such as conference call, videoconference or other technology, and (4) the identification of funding sources for the implementation of remote participation and voting during meetings using such electronic equipment.

Commission chair Sharkey pointed out the reference to Sec. 163 of the implementer and said opposition to that section focused on the potential cost to municipalities and also how broadly it would apply to boards and commission. He noted that municipalities can have multiple meetings at a time. Commission member Heft noted that municipalities have gained experience with such meetings during the past year and pointed out various sources of funding that might be available to assist.

Commission chair Sharkey asked Commission member Heft about the discussions of which groups would be subject to more burdensome remote meeting requirements and Commission member Heft said there had been discussions of distinguishing between groups having a regulatory role and those having only an advisory role. Commission member Filchak mentioned that the ACIR's [2020 "Best of" report](#) lists major boards and commissions whose roles warrant continuation of online engagement. He also noted that the report required by the implementer is due in only six months.

There was a discussion of how to organize the effort, which is considered consistent with the LGF initiative, and how to bring in the other groups. It was noted that municipalities have found practices that work and know where the challenges are. Commission vice-chair Wray recommended forming a separate working group to handle this, consisting of interested ACIR members and the other groups. Margaret Wirtenberg suggested that the approach be to specify that meetings of certain boards and commissions must be hybrid while others' may be.

Commission member Sharkey recommended bringing this up at the next full ACIR meeting and circulating the ACIR's "Best of" report to the other listed groups with an appropriate cover letter. There was a discussion of other possible documents to include. Commission member Valentine said he agrees with the suggestions and added that town meetings should be distinguished from other meetings, such as boards of selectmen, noting the number of voting members. He also asked what the group's vision is for this effort.

Commission chair Sharkey noted that some provisions are now codified, distinguishing between categories of meetings and the ACIR's role is to study this and make recommendations for beyond. Commission member Heft added that the new language addresses meetings of public agencies, not town meetings, and the wording is "may", not shall." There was a discussion of the new provisions applying through June 2022 and sunseting at that point.

Steve Mednick said there is a lot of pressure to act. He added that the current regimen has worked well but noted that the ACIR should also consider voting technologies for town meetings and other meetings. He mentioned that he has some background in that. Commission chair Sharkey recommended deciding on the approach at the next meeting and Commission vice-chair Wray said it will be necessary to determine the leadership, working group, and work plan for proceeding at that point. Commission chair Wray said these are the initial steps and this can be presented to the full ACIR at its next meeting.

Commission chair Sharkey said the other topic to be addressed today is the Home Rule report discussed in recent subcommittee and ACIR meetings. He summarized the previous discussions, saying that the desired approach is to provide a concise history of Home Rule, with the focus being to clarify what it does and does not mean. Look at how the term should and should not be used and provide some applications. He said Steve Mednick might be able to provide a concise description and Steve said he can and has done so for charter commissions.

There was a discussion of what the summary should include and Commission alternate Porth thanked Steve Mednick for his assistance. He noted that the [1964 UConn Institute for Public Service report](#) and the [ACIR's 1987 report](#) do not fully address what can and cannot be done. Commission member Valentine mentioned the example of land use commissions, which he noted are constrained by statute.

Commission chair Sharkey said the next part of this discussion is: what topic areas should the group apply the Home Rule analysis to? Steve Mednick pointed out that the term Home Rule is a misnomer because it is a grant of express authority by the state; it is only authority granted by the state. Margaret Wirtenberg mentioned experiences in Weston.

Commission chair Sharkey said one of the topics to address is land use and Commission vice-chair Wray recommended shared services be the second. Commission member Valentine recommended including town ordinances, noting that some people are unaware of limitations. Commission member Pickering said the report should clarify the distinction between Home Rule, which is a legal framework, and *local control*, which is an approach to what is authorized. Commission member Valentine noted that towns are authorized to zone, but doing so is not Home Rule.

Commission alternate Porth said he agrees with the suggested topics and said an important consideration is how to address land use constructively. He noted that the state interest in zoning is for it to be for the benefit of all. Commission member Filchak said the state tries to do that through [CGS 8-30g](#) and that previous efforts have been complicated by references to accessory dwelling units (ADUs), Home Rule, and other factors. He added that it would have been better if the state had required COGs to prepare regional housing plans rather than require 169 municipalities to produce plans. Commission member Valentine said Goshen is currently working on a plan and a key factor is what the town is and is not authorized to do. He added that the current housing issue will not go away.

Commission member Pickering said zoning needs to be viewed as a component of land use regulation. He pointed out that VT has stronger land use regulation at the state level than CT, so local zoning does not reflect the full extent of land use controls. It is important to look at the entire structure, not just the requirements at a single level. There was further discussion of local authority in land use and of possible approaches to the report, including providing a flow chart for each of the topics to be included.

Margaret Wirtenberg said she had seen an article about affordable housing needing infrastructure and said one size does not fit all. Commission chair Sharkey recommended the report avoid social benefits issues. Instead, it should help people avoid misapplying requirements.

Commission member Filchak said the structure of the statutes is part of the problem. He noted that requirements and authorizations appear in many sections and change over time. New selectmen need an owners' manual. He said restructuring the statutes would make the more user friendly and added that the tendency is to add language to or remove it from the statutes without attention to organization.

Commission member Valentine agreed with Commission chair Sharkey about the desire to avoid appearing to have a dog in the fight regarding housing or other controversies. He said the report

should clarify what is authorized, noting that the electorate is authorized to over-rule the board of selectmen to hold a town meeting. There was further discussion of the scope of the report and Commission chair Sharkey said the group has identified three topic areas so far: land use, shared services, and town ordinances. He asked if housing would be a stand-alone topic and Commission member Valentine said it can be addressed through the land use section without drawing attention to it.

Commission chair Sharkey recommended also including municipal finance as a topic, considering local taxation, property taxes, bonding, and other issues. Commission member Filchak agreed with that addition and recommended also including education, noting there are a lot of assumptions regarding the authority of boards of education. There was further discussion of these topic areas and of differences of opinion regarding some issues. Commission chair Sharkey recommended someone be selected for each topic to be the lead.

Commission chair Sharkey mentioned that legislation is moving the [Institute for Municipal and Regional Policy](#) from CCSU to UConn. There was a discussion of following up with Prof. Alkadry of UConn's [Department of Public Policy](#). There was further discussion of dividing the work to be done. Commission chair Sharkey pointed out that non-members are welcome and suggested that someone representing the [CT Assoc. of Municipal Attorneys](#) (CAMA) be involved with the municipal ordinance section. He also recommended that Commission member Seidman lead the education section, because of his background with the topic, and that representatives of COGs and RESCs be involved in the shared services review. He will reach out.

Commission alternate Porth said this is exciting and he was glad to see the ACIR's RPIP 2.0 language be included in the implementer. There was a discussion of the advantages of having that proposal originally appear in a Governor's bill and also that many [recommendations of the Lamont transition's Shared Services Policy Committee](#) have been implemented. There also was a discussion the division of [American Rescue Plan Act](#) (ARPA) funds and Commission vice-chair Wray said CT tends to be program-rich and system-poor. Commission chair Sharkey recommended bringing up ARPA at the ACIR's next meeting. Commission member Filchak mentioned the Governor's recommendations regarding ARPA spending and Commission chair Sharkey asked that it be circulated to members.

4. Adjourn

The meeting was adjourned at 11:49.

Notes prepared by Bruce Wittchen, OPM