

Local Government of the Future Subcommittee Advisory Commission on Intergovernmental Relations

Tuesday, July 27, 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/2021/2021-07-27_ACIR_LGF_Audio.mp3

Members present: Kyle Abercrombie, Debra Borrero (alt.), John Filchak, Leah Grenier (alt.), Martin Heft, Marcia Leclerc, Francis Pickering, Rick Porth (alt.), Brendan Sharkey (Chair), Bob Valentine, Lyle Wray (Vice-Chair)

Other participants: Daniel Medress, Steve Mednick, Meghan Portfolio, Richard Roberts, Margaret Wirtenberg

ACIR staff: Bruce Wittchen

1. Call to order

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

2. Discussion of [6/22/2021 meeting notes](#), if necessary

There was no discussion.

3. Discussion of Local Government of the Future initiative

- a. New report on home rule as described in Sec. 5a of the ACIR's [draft 7/9/2021 minutes](#)

Commission chair Sharkey outlined the expected approach of the ACIR's Home Rule initiative, which he said is intended to be a white paper or presentation provided to the legislature prior to the 2022 session. He noted that some discussions of the topic had a high profile at the legislature this year and added that one of the ACIR's goals is to address differences between the concepts of *home rule* and *local control*. Commission chair Sharkey said the plan is to dedicate future meetings to discussions of case studies suggested at a previous meeting and to set the table today with an overview of the applicable law. He introduced attorney Steve Mednick.

Atty. Mednick said he will prepare an explanation of home rule for the ACIR's report and noted that each state's concept of local control flows from the state's concept of home rule. He mentioned the roles of Dillon's Rule, state law, and municipal charters and described their applicability to a situation involving a police commission and another regarding a board of education. He also noted the distinctions between a local government's roles regarding board of education procedure and board policy.

Atty. Mednick spoke of limitations municipalities face because of the [Municipal Employee Relations Act](#) (MERA), pointing out that collective bargaining supersedes a municipal charter. In his explanation of home rule law, he will write of limited powers. He highlighted that the impact of MERA is significant. He mentioned a report [Principles of Home Rule](#), written from a national perspective, and said he will send it to Commission chair Sharkey.

Commented [WB1]: Is this linked to the right report???

Commission chair Sharkey asked if anyone has any comments or questions before Atty Mednick has to leave. He also agreed about the relevance of MERA and noted that the group has not broached that subject. Commission vice chair Wray said it would be helpful for the home rule report to provide a glossary of key terms that people can reference. He also said the report should apply the concept to emerging issues and noted the relevance to two current issues: youth car theft and solid waste management. Commission vice chair Wray said we are seeing the dynamic nature of federalism: towns will do what state and federal government are not doing.

Atty Mednick said [2020's police accountability bill](#) did not restrict the scope of a civilian police review board as codified in [CGS 7-294aaa](#), but collective bargaining does. He added that there is a lack of clarity in [Title 7 of the statutes](#), which governs many municipal functions, and said those could be made more clear. Commission chair Sharkey cautioned that the legislature might assign the task to the ACIR if the report proposes those statutes be rewritten.

Commission vice chair Wray said municipal statutes should be recodified piece by piece. He said the law is accretive and added that a cross-tab of requirements could be useful. Commission member Valentine said a review of municipal statutes also must tie in [Title 8](#) of the statutes. He pointed out that recent changes regarding housing have led to heated debate in small towns. There was further discussion of sections of statutes outside of Title 7 that affect municipalities, including [Titles 1, 8, and 9](#). There was further discussion about town leader turnover and the resulting loss of awareness of these issues.

Commission member Pickering asked if the simplification or modernization of Title 7 might reduce the incentive for charters. He mentioned that there is a lack of awareness about the possible use of municipal fees. He noted that statutes push decisions regarding water-related fees down to the municipalities, unlike other statutes. CT provides too little guidance. There was a discussion of how municipalities are able to use zoning in the absence of a charter and how the implementation of zoning and wetlands or aquifer protection requirements varies town-by-town. Commission member Pickering said West COG will issue a report about differences between towns.

Margaret Wirtenberg pointed out the significance of union contracts for town operations and Atty Mednick mentioned a desire to align a municipal charter and collective bargaining agreement and said state statute could establish a consistent approach. Commission alternate Porth asked about examples of the state invoking its authority and Atty Mednick said police oversight might be one example. He also pointed out the scope of some of the governor's emergency executive orders and noted that he himself advocates for universal disciplinary standards. Commission chair Sharkey thanked Atty Mednick for his assistance with this and Atty Mednick left the meeting.

Commission chair Sharkey said Atty Mednick is offering to prepare a 1-2 page summary and asked how members would like to proceed with the previously chosen case studies: land use, shared services, ordinances, education, and finance. He also noted the MERA and collective bargaining issue discussed today.

Commission vice chair Wray pointed out the municipal fee schedules in use in some states and Commission member Pickering noted some issues in the setting of municipal fees. Commission chair Sharkey said the ACIR can lay out a framework of what municipalities can do, noting that they cannot solve all problems. He added that this fee issue would fit within the previously mentioned fee topic area and there was further discussion of addressing fees.

Commission chair Sharkey asked who the ACIR might look to for help with the finance section of the report and Commission member Heft mentioned the [Government Finance Officers Association of CT](#) (GFOA), CCM, and COST. Commission alternate Porth said CCM would need to know more before committing to it. Commission chair Sharkey said the report could discuss limitations on municipalities' ability to raise revenue and recommended reaching out to GFOA.

Commission vice chair Wray noted that many states have a statutory framework regarding municipal fees; we lack clarity about them in CT. He said the national [GFOA](#) might help with this. Commission member Filchak said the report should distinguish between municipalities with and without charters and noted that a different approach would be necessary if the report looks nationally. Commission chair Sharkey said the report should focus on the current reality, not propose changes, and the subcommittee can address the finance section at its next meeting. Commission member Pickering said he will provide his COG's report on fees of the the region's towns and Martin Heft said he will look into a possible contact at GFOA.

3. Adjourn

The meeting was adjourned at 11:32, followed by a brief discussion of whether this or the full ACIR should consider switching to a hybrid meeting format, now that the LOB is again open to the public.

Notes prepared by Bruce Wittchen, OPM