

Advisory Commission on Intergovernmental Relations

Friday, January 7, 2021

A video recording is available at: <http://ct-n.com/ctnplayer.asp?odID=19155>

Members present: Carl Amento, Luke Bronin, Maureen Brummett, Sen. Stephen Cassano, John Filchak, Sam Gold, Martin Heft, Harrison Nantz, James O’Leary, Francis Pickering, Troy Raccuia, Lon Seidman, Brendan Sharkey (Chair), Ron Thomas, Lyle Wray (Vice-Chair)

Members not present: Kyle Abercrombie, Kathy Demsey, John Elsesser, Betsy Gara, Greg Florio, Brian Greenleaf, Neil O’Leary

Other participants: Aamina Ahmed, Malek Al-Shammary, Leah Grenier, Amy LiVolsi, Eugene Livshits, Sheila McKay, Steve Mednick, Brian O’Connor, Denise Raap, Richard Porth, Mike Walsh, Margaret Wirtenberg

Member vacancies: Nominated by COST: Municipal official: Town of <10,000 population, Nominated by CCM: **two** Municipal officials: Town of 20,000 – 60,000 population

OPM staff: Matt Pafford, Bruce Wittchen

1. Call to order and overview of telemeeting procedures

Commission chair Sharkey called the meeting to order at 10:39, confirmed that a quorum of members was present, and explained remote meeting protocols.

2. Approval of the minutes of the 12/3/2021 meeting.

A motion was made and seconded to approve the draft [minutes of the December 3, 2021 meeting](#). The motion passed unanimously.

3. Membership update

Bruce Wittchen said the process is underway to replace municipal representatives who retired or left office in recent months. Commission member Heft added that the Governor’s office is reviewing the nominations by CCM for two of those positions. Commission member Cassano said he will speak with Betsy Gara of COST about Bolton First Selectman Pam Sawyer, who is interested and would be a good representative of small towns.

4. Approval of ACIR report

- Mandate compendium supplement (due 1/15/2022)

Bruce Wittchen provided a brief overview of the compendium supplement and the difference between it and the session mandate report approved in November. A motion was made and seconded to approve the report and it was approved unanimously.

5. Other ACIR regular reports

- ACIR Annual Report and 2022 work plan (no due date, but aim for early 2022)

Commission chair Sharkey thanked people who had offered suggestions for work to consider in 2022 and Bruce explained that this required report does not have a due date but he plans to complete a draft for members' review within a couple weeks.

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

- Initial outline of report and next steps

Commission chair Sharkey referred to the [analysis of the responses received](#) that he presented to the group last month. He described that month's discussion, in which there was a consensus to separately address technology and legal issues with the [Freedom of Information Commission](#) (FOI Commission), the [CT Assoc. of Municipal Attorneys](#) (CAMA), and the state's Chief Information Officer (CIO).

Commission chair Sharkey mentioned a conference call he had with Commission members Seidman, Elsesser, and Wray, CEN Executive Director Doug Casey, and Bruce Wittchen that highlighted that technologies are available and that the state should maintain flexibility in its approach because those technologies will change. Commission vice-chair Wray mentioned the currently popular [Owl system](#) and said the state should avoid limiting future options.

Commission member Pickering cautioned about the omnipresent threat of hackers and highlighted the growing threat of deepfakes. Commission member Seidman said remote meeting participation presents difficulties for small towns, particularly those that must make decisions by town meeting. How do they validate voters if voters desire an anonymous vote? He said the technology and staffing needs also have fiscal impacts.

Commission chair Sharkey said the other topic to address is legal issues associated with remote meetings. He said he forwarded his analysis of the survey results to the FOI Commission and CAMA. He received a one-page response from the FOI Commission and sent a reminder to CAMA. He said the next step is to begin drafting a report of less than 10 pages that can be discussed at a special meeting later this week. He offered to begin preparing it and suggested the special meeting be the 3rd or 4th week of the month.

Commission vice-chair Wray suggested that that the report recommend checklists be prepared for meeting organizers to use in a manner comparable to the checklists used by pilots and surgeons. Checklists would be prepared for different categories of meetings and types of technology to ensure no steps are overlooked.

There was further discussion of the process for completing and approving the report and Commission chair Sharkey said a work group can meet, possibly at the time already reserved for the subcommittee, followed by a special meeting for the ACIR to vote on its approval. Commission vice chair Wray said an online vote might be most appropriate for this and Commission chair Sharkey said dates will be circulated.

7. CT Local Government of the Future Initiative

- Update on [draft Home Rule and Local Control in CT report](#) and next steps

Commission chair Sharkey provided an overview of the ACIR's recent efforts to improve the understanding of home rule. He mentioned ACIR members' presentation and the ensuing discussion at the [Informational Forum on the Definition of Home Rule](#) held by the [Planning & Development Committee](#) on 10/13/2021 and highlighted the work of Atty Steve Mednick and Commission member Filchak. He noted that a [draft report](#) prepared by John Filchak has been circulated and Commission vice chair Wray suggested it be condensed to an executive summary and

transmittal letter with an updated version of the [draft Home Rule Definition](#) prepared by Steve Mednick. There was general agreement with such an approach and Atty Mednick offered to work with Commission member Filchak on that.

Commission member Filchak noted that Commission member Pickering provided comments and that he has also discussed the draft with Bruce Wittchen. He highlighted the question of what constitutes local control and said much of [Title 7 of the statutes](#) is open for interpretation. He said the terms *home rule* and *local control* were used interchangeably in debate during the 2021 sessions. He is confident of consensus on *home rule* but what is the consensus on *local control*? That is in the eye of the beholder. He added that some issues do not lend themselves to brevity in writing. Atty Mednick said he has discussed this with Commission member Pickering many times; he will give it more thought.

Commission member Filchak mentioned his COG's [regional property revaluation program](#) and said he believes it already could have been done in accordance with Title 7, but they sought legislation to ensure a level of comfort for everyone undertaking the process (see [PA 09-60](#)). Commission vice chair Wray pointed out that state tradition differs from the statutes and that the state could micromanage at the local level but does not.

There was a discussion of the state's historic deference to municipalities. Commission member Pickering said this is a fundamental discussion in political science and we are not going to solve it here. It is a choice in how a political system is organized. Commission vice-chair Wray compared the relationship to federalism, noting that when the system of local and state support for people collapsed in the 1930s, the federal government stepped in.

Commission chair Sharkey said the ACIR's aim should be to provide guidance: where are the boundaries? He said the misapplication of terms should not affect the outcome of debate. Commission member Cassano said some legislators have difficulty with the term. We should ask towns what local control means to them – what do they see as the state role? Commission chair Sharkey said he likes the idea of seeking consensus.

Commission member Filchak said the high rate of turnover in small town leadership allows little continuity of town management. He added that the debate blossomed in the last year and wondered if the current system is holding towns back. He noted the potential impact on shared services and COGs and pointed out that it is a difficult issue.

Atty Mednick said it all starts with home rule – what is the authority? Local control is about how authority is exercised as constrained by home rule and by contracts, collective bargaining, and other factors. Commission chair Sharkey pointed out that the PD Committee gave its encouragement but no timeline for this effort by the ACIR. How should the group proceed?

Commission member O'Leary recommended that the report provide examples and identify options for a town. He said some situations are unsolvable and the report should describe a process for determining that. The answer will not be crystal clear for all possible situations. Commission member Seidman said there might be examples that we do not know about. The statutes force some of the situations.

Commission chair Sharkey said he is concerned about the ACIR's ability to maintain this discussion with its limited resources. He suggested that a group continue the work on the side. Commission member Filchak said that is a good suggestion and noted that it is not possible to complete the full effort by February. He commented on how this issue rose up in the 2021 sessions and said the ACIR's work can branch out from that.

Commission vice chair Wray said the key issue is what is being done and pointed out that the state wants to do something that can impact towns and noted the public polarization. Commission chair Sharkey agreed with suggestions to produce a summary now to be expanded later. There was further discussion of options and Commission member Cassano recommended enabling small towns to bring proposals, maybe through COST. He said some towns might consider sharing a town manager, but it cannot be a top-down approach; it must be from the towns up.

Commission chair Sharkey said the group can start on that and incorporate CCM and COST for the longer-term work. Commission member Filchak offered to work on putting that together. He said that some people have experience on both sides of the municipal-state relationship and mentioned [Sen. Needleman](#) and Commission members Cassano and Heft. Commission member Heft added that Senators [Osten](#) and [Champagne](#) also do. Atty Mednick offered to help and also volunteered Commission member Pickering, who agreed to help. Commission member O’Leary recommended also including [Sen. Miner](#) in the group.

- Other possible work for subcommittee
 - ACIR input regarding property tax reform

Commission chair Sharkey said he reached out to [Commissioner Boughton](#) of the [Dept. of Revenue Services](#) and to the Governor and that the conversation has evolved. He mentioned that there are dueling proposals for the current state surplus and said Commissioner Boughton is open to long-term discussion of property tax reform. Commission chair Sharkey asked what the ACIR, under the LGF banner, thinks is the best approach for reform. He noted that when he was asked on [Tom Dudchik’s Capitol Report](#), he said that he would begin property tax reform by leveling the mill rate for the property tax on cars.

Commission chair Sharkey explained that a look at property tax reform originally had been a suggestion by Commission member O’Leary and is a proposal for the long term. Commission member Cassano said “wait till next year” was the Red Sox motto when he was growing up, but what can we be doing? He noted that the legislature might not meet in person this year and Commission chair Sharkey agreed that not much is going to happen this year.

Commission member Filchak offered to give a presentation on the [recent 1000 Friends of CT property tax report](#) and recommended that CT institutionalize a tax incidence study. He said MN does such a study annually at a cost of \$100,000 and the results of those studies can be very revealing. Commission member Pickering suggested looking at the other side: what are municipalities’ costs? He noted that municipalities have made different financial choices and said municipalities’ unfunded municipal liabilities for *other post-employment benefits* (OPEB) range from \$0 to \$15,000 per capita. He mentioned the saying about not allowing people to punch new holes while trying to bail out a boat.

Commission vice-chair Wray recommended building a framework for considering property tax reform. He said a needs-capacity gap analysis is the beginning and data are needed. Commission chair Sharkey said this should be part of the LGF.

8. Other Old Business

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

Commission vice chair Wray said they are prepared to return to the studies when CCM is ready and Brian O’Connor said CCM’s board is scheduled to discuss its report next week.

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

Commission chair Sharkey reminded the group of the letter to the Governor discussed at last month's meeting. It included a request to fund additional people at OPM so the ACIR does not need to rely on volunteers' time and also advocated for a policy institute at UConn. Commission member Heft said it is in the hopper as the budget is being developed and Commission chair Sharkey asked Martin to let the group know if there is anything members can weigh in on.

9. New business or other municipal, regional, or state matters for ACIR consideration

Commission member Pickering said some other things the ACIR might consider in its work plan are the federal-state balance of payments, which shortchanges CT, and updating obsolete processes such as our land records process. Commission chair Sharkey asked if those would be appropriate for the LGF and Commission member Pickering said they could be or for the full group.

Commission vice chair Wray said the first of those topics could be a good project for one of the UConn/UGA studies. He requested that Commission member Pickering prepare an overview and Commission member Pickering said he will. Commission member Sharkey asked about the role of county equivalency in addressing that and Commission member Pickering said the federal tax code is punitive for CT and couples routinely file single rather than joint returns to avoid it. There was a brief discussion of possible topics.

10. Additional public comments if any

There were none.

11. Next meeting

Commission chair Sharkey read the dates of upcoming meetings and noted that the February meeting date is before the start of the session, providing extra time for report review. We might not need a special meeting.

- Tuesday, Jan. 25, 2022, 10:30 am Subcommittee
- Friday, Feb. 4, 2022, 10:30 am Full ACIR

12. Adjournment

The meeting was adjourned at 12:09.

Minutes prepared by Bruce Wittchen, OPM