

Advisory Commission on Intergovernmental Relations

Friday, March 5, 2021

A recording is available at:

<https://authoring.ct.gov/ACIR/About-ACIR/-/media/8DD4CDACoAFD430F9CE1A3DBDBF0347E.ashx>

Members present: Kyle Abercrombie, James Albis, Sen. Stephen Cassano, John Elsesser, John Filchak, Betsy Gara (alt.), Sam Gold, Brian Greenleaf, Rick Hart, Martin Heft, Marcia Leclerc, James O’Leary, Francis Pickering, Lon Seidman, Brendan Sharkey (Chair), Ron Thomas, Lyle Wray (Vice-Chair)

Members absent: Carl Amento, Luke Bronin, Maureen Brummett, Kathy Demsey, Greg Florio, Neil O’Leary, Scott Shanley, Bob Valentine

Other participants:

ACIR staff: Bruce Wittchen

1. Call to order and overview of telemeeting procedures

Commission chair Sharkey called the meeting to order at 10:38 and recording was started.

2. Agenda review and additions

There were no changes.

3. Approval of the minutes of the 3/5/2021 meeting.

A motion was made and seconded to approve the [minutes of the March 5, 2021 meeting](#) and the motion was approved unanimously, with Commission member Greenleaf abstaining because he had not attended the meeting.

4. Consideration of ACIR annual report and 2021 work plan

Bruce Wittchen explained that this report is required by statute, but without a due date. He provided an overview of the report and work plan and explained that it had been on the agenda for consideration previously, but not in the last two months. He noted that most members only received it again late yesterday because of an email problem, so members might want to take more time to review it.

Commission chair Sharkey said he would like to take time to review it and a motion was made and seconded to table it until May and the motion passed unanimously.

5. CT Local Government of the Future Initiative

a. Overview of 3/23 subcommittee meeting (see [draft notes](#)) and next steps

Commission chair Sharkey expressed his appreciation of Commission member Cassano and his [Planning & Development Committee](#) co-chair, Rep, McCarthy Vahey, for the committee passing [HB 6448](#), which includes the ACIR’s proposed change to the [Regional Performance Incentive Program](#), what is being described as RPIP 2.0. He noted the significance of this concept being included in the Governor’s bill.

Commission member Cassano said he is seeing an increased interest in doing things through [regional councils of governments](#) (COGs) and mentioned the ongoing effort to gain official county equivalency for COGs. Commission vice-chair Wray pointed out how much of the federal money

coming to CT municipalities would go to counties in other states, encouraging regional efforts. Commission chair Sharkey said that RPIP 2.0 will stand up COGs and [Regional Education Service Centers](#) (RESCs) to do more regionally and that can organically lead them doing even more in the future.

Commission member Heft thanked members who testified in favor of HB 6448, especially Commission chair, who he said had already answered most questions before it was Commission member Heft's turn to testify. He also mentioned [HB 6655](#), which he said includes some similar provisions and has been raised by the [Finance Committee](#).

Commission member Gold said municipalities receive the federal funds coming to CT that would go to counties elsewhere. COGs are interested in receiving a portion to use for regional approaches. He also asked about progress with the county equivalency effort and commission member Heft explained that OPM has provided the Census Bureau with possible responses in response to public comments. Commission chair Sharkey mentioned a recent article in the CT Mirror – [Three measures seek to promote regional sharing, cost savings](#) – and described his conversation with Tom Condon, who wrote it.

Commission chair Sharkey recapped last month's discussion to determine an appropriate ACIR role regarding the [CAPSS Blueprint to Transform Connecticut's Public Schools](#) and explained that the ACIR had referred it to a subcommittee that met 3/23. He noted that ACIR members who represent state agencies cannot vote in favor of proposing changes to the Governor's budget, but there had been a discussion of communicating to the legislature that the state should maintain its commitment to gradually increase [education cost sharing](#) (ECS) and federal [Elementary and Secondary School Emergency Relief](#) (ESSER) funds should be used elsewhere. He asked if there are any other thoughts and said his recommendation is for the ACIR to endorse the CAPSS blueprint for the legislature's consideration and to recommend they not stop the expected ECS increases.

Commission member James O'Leary noted the concern he had expressed at the subcommittee meeting regarding the word "endorse", which he said conveys a broader approval of the blueprint than he is willing to give. Commission chair Sharkey said he understands that concern and suggested the ACIR acknowledge the blueprint as a source of recommendations for the legislature to consider.

Commission member Elsesser said another group is recommending the state fully fund the ECS formula. He also pointed out that his town has already had its budget meeting with a budget based on the Governor's recommended budget. It is too late to address such budget issues and the CAPSS blueprint and other approaches are complicated and require more review than is possible in the next month. Commission member Heft noted that he cannot endorse the blueprint but said it seems a better approach for the ACIR to recommend it as a source of information for the legislature's consideration.

Commission chair Sharkey summarized how the ACIR can proceed, recommending the legislature consider the blueprint but without endorsing it. Commission member James O'Leary agreed with that approach and said he considers the blueprint to be a great beginning point. Concepts should be studied and implemented. Commission chair Sharkey outlined a possible letter that would recommend the blueprint to legislative leaders as important guidance for how to proceed. There was a motion to do so and it was seconded and approved unanimously.

Commission member Elsesser said the letter should emphasize ECS's critical role for the state's future work force and its relationship with property taxes. He noted that ECS was created in different times. There was a discussion of the drafting of the letter and Commission chair Sharkey will draft it and Commission member Elsesser will review it.

Commission chair Sharkey said the subcommittee also discussed how the concept of “home rule” is being misapplied in the current debate over the Desegregate CT initiative. Commission member Filchak mentioned discussions of the topic at his COG and disagreements regarding zoning authority and [Dillon’s Rule](#). The ACIR should consider updating its [1987 report on home rule](#) because this currently is not a healthy debate.

Commission vice-chair Wray noted Commission member Filchak’s reference to Dillon’s Rule and said towns in CT can only do what the state says they can do. There are traditions and practices, but the rule is clear. He added that *home rule* is being waved as a red flag. Commission chair Sharkey asked if the ACIR wants to create a new report or legal brief on this, noting it would not be completed prior to the end of the current session.

Commission member Filchak said the debates over home rule and regionalism have bled together. He said he recently heard objection to having a statewide standard for geographic information systems (GIS), with the person objecting to towns being told how to do it, but added that some things lend themselves to uniformity. Commission vice-chair Wray said this is a classic example of what an ACIR is about. These issues are not going away and we should do it right. Commission member Elsesser noted that NJ had eliminated some towns and CT could too.

Commission member James O’Leary noted that the ACIR has less staff support now than it had at the time of the 1987 report. Commission vice-chair Wray said the home rule question is a classic constitutional law issue and Commission member Filchak asked if the ACIR should consider reaching out to the law schools at UConn or Yale for assistance. Commission chair Sharkey agreed with that recommendation and suggested working with people not involved with the Desegregate CT initiative to avoid an appearance that the ACIR work is in support of that.

Commission vice chair Wray said the ACIR should convene a small working group that would be assisted on constitutional law as described. Commission chair Sharkey asked if a vote is required or group can just proceed and there was general acceptance to proceed. Lon Seidman recommended they frame the context for this, noting that the local level can be innovative. Commission vice-chair Wray said the law here is not different than in Canada, but the practice of that law is different.

Commission Filchak pointed out that it will hurt progress if this effort is viewed as a threat and Commission vice-chair Wray said this subject is automatically political. Commission member James O’Leary said this topic was controversial when the ACIR issued its 1987 report, but that report was widely distributed. Resurfacing that report now can be a neutral beginning point.

Commission member Thomas mentioned the book *Under the Golden Dome*, by Judge Robert Satter, and said it also discusses home rule. He agreed about the political aspect of this and said the group has to reach an understanding of the scope of the work proposed. Commission chair Sharkey recommended taking it to the subcommittee for further consideration of the appropriate scope and scale of work and there was further discussion in favor of that approach.

b. Discussion of historic reports by ACIR & UConn’s former Institute for Public Services

There was no further discussion of the historic reports

c. Discussion of [MA Dept. of Revenue’s Division of Local Services](#)

Commission member Filchak said he had brought up MA’s Division of Local Services last month because he uses it as a resource for his work and it is a model the ACIR might explore for CT. He said OPM might have been comparable 25 years ago and outlined how a more robust version of OPM’s [Intergovernmental Policy and Planning Division](#) (IGPP) could assist municipalities.

Commission chair Sharkey asked about the application of this to other ACIR activities and Commission member Filchak said it is a more robust approach that is consistent with last year's recommendations of the [Task Force to Promote Municipal Shared Services](#). He urged people to review the programs described on the MA DLS website. There was a discussion of shared services with a tie to state startup funding and of the MA DLS's ability to connect a study with state resources and provide in-house experts. Commission chair Sharkey asked that this remain on the agenda and be taken under advisement. Commission member Filchak noted that this goes back to the recommendations in last year's task force report and little has happened.

6. Other Old Business

a. UConn & UGA policy studies

Commission vice-chair Wray said an [invitation has been circulated for the first webinar](#), which will look at best practices. It will be 60 minutes and he expects a good turnout. He provided an outline of the agenda and highlighted the participation of some ACIR members. Further studies will be rolled out one at a time.

7. Other municipal, regional, or state matters for ACIR consideration (if any)

There were no additional matters for consideration.

8. Additional Public Comments

There were no additional public comments.

9. Future Discussion Topics

There was no discussion.

10. Next meeting

Commission chair Sharkey said the Subcommittee will meet April 22, 2021 and the full ACIR will meet May 7, 2021.

11. Adjournment

A motion was made and seconded to adjourn the meeting and it was approved unanimously. The meeting was adjourned at 11:43.

Minutes prepared by Bruce Wittchen, OPM