

# Advisory Commission on Intergovernmental Relations

Friday, May 7, 2021

A video recording is available at:

<http://ct-n.com/ctnplayer.asp?odID=18597>

An audio recording is available at:

[https://portal.ct.gov/-/media/ACIR/Meetings/2021/2021-05-07\\_ACIR\\_Audio.mp3](https://portal.ct.gov/-/media/ACIR/Meetings/2021/2021-05-07_ACIR_Audio.mp3)

**Members present:** Kyle Abercrombie, James Albis, Jennifer Berigan, Debra Borrero (alt.), John Elsesser, John Filchak, Betsy Gara, Leah Grenier (alt.), Martin Heft, Brian O'Connor (alt.), James O'Leary, Lon Seidman, Scott Shanley, Brendan Sharkey (Chair), Bob Valentine, Lyle Wray (Vice-Chair)

**Members absent:** Carl Amento, Luke Bronin, Maureen Brummett, Sen. Stephen Cassano, Sam Gold, Brian Greenleaf, Marcia Leclerc, Neil O'Leary, Francis Pickering

**Other participants:** Richard Porth

**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 to the [agenda](#).

## 3. Approval of the minutes of the 4/9/2021 meeting.

A motion was made and seconded to approve the [minutes of the April 9, 2021](#) meeting and the motion was approved unanimously, with Commission alternate Grenier abstaining because she had not attended the meeting.

## 4. Consideration of ACIR annual report and 2021 work plan

Bruce Wittchen said the annual report is required by statute but without a hard deadline. He pointed out a question he had highlighted on pg 6, which asked if the [report of the Commission on Fiscal Stability and Economic Growth](#) (CFSEG) should be included in the list of previous work by the ACIR and others (highlighted as in the circulated draft):

Previous work by the ACIR or by others has identified many options for achieving more effective, efficient and responsive public services. Such efforts included the [Commission on Municipal Opportunities and Regional Efficiencies](#) (MORE Commission), the Lamont Transition Team's [Recommendations on Shared and Regional Services](#), and the [Task Force to Promote Municipal Shared Services](#). [QUESTION: should this list also include the [Commission of Fiscal Stability and Economic Growth](#)???] Potentially worthwhile changes have been identified, but implementation lags.

Bruce said one of that group's co-chairs gave a presentation to the ACIR a couple years ago, but he does not think any ACIR members were involved in that work, unlike the other items listed. Commission

chair Sharkey showed the paragraph in question on his screen and said he believes it should be included in the list. Commission member Shanley said he agreed and said they should all be listed in one place. Commission member Filchak recommending adding to the paragraph that the ACIR is not specifically endorsing any report in the list.

There was further discussion of the paragraph and that the ACIR has only officially endorsed one of those reports: the report of the Task Force to Promote Municipal Shared Services, which the ACIR took the lead in preparing. Commission alternate Berigan noted that she had just become aware of the inclusion of the CFSEG report and asked that it be removed because it discusses far more than what is addressed by the ACIR. Commission member Shanley suggested it be included, with qualifying language, and Commission alternate Borrero said she found its inclusion to be helpful because she is new to this.

Commission chair Sharkey asked Commission alternate Berigan if inclusion of the CFSEG report would be acceptable with qualifying language as described. She recommended going back to that report and requested that, if the ACIR supports components of the report, those should be mentioned specifically, not the report in the aggregate. Commission member Heft said the paragraph just lists reports and does not say the ACIR supports every recommendation of each. Commission member Valentine said it is important to have the information out there and Commission alternate O'Connor said he agrees.

Commission member Elsesser recommended language be added to present the various reports as sources of various recommendations. Commission member James O'Leary agreed with avoiding any endorsement of the reports but making their recommendations available where people to agree or disagree.

Commission member Filchak noted the ACIR's central role in one of the reports listed in the paragraph, the report of the [Task Force to Promote Municipal Shared Services](#), and recommended it be moved to the following paragraph, which focuses on that report. He recommended it be replaced with a reference to [CCM's This Report is Different](#), another important report that did not directly involve the ACIR. He noted that he has not reviewed the CFSEG report in a couple years, but said we need to include a qualifier because there is legitimate disagreement within this group about it, but it is a major report and we cannot ignore it. The reports in that paragraph can be described as other reports about achieving more effective and efficient public services.

Commission alternate Berigan said Commission member Filchak's suggestion might alleviate the concerns. She said the CFSEG report was divisive and endorsed disinvestment. Commission chair Sharkey recommended the ACIR's annual report be tabled until June to address this and thanked Bruce for highlighting this issue in the report.

## 5. CT Local Government of the Future Initiative

### a. Home Rule and [historic reports by ACIR & UConn's former Institute for Public Services](#)

Commission chair Sharkey said the ACIR subcommittee was unable to meet last month and noted that we are still watching [HB 6448](#), which includes the ACIR's proposed change to the [Regional Performance Incentive Program](#), what is being described as RPIP 2.0. The bill is on the house calendar. Commission member Heft noted that it has multiple sections and the administration is working with legislators regarding meeting rules in other sections. The ACIR language is not being questioned. Commission chair Sharkey noted that he received no questions regarding the ACIR sections when he testified at the hearing.

Commission chair Sharkey pointed out the heightened interest in Home Rule, which members have brought up as an item of interest because of its relevance to ongoing zoning discussions. Concerns have been expressed about the term being used incorrectly and Commission chair Sharkey referred

to the agenda's mention of the ACIR's 1987 report, [Home Rule in Connecticut: Its History, Status and Recommendations for Change](#), and the former UConn Institute for Public Services' 1964 report, [Home Rule in Connecticut](#). He said this would have been discussed at the canceled subcommittee meeting and said the people here today should consider how to proceed. He noted that he has been contacted by people interested in helping.

Commission member Filchak said there could be great value in revisiting those reports, noting that many recommendations in the ACIR's report have not been acted on, although he questions some. Commission vice-chair Wray said this is quintessential ACIR subject matter and recommended the ACIR prepare a short and snappy document, mentioning some possible participants in such an effort.

Commission member Filchak said the ACIR's meeting with OFA staff regarding the process of developing fiscal noted picked up on some of the same issues. Legislation is often passed quickly without any discussion of legislative intent. Without that, courts are unable to determine the intent if wording is unclear, and he said legislation regarding municipalities should be required to specify intent and impacts.

Commission vice-chair Wray said he agrees with that recommendation and said the state should clarify what home rule is; the law has not changed. The state can give powers to municipalities and might choose to delegate more. He pointed out that the right of way process for the busway could have been simpler if handled locally. The state should delegate smaller things and he added that there is a false dichotomy about Dillon's Rule: it is not everything or nothing.

Commission member Seidman said school boards often are on the receiving end of bills having good intentions but high costs. It would be helpful to communicate where the line is between what we have authority over and what we must comply with. He also highlighted the potential for taking innovation at the local level to the state. Local efforts are an opportunity for innovation and incubation, but this often is limited by the state. He noted the local innovation we are seeing in response to the health crisis.

Rick Porth agreed with Commission vice-chair Wray that this topic is central to the ACIR and that there is a lot in-between total state control and total municipal rule. He does not know if this is a role for the ACIR, but is there a way to help regarding the land use and zoning efforts beyond just clarifying the meaning of home rule? Commission chair Sharkey said that is part of the reason for taking a look at the 1987 report. He added that Sara Bronin of [Desegregate CT](#) spoke to the ACIR. The ACIR took no position, but it would appropriate role for the ACIR to clarify the roles of the state and towns.

Commission member James O'Leary said it does seem that we need a concise statement regarding home rule and agreed that going beyond that is difficult. He added that there are excellent recommendations in the 1987 report that never saw the light of day. Commission member Shanley agreed with others and said CT has difficulty acting as a state even though it is only the size of a county in CA or TX. The state has done well during the pandemic and we cannot handle everything as 169 separate towns. The first step is to review how the state-local relationship was set up and how it has evolved. Commission chair Sharkey asked if this should be brought up at the 5/25 subcommittee meeting and there was general agreement to do so.

b. Discussion of [MA Dept. of Revenue's Division of Local Services](#)

Commission member Filchak noted that this was addressed in [Wednesday's webinar featuring the work of Ryan Miller](#), which will be discussed later in this meeting. He highlighted that Recommendation 3 is to establish a government efficiency unit at OPM comparable to the [MA Dept. of Revenue's Division of Local Services](#) (DLS). The goal is to aggressively assist municipalities, but

OPM lacks staffing and funding. He pointed out that he frequently uses DLS work. He mentioned the interest in using [Regional Performance Incentive Program](#) funding for such efforts, but there has been attrition at OPM and UConn no longer has the Institute of Public Services. He said MA has a more robust system.

Commission chair said this topic bleeds into Agenda Item 6 and said a cornerstone of Wednesday's webinar was for CT to emulate MA's DLS. New creative ideas and best practices should be incorporated into our municipal practices.

## 6. Other Old Business

### a. UConn & UGA policy studies

5/5 webinar: [Facilitating Innovation Through Developing and Implementing Best Practices: A Review and Suggested Process](#)

Commission vice-chair Wray thanked all participants and said there had been 72 attendees. He said the core of the presentation was best practices reviews and explained the process used in MN and WI. He added that MA sets aside funds for grants to implement best practices and that Ryan had explained the process. Commission member Filchak said some towns have an interest in shared town administration and explained what he was able to find using MA DLS resources. Their process includes a review and then funding to kick start an initiative. That's how he sees RPIP evolving – researchers plus funding.

Commission chair Sharkey said this dovetails with the previously discussed LGF initiative and RPIP 2.0 effort, which would allocate funding so [regional councils of governments](#) (COGs) and [regional education service centers](#) (RESCs) can start the process. Commission vice-chair Wray noted there are almost 50 reports available from MA, MN, and WI, which can form the basis for work here.

Commission member Elsesser said MA gave municipalities funding back in the 1980s to increase administrative capacity and created circuit riders to assist. He said we have a capacity issue here and don't have the UConn IPS, even though land grant schools are supposed to have one. The state previously abandoned the idea that we should do things differently, but he added that the state can allocate Rescue Act funds to build capacity to make wise decisions in the future. Why is that not on the table?

Commission member Elsesser said the state should build our capacity to do such things in the future and this is a possible role for the ACIR. A CT equivalent of MA's DLS could be developed at OPM or another agency, but he noted that we're unable to get two staff people to work on a statewide GIS. Why bother pretending that we're going to move forward? A little money would go a long way.

Commission member O'Leary agreed and said we keep floundering along. He added that the ACIR is positioned to delve into and address issues because it is a remarkably agreeable group. We've been able to reach consensus on many thorny issues over the years but have had poor success at accomplishing the mission. What we've discussed today seems so simple and we could point out that we used to have capacity in place to deal with such issues. Good ideas come forward like waves on the shore but never change anything. Commission chair Sharkey acknowledged the slow pace but added that the ACIR is having success now with its legislative proposal and this is a foundation to build on.

Commission member Filchak said other states took a comprehensive approach to GIS; they have common standards, which is something we are only talking about doing now. Other states did this more than a decade ago. In CT, towns that could afford GIS developed systems that might not align with neighboring towns and COG GIS more often than not does not align with that of other COGs.

We could have done it well once but instead we now are fixing what we did. The Governor's current statewide GIS proposal is good, but we would be in a stronger position if that had been done a decade ago.

Commission chair Sharkey read a suggestion Commission member Elsesser put in chat recommending the ACIR invite UConn's president to attend a future meeting to discuss re-establishing the UConn IPS. He recommended having a discussion of that first. He said it is possible that a previous UConn president was unaware of the expectation to maintain the IPS. He also mentioned that CCSU has an [Institute for Municipal and Regional Policy](#). He recommended inviting Prof. Alkadry to talk about UConn's role.

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

Bruce Wittchen mentioned that Prof. Zeemering of the U. of Georgia had invited people involved with the ACIR to contribute a Perspectives Essay highlighting the work of the ACIR to *State and Local Government Review*, an academic journal he is co-editor of. Commission vice-chair Wray mentioned his experience with the journal and recommended circulating the invitation and then getting back to Prof. Zeemering.

#### **8. Additional Public Comments**

There were no additional public comments.

#### **9. Future Discussion Topics**

Commission chair Sharkey noted that the ACIR's plate is full.

#### **10. Next meeting**

Commission chair Sharkey said the Subcommittee will meet May 25, 2021 and the full ACIR will meet June 4, 2021.

#### **11. Adjournment**

A motion was made and seconded to adjourn the meeting and it was approved unanimously. The meeting was adjourned at 11:55.

*Minutes prepared by Bruce Wittchen, OPM*