

Advisory Commission on Intergovernmental Relations

Friday, October 1, 2021

An audio recording is available at:

https://portal.ct.gov/-/media/ACIR/Meetings/2021/2021-10-01_ACIR_Audio.mp3

Members present: James Albis, Sen. Stephen Cassano, John Filchak, Rick Hart, Martin Heft, James O’Leary, Francis Pickering, Lon Seidman, Brendan Sharkey (Chair), Ron Thomas, Bob Valentine, Lyle Wray (Vice-Chair)

Members absent: Kyle Abercrombie, Carl Amento, Luke Bronin, Maureen Brummett, Kathy Demsey, John Elsesser, Greg Florio, Betsy Gara, Sam Gold, Brian Greenleaf, Marcia Leclerc, Neil O’Leary

Member vacancies: Municipal official: Town of 20,000 – 60,000 population

Other participants: Aamina Ahmad, Debra Borrero, Maria Capriola, Leah Grenier, Eugene Livshits, Rep. Cristin McCarthy Vahey, Sheila McKay, Steve Mednick, Brian O’Connor, Meghan Portfolio, Richard Porth, Margaret Wirtenberg

OPM staff: Matt Pafford, Bruce Wittchen

1. Call to order and overview of telemeeting procedures

Commission chair Sharkey asked if a quorum of members is present and Bruce Wittchen said they did not. The meeting began at 10:39 with the understanding that no votes will be taken until a quorum is present. Commission chair Sharkey provided an overview of meeting procedures.

2. Use of alternates at ACIR meetings

Commission chair Sharkey noted that Bruce Wittchen had sent an email to members describing this and asked Bruce to explain the situation. Bruce said the ACR has long allowed members to designate an alternate to represent them when they are unable to attend a meeting, but he noticed that the statutes do not provide clear authority for doing so. Due to the increasing significance of the ACIR’s work and risk that decisions might be challenged, he asked OPM counsel about this and was told there is no provision for members to designate alternates. He said the group should consider what it can do and noted that this meeting fell short of a quorum because people who had been alternates were not counted today.

There was a discussion of certain members being authorized to designate someone to represent them, including certain elected officials, heads of state agencies, and the [CT Conference of Municipalities](#) (CCM) and the [Council of Small Towns](#) (COST). Bruce said the interpretation he was provided would require those designations to be long-term, with no provision for designating different people depending on who is available each month. Commission vice-chair Wray suggested that a guidance memo be prepared to explain who can do what.

Commission member Heft distinguished between “designee” and “alternate” using the example of the State Bond Commission. He highlighted that the names of designees must be on file, not changed month-to-month. He also noted that one possible solution would be to have a group of alternate members who would be available when a member must miss a meeting, such as what Zoning Boards of Appeals do. There was further discussion of possible approaches and how CCM has been handling this. Commission chair Sharkey said he will put something in writing.

3. Approval of the minutes of the 9/10/2021 meeting.

Due to the lack of a quorum, a motion could not be made to approve the draft [minutes of the September 10, 2021 meeting](#).

4. ACIR regular reports

- a. Session mandate report (due 11/15/2021)
- b. Mandate compendium supplement (due 1/15/2022)
- c. ACIR Annual Report and 2022 work plan (no due date, but aim for early 2022)

Commission chair Sharkey asked Bruce Wittchen for an update and Bruce said these reports are listed here as a reminder and noted that the session mandate report is due Nov. 15. He said he hopes to circulate a draft in 2-3 weeks, which would give members some time to review it prior to their November meeting. The report is due ten days later, so there will be time for revising it. Bruce also noted that he had added a 3rd report to the list, the annual report and work plan, so the group can be thinking about that work plan.

5. Study of remote meeting access/voting required by Sec. 154 of [JSS PA 21-2](#) (due 2/1/2022)

- a) Report on 9/3/2021 organizational meeting and next steps

Commission chair Sharkey listed the participants in the organizational meeting he had reported on last month and said they decided they need to learn the expectations of the chairs of the legislative committees of cognizance, the Office of the Governor, and OPM. He said they have to have a conversation and then a meeting in the next couple weeks. He mentioned this is receiving attention from Greenwich due to the complexities of managing voting of the town's large Representative Town Meeting.

Rep. McCarthy Vahey thanked the ACIR for taking this on and said she will speak with Sen. Cassano. She noted that some agencies are already managing such procedures, but it is a greater challenge for smaller towns and commissions relying on volunteers. Commission chair Sharkey said they will try to do much of the work in October.

6. CT Local Government of the Future Initiative

- a. Report on Home Rule (see [draft home rule definition](#))

Commission chair Sharkey provided some background regarding this ongoing project and why the ACIR took it on. He said the discussion at the Local Government of the Future (LGF) subcommittee meeting had focused on home rule in education, with Commission member Seidman speaking on issues experienced by boards of education. He also said the LGF subcommittee decided it should reserve its bandwidth to address other things but will address zoning and land use aspects of home rule at its October meeting. He highlighted Sen. Cassano's recommendation to meet with [Planning & Development](#) (PD) Committee members to discuss the work on home rule. Perhaps Sen. Cassano and Rep. McCarthy Vahey can schedule that.

Commission member O'Leary asked if other attorneys in CT would have a different legal point of view than Steve Mednick that can also be addressed in the report. Atty. Mednick said he would be happy to run his writeup by some others. He said differences regarding home rule are not about the law and noted the widespread confusion about the term. He highlighted that legislation from the state regarding municipalities is not a violation of home rule.

Commission member Filchak said this is a critical project for us and it needs to be ready before the 2022 session. Commission chair Sharkey said Commission member Filchak has offered to work on

this and Commission member Filchak noted that arguments about home rule from both sides of the Desegregate CT debate often were wrong. He highlighted that “home rule” and “local control” are not the same thing. Rep. McCarthy Vahey said she is typing an email to schedule a meeting with PD Committee members about this.

7. Other Old Business

- a. UConn & UGA studies and Institute for Municipal & Regional Policy move to UConn

Commission vice chair Wray said there was another conversation earlier today with Prof. Alkadry of [UConn's Dept. of Public Policy](#). He is interested in the Solutions Lab approach, in which UConn faculty can be contracted to provide their expertise. He added that he and Commission member Elsesser spoke with CCM's Joe DeLong regarding this approach and potential funding. He described examples of this approach, including one he had participated in. Commission vice chair Wray also mentioned the Federal Reserve Bank of Boston's [New England Public Policy Center](#) and recommended the ACIR send a letter requesting assistance with work being discussed today. He noted that there is a long lead time but, as far as he knows, there is no charge.

Commission member Filchak mentioned discussions of increasing capacity at OPM and described a proposal to add two policy positions plus administrative backup. There was a discussion of the need to expediate budget requests and Commission chair Sharkey noted that Commission member Heft has previously said that [American Rescue Plan Act](#) (ARPA) funds cannot be used for such positions and mentioned the potential for contracted work. Commission member Filchak said the annual cost is \$500,000 in round numbers and Commission vice chair Wray pointed out that doing this was proposed in the Shared Service's committee's report to [Governor's transition team](#).

Although a quorum still was not present and a vote could not be taken, Commission vice chair Wray noted that no one has expressed any opposition. Commission member Filchak pointed out that the ACIR endorsed this approach in the report it prepared on behalf of the [Task Force to Promote Municipal Shared Services](#). Commission member Heft said he has informed OPM Secretary McCaw of this interest and recommended that the ACIR provide further conceptual information now with details to follow.

Sen. Cassano mentioned discussions with the Governor's staff and recommended inviting the Governor to the next meeting. There was a discussion of how to arrange that and Commission chair Sharkey said he would contact Jonathan Harris of the Governor's office. Commission member O'Leary said it is essential to get OPM staff. He noted that in the past OPM staff did the work of the ACIR, not individual ACIR members. He asked that OPM look into past ACIR staffing levels. Commission chair Sharkey noted the ACIR's desire to do more but lack of bandwidth. Commission member O'Leary said it would be best if Bruce Wittchen were available for the ACIR full-time and Commission chair Sharkey said he can compile today's recommendations even without a vote.

- b. Federal infrastructure funding and [Governor's recommendations](#) re. ARPA funding

There was no further discussion.

- c. Plans for 2022 Legislative session

Commission chair Sharkey said funding for staff to support the ACIR is one goal for next year's session and asked if there is anything else. Commission member Filchak said the experiences of COVID and the expected impacts of employee retirements should encourage a more regional delivery of services. The potential roles if COGs and RESCs should be explored as a serious option. Commission chair Sharkey mentioned the increased opportunities for shared local services through Sec. 177 of [June Special Session PA 21-2](#)'s change of the [Regional Performance Incentive Program](#)

(RPIP) into “RPIP 2.0” as discussed in previous meetings. Commission member Filchak said state agencies have a fragmented approach and this is an opportunity to address that. Commission chair Sharkey said this should be a focus of the LGF subcommunity after completing its home rule work at the next meeting.

8. New business

Commission chair Sharkey mentioned SA 21-12, [An Act Requiring A Study Of The Obstacles To Merging Or Consolidating Municipal Fire Districts And Fire Departments](#), and recommended reserving time to discuss it at the next meeting. Commission member Heft described ongoing efforts in this area and the filling out of the committee and work groups for this study, which must be completed by January 1. He highlighted that it is not mandating consolidation: it is looking at the obstacles and he explained how it is being approached. Commission chair Sharkey said that initiative is at the heart of what the ACIR does and requested monthly updates.

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

Commission member Albis mentioned DEEP’s new **municipal connection newsletter**. Each will have a theme and the first focuses on waste management. DEEP has sent it to municipal chief elected officials and is sending it to COGs. He said DEEP welcomes suggestions for future content. Commission chair Sharkey said this will be helpful for towns and he thanked DEEP for doing it and for bringing it to the ACIR.

Commission member Valentine said this will be his final meeting as a member of the ACIR because he did not run for reelection. He said he has enjoyed being involved and seeing the work being done. Although he will no longer be a member beginning next month, he is willing to help with committees. Members thanked Commission member Valentine for his service.

10. Additional Public Comments

There were no additional comments.

11. Next meeting

Commission chair Sharkey read the dates of upcoming meetings:

- To be determined
 - Tuesday, Oct. 26, 2021, 10:30 am
 - Friday, Nov. 5, 2021, 10:30 am
- Study group on municipal meeting formats
Subcommittee:
Full ACIR

12. Adjournment

The meeting was adjourned at 11:52.

Minutes prepared by Bruce Wittchen, OPM