

# Advisory Commission on Intergovernmental Relations

Friday, August 6, 2021

An audio recording is available at:

[https://portal.ct.gov/-/media/ACIR/Meetings/2021/2021-08-06\\_ACIR\\_Audio.mp3](https://portal.ct.gov/-/media/ACIR/Meetings/2021/2021-08-06_ACIR_Audio.mp3)

A video recording is available at:

<http://ct-n.com/ctnplayer.asp?odID=18827>

**Members present:** Kyle Abercrombie, James Albis, John Elsesser, John Filchak, Betsy Gara, Leah Grenier (alt.), Rick Hart, Martin Heft, Marcia Leclerc, James O’Leary, Rick Porth (alt.), Lon Seidman, Brendan Sharkey (Chair), Dave Steuber (alt.), Bob Valentine, Lyle Wray (Vice-Chair)

**Members absent:** Carl Amento, Maureen Brummett, Sen. Stephen Cassano, Greg Florio, Sam Gold, Brian Greenleaf, Neil O’Leary, Francis Pickering

**Other participants:** Margaret Wirtenberg

**ACIR staff:** Bruce Wittchen

## 1. Call to order and overview of telemeeting procedures

Commission chair Sharkey noted that CT\_N is covering this meeting and introduced himself, Commission vice-chair Wray, and staff member Bruce Wittchen. He also described meeting procedures.

## 2. Approval of the minutes of the 6/11/2021 meeting.

A motion was made and seconded to approve the [minutes of the July 9, 2021](#) meeting and the motion was approved unanimously.

## 3. ACIR reports

- a. Session mandate report (11/15/2021) & Mandate compendium supplement (1/15/2022)
  - Consider potential changes in ACIR mandate review and reporting
    - Deeper dive into annual sample of mandates: did impacts match predictions?
    - Evaluate how different mandates affect different municipalities differently

Commission chair Sharkey noted that the two mandates reports are listed as a reminder and said the listed potential changes might warrant a workgroup and asked Bruce Wittchen to explain them. Bruce said those changes were suggested in the past, but he added that the ACIR has a lot on its plate at this time and might want to postpone any consideration of those until the other work is completed at the beginning of 2022.

- b. 2/1/2022: Report required by Sec. 154 of [JSS PA 21-2](#)

Commission chair Sharkey provided an update, saying that he has been in touch with representatives of the [Freedom of Information Commission](#) (FOIC) and [CT Assoc. of Municipal Attorneys](#) (CAMA) and is awaiting a response from the state’s Chief Information Officer, all of whom the public act directs the ACIR to consult with in doing this work. He said the FOIC and CAMA are interested and recommended an organizational meeting this month. Other members with interest or experience in the topic should participate.

## 4. CT Local Government of the Future Initiative

- a. New report on Home Rule (see [draft 7/27/2021 subcommittee meeting notes](#))

Commission chair Sharkey pointed out that the ACIR is taking on a lot of work, but this report is important. He highlighted that the intent is not to prepare a history of home rule but to instead explain what it is and to provide a few practical examples. The subcommittee meetings are currently dedicated to this and he provided an overview of the 7/27/2021 discussions and noted the intent is to provide the report to the [Planning & Development](#) (PD) Committee.

Commission chair Sharkey explained that well-known municipal attorney Steve Mednick has offered to provide an approximately 1-page summary and the subcommittee will add discussions of specific applications. The subcommittee's 8/24 meeting will focus on the application of home rule to municipal finance and he provided some background, noting that some members of the [Government Finance Officers Assoc.](#) (GFOA) have expressed interest.

Commission member Valentine volunteered and Commission alternate Porth said the [CT Conference of Municipalities](#) (CCM) can help too. Commission member Filchak said he still needs to speak with the person he had mentioned at the subcommittee meeting who has finance experience with small and large municipalities and in the corporate sector. Commission chair Sharkey pointed out the significance of municipal authority and different forms of government in this work.

## 5. Other Old Business

- a. Update: UConn & UGA policy studies

Commission vice-chair Wray said he had passed along the reports to Commission alternate Rick Porth for coordination with CCM's work. He also mentioned an upcoming webinar regarding juvenile car theft. Commission alternate Porth reported that CCM will meet next week to discuss the rollout of its work and will coordinate that with the ACIR.

- b. Update: [Institute for Municipal and Regional Policy](#) move from CCSU to UConn, as discussed in Sec. 5b of the ACIR's [draft 7/9/2021 minutes](#)

Commission chair Sharkey mentioned the recently enacted move of the [CT Institute for Municipal and Regional Policy](#) (IMRP) from CCSU to UConn. He described a recent conversation with Prof. Alkadry of UConn's [Dept. of Public Policy](#) and said UConn might have been caught off-guard by the move, but Prof. Alkadry is interested in possible roles. Commission vice chair Wray said the IMRP is assisting with the upcoming juvenile auto theft webinar

Commission chair Sharkey mentioned Commission member Filchak's previous descriptions of how such institutions in other states are able to help municipalities. He said that might be a possible role for the IMRP, perhaps in partnership with the ACIR. He also noted that the ACIR has limited resources and UConn might be the place to house the effort. He added that additional federal funding could jump-start this.

Commission member Filchak said he has circulated a [link to the website of the former Program Review & Investigation Committee](#) (PRI) and added that he believes it was a mistake to close it. He said doing similarly robust reviews would be a good role for the ACIR. He provided further background regarding PRI and said its work is still valid and is a model for what could be done in the future. He added that the committee was the real strength because it had the authority to decide to review something; it might not work in an academic setting.

Commission chair Sharkey said PRI had been his first legislative committee chairmanship and provided further background about it. He noted that it had 8-10 professional researchers and they did deep dives: a full year could be devoted to a project. He added that it was an easy target for budget cutters but pointed out that one problem had been that its reporting cycle was not synchronized with the legislative cycle.

Commission member O'Leary asked if the mandate report considerations listed beneath 3a on the agenda would be consistent with PRI work. Commission chair Sharkey noted the ACIR's staffing constraints and said the ACIR must rely on partnerships. Commission member O'Leary acknowledged this group's limited bandwidth but said our work group's work does not get anywhere and that there could be more enthusiasm for the work if it generated results.

Commission chair Sharkey agreed and noted that the ACIR's 2020-21 [Regional Performance Incentive Program](#) (RPIP) initiative was a success (see Sec. 177 of [JSS PA 21-2](#)) but that was just one initiative. He added that the group will have more impact with more attention. Commission member O'Leary noted the advantages of the ACIR's nonpartisan nature and Margaret Wirtenberg seconded his comment. Commission member Filchak noted the limited OPM staff time available for the ACIR and recommended the state fund more. Commission chair Sharkey said the discussion is segueing seamlessly into agenda item 5c.

c. Federal infrastructure funding and Governor's recommendations re. ARPA funding

Commission chair Sharkey pointed out that a special session is expected in September for the legislature to weigh in on the [Governor's recommendations](#) regarding [American Rescue Plan Act](#) (ARPA) funds. He asked if the ACIR should formulate recommendations of its own, noting the potential for increased staffing or partnerships. Commission member Valentine said more staff time should be dedicated to this work and Commission chair Sharkey asked Commission member Heft for OPM's perspective. Commission member Heft said alternative approaches have not come to fruition. He also noted that ARPA funds cannot be used to hire permanent staff; a consultant would be needed. He added that Sec. 229 of [PA 19-117](#) amended [CGS 4-66n](#) to make \$250,000 available to facilitate improved service delivery.

Commission member Sharkey said UConn Prof. Alkadry had raised a concern about staffing. Commission member Filchak said he agrees with beefing up OPM support for the ACIR and recommended that whatever the ACIR does should be nimble and not depend on a 3<sup>rd</sup> party. He said others can have different agendas and the ACIR should be cautious about relationships.

Council chair asked Bruce Wittchen for his perspective as ACIR staff. Bruce agreed that there is a limited capacity for doing the ACIR's work, but noted that changes to the mandate review process authorized by the ACIR in 2019 had made that work less time-consuming freeing up a significant amount of time for other ACIR work like this.

Commission member Filchak said he would be concerned about the fiscal note on a proposal to provide more support for the ACIR. Commission vice chair Wray said the Governor's Transition Team had anticipated additional capacity for such work and pointed out that UConn has experience with faculty consulting on short-term studies like these. Commission member Leclerc said the ACIR should not request funding without specifying what it intends to do. It should explain what will be done, identifying specific tasks, and how that work fits a long-term objective. That concluded the discussion of potential ACIR studies and funding.

Commission member Elsesser said he would like to raise another aspect of ARPA: the bureaucratic quagmire his town finds itself in regarding school indoor air quality. He explained that this is considered a significant issue because some schools have inadequate ventilation systems. The state plan for ARPA spending does not include funding school ventilation work.

Commission member Elsesser said the state's regular education facility funding can cover such work, but the state agency administering that funding will not fund such projects without air quality standards in place. [SB 288](#), *An Act Concerning Indoor Air Quality in Schools*, did not pass this year, so state funding is not available and his town is facing a \$6 million referendum. He noted that the state would pay for a new building with new air handling system, but will not pay to upgrade the systems in existing buildings.

There was a discussion of system costs and technical requirements and Commission member Elsesser mentioned that the state will fund roof replacement at 20 years but will not cover air quality improvements unless there is a violation of a regulatory requirement. He noted that the problem is being worked on and Commission chair Sharkey said this is a possible role for the ACIR, pointing out that ARPA probably could subsidize state support for school air quality projects.

Commission member Seidman said school air quality has long been an issue and that it can be less expensive to knock down a school and start over. He also acknowledged that a number of state agencies are involved. There was further discussion of meetings Commission member Elsesser has had regarding this problem and state requirements. Commission member Elsesser said DPH seems to know what the air quality standard should be, but SB 288 did not get through the legislature this year. Margaret Wirtenberg pointed out that some towns can handle these questions on their own, but others need help.

Commission chair Sharkey asked Commission member Heft what can be done and Commission member Heft offered to help make connections in the Governor's Office. Commission chair Sharkey said he will connect with Commission members Heft, Elsesser, and Seidman to work on this. Commission member O'Leary recommended also checking with the state Dept. of Education regarding expected costs.

Commission member Elsesser highlighted that towns will not know what they face if they have not hired a mechanical engineer and that ARPA funding received by a town like his is small relative to the cost of such work. Commission member Seidman mentioned the greater maintenance needs with systems being run harder than previously and Commission member Elsesser said many towns do not have a clue regarding the costs they face.

#### d. Plans for 2022 Legislative session

Commission member Sharkey said this agenda item is a reminder to be mindful of the timing for the 2022 legislative session. Commission member Heft pointed out that agencies' legislative proposals are to be sent to OPM by Oct. 1.

## 6. New business

Commission chair Sharkey asked for opinions about resuming meetings at the legislative office building, pointing out that the 1<sup>st</sup> floor committee rooms have re-opened and allow for hybrid meetings. Commission vice-chair Wray said he concerned about the COVID variant and that CRCOG has slowed down its return to work. He recommended the group delay such a change beyond the September meeting.

Commission chair Sharkey agreed but noted the irony of the ACIR being directed to advise the legislature on the topic of meetings and wondering what to do itself. Commission member Valentine said hybrid meetings might make sense. Commission member O'Leary recommended postponing the decision until we know more, but a hybrid meeting works for him. He noted the benefits for achieving a quorum while some can choose to attend remotely. There was further discussion and Commission

member Hart said it would be prudent to put this off until the October meeting and Commission chair Sharkey said it can be revisited at next month's meeting.

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

Commission chair Sharkey noted that Sec. 1e of the [Governor's Executive Order 13A](#) empowers municipalities to choose whether to require masks in their facilities and asked if there are any concerns. Commission member Seidman said boards of education are struggling with this. School open in 2-3 weeks and who makes the call? Commission member Elsesser said he has been advised that he cannot order his board of education to act. Commission member Leclerc said she has passed this to her town's corporate counsel for review. She is concerned about the lack of statewide requirements

Commission member Heft said Sec. 1 of [Executive Orders 9](#), extended by [Executive Order 13](#), covers local education and noted that COST just distributed a memo about this. There was a discussion of that order only being extended through Sept. 30, but that might change. Commission member Seidman described what boards of education are faced with. Commission member O'Leary said DPH's commissioner is still designated as incident commander. He said DPH should put parameters on it and clarify what they expect.

Commission chair Sharkey asked if the group sees a role for ACIR. Commission member Valentine said it is a difficult situation. He noted that CDC and DPH have issued guidance, but municipalities control their own buildings. There was further discussion of the division of authority between state and local government.

## **8. Additional Public Comments**

There were no additional public comments.

## **9. Next meeting**

Commission chair Sharkey read the dates of upcoming meetings – the subcommittee meeting Aug. 24 and the full ACIR meeting Sept. 10 – and noted that he might have a conflict on 8/24.

## **10. Adjournment**

The meeting was adjourned at 12:04.

*Minutes prepared by Bruce Wittchen, OPM*