

Advisory Commission on Intergovernmental Relations

Friday, February 4, 2021

An audio recording is available at: https://portal.ct.gov/-/media/ACIR/Meetings/2022/2022-02-04_ACIR_Audio.mp3

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

Members not present: Luke Bronin, Kathy Demsey, Greg Florio, Brian Greenleaf, Karl Kilduff, Harrison Nantz, Neil O’Leary, Troy Raccuia, Mike Walsh

Other participants: Malek Al-Shammary, Leah Grenier, Amy LiVolsi, Sheila McKay, Steve Mednick, Brian O’Connor, Denise Raap, Margaret Wirtenberg

Member vacancies: Nominated by COST: Municipal official: Town of <10,000 population, Nominated by CCM: Municipal official: 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, noting that a quorum of members was not yet present, explained remote meeting protocols, and said the order of the agenda would be adjusted to delay items requiring a vote.

7. CT Local Government of the Future initiative

- Update on draft Home Rule & Local Control report and next steps

Commission chair Sharkey recommended beginning with the update on draft Home Rule & Local Control report. Commission member Filchak said he is not completely comfortable with his latest draft, pointing out that it raises questions warranting study. He recommends forwarding it to the legislators who requested it and suggested doing a deeper dive into the state-local relationship. Those were not addressed following the ACIR’s [1987 home rule report](#) and he noted that the [Planning & Development \(PD\) Committee](#) might assign that task back to the ACIR.

Commission chair Sharkey agreed the report should be submitted now and Commission member Filchak said the ACIR can help clarify the confusion created in Title 7 of the statutes regarding the state-local relationship. Bruce Wittchen pointed out that the draft being discussed was circulated previously but is not linked in the agenda or available on the website. He was having technical difficulties with the state document filing system and left the meeting to find and post the report. The report was later posted online and [the address](#) entered in the meeting chat. Commission chair Sharkey provided an overview of the report in the interim..

Commission member O’Leary pointed out that there had been a discussion at previous meeting of convening a meeting of Commission member Cassano and other legislators having a range of perspectives on the topic to consider the report. That would be a good next step. Commission chair Sharkey agreed and said submitting this report now can help prompt that conversation. He said it is important to get it out before the session begins, not to wait until the ACIR’s March meeting.

Commission member Filchak said Sen. Cassano’s discussion of this with others legislators is consistent with what is recommended in the report as part of the further study. He noted Sen.

Cassano's interest in including local officials and said that is important. He pointed out that the definition of home rule is clear, as explained by Atty Steve Mednick, but interpretations of home rule and some people's understanding of what home rule means vary greatly. That would be addressed by further study and the ACIR provides the starting point for doing that.

Commission chair Sharkey provided an overview of the previous discussion for Commission member Cassano, who had just joined the meeting. He explained that the group intends to submit the basic report that describes what home rule is and is not, which would be followed by the deeper conversation Commission member Cassano and others would have afterwards, as discussed at the ACIR's previous meeting. Commission chair Sharkey noted that Sen. Cassano had talked of organizing a non-contentious, bipartisan discussion to talk through what the state-local relationship should be and possibly tasking the ACIR with doing a deeper dive prior to the 2023 legislative session.

Commission member Cassano said he agrees with that approach but said he would not want to have that conversation by phone. He would want to have an in-person meeting including Republican leaders. He said they get along well and highlighted that smaller towns tend to vote Republican and they have to be on board. He would be glad to do that. Commission chair Sharkey asked if a quorum was present yet and Bruce Wittchen said two more members are needed. Commission chair Sharkey said the vote will be postponed until a quorum is present.

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

Commission chair Sharkey noted that the ACIR has discussed potential topics for consideration as part of the LGF initiative and said there is broad interest in tax relief. He pointed out the Governor's recent proposals regarding property tax relief, including a change to the property tax on cars. He mentioned his interest in that and conversations with administration and legislative leaders about the car tax, which he described as being unfair and regressive. He did not realize it would be taken up. He noted that a similar effort in 2015 was constrained by the fiscal situation at the time but the state is in a better position now. He asked if Commission member Heft had anything to add.

Commission member Heft provided the Governor's [motor vehicle property tax proposal](#). He described the history of the cap on the mill rate applied to cars and said the Governor's proposal would expand the applicability of the cap from 8 municipalities to 103 by reducing the limit from a mill rate of 45 to 29. Twenty of 25 distressed municipalities would be included. Commission member Heft also pointed out that individual taxpayers see this tax directly and noted a formula for it already is in state statutes.

Commission member Heft also recommended that in considering additional LGF work the ACIR should consider completing what it has already started and see what comes out of this year's legislative session or what the legislature needs assistance with during the session. Commission chair Sharkey noted that he has offered the group's assistance to the governor and to Mark Boughton, the governor's [senior advisor for infrastructure](#) and Commissioner of the [Dept. of Revenues Services](#).

Francis Pickering said the ACIR could weigh in on various aspects of the governor's proposal. He pointed out that the property tax on cars can be deducted from the federal income tax but the cost to register a car cannot. He said the cost of vehicle registration has more impact on people of lower income and noted the implications of people driving with an expired registration. He added that focusing on the vehicle registration process instead the vehicle property tax can also simplify government.

Commission member Filchak described the recent 1000 Friends of CT property tax report, [Connecticut Property Taxes – Opportunity for Change](#), and mentioned its recommendation for a property tax credit that is refundable to low income recipients. He also provided an overview of the regressivity of the existing tax system. Commission member Thomas said CCM agrees that there are problems with the property tax system and will be discussing this. Commission chair Sharkey asked them to let the ACIR know if they see any possible niches for ACIR work in that area.

- ACIR review of intergovernmental issues re emergency managements system

Commission chair Sharkey asked Commission member O’Leary to describe what he has in mind for the ACIR to do regarding the emergency managements system (EMS). Commission member O’Leary recommended they examine problems experienced by the towns and state in this area and then decide whether to take a deeper dive into the subject. He envisions it being a subcommittee including ACIR members who are knowledgeable in this area plus others from local government and the state.

Commission chair Sharkey recommended that the next LGF subcommittee meeting focus on this and Commission member O’Leary agreed. Commission member O’Leary said it is important that the effort be a frank discussion of the system but not be adversarial to the Governor, state agencies, or municipalities. There was further discussion of potential administration interest and of a possible ACIR role.

Commission chair Sharkey asked if a quorum was present yet and Bruce said the group was still two-short of a quorum. Commission members O’Leary and Thomas offered to contact members. Commission member Filchak asked if, in absence of a quorum, the home rule report can be submitted to the legislature as an interim report as was done with the remote meeting report. Commission chair Sharkey said we will cross that bridge when we come to it. Commission member Filchak also noted that he did not know the EMS concern being considered so does not know if he would participate. He added that he is very familiar with EMS, being executive director of a COG, and said problems arose during the pandemic that are worthy of being discussed. Commission member O’Leary said that is the issue.

Atty Kari Olson said she wanted to bring up a different issue, the home rule report of agenda Item 5, before the group might vote on it. She explained that she had intended to send corrections and pointed out that two paragraphs near the end are redundant. Bruce Wittchen said he did not have the report open and added that he had put the report online during this meeting and put a link in chat so everyone can see it. Commission member Filchak said he had the master copy and he and Atty Olson discussed the correction to be made and he corrected it.

8. Other Old Business

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

Commission vice chair Wray said he has been in contact with [Mohamad Alkadry](#) of UConn’s [Dept. of Public Policy](#) to move ahead on work regarding shared services, including the study done on behalf of the ACIR and work by CRCOG. He will also talk with CCM but does not know the timeframe yet. He will get back to the group about the schedule

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

Commission chair Sharkey asked if there is anything new and Commission member Heft said there is nothing new since his previous report and noted the legislature’s role in the use of the funding.

6. Other ACIR regular reports

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

Commission chair Sharkey said the only remaining non-voting item on the agenda is Item 6, in which Bruce updates the group on what they have to do. Bruce said they do not have anything to do regarding this report. He had told the members at the previous meeting that he would have it in their hands in three weeks and it has now been four weeks and it is not yet. He explained that he needs to move some information into it from the final versions of the remote meeting and home rule reports, both to show what was done last year and what might be done this year.

Bruce pointed out that two members had just joined and the group had a quorum. Commission chair Sharkey said the group should proceed to items requiring a vote and said the group should move quickly but allow an opportunity for any needed discussion.

2. Approval of the [minutes of the January 7, 2022 meeting](#).

A motion was made and seconded to approve the draft minutes and the motion was approved unanimously.

7. CT Local Government of the Future initiative

- Update on draft Home Rule & Local Control report and next steps

Commission chair Sharkey noted that a link to the report had been added to the meeting chat and recommended the report be presented to Planning & Development Committee leaders as a summary of constitutional and statutory aspects of home rule that are not in question, based largely on Atty Steve Mednick's work. He mentioned Sen. Cassano's intention to have further conversation about the subject with PD Committee members intends to have further discussion of home rule and its role in the state-local relationship. He also noted committee Co-chair McCarthy Vahey's interest in getting that started.

A motion was made and seconded to submit the report. Commission member Cassano mentioned that he would like to organize a meeting of the ACIR chair and vice-chair sit down with legislative leaders to discuss the report and the ACIR's potential role. Commission chair Sharkey and Vice Chair Wray recommended Commission member Filchak also participate. The motion passed unanimously. Commission chair Sharkey said it should be transmitted by email, similar to the interim report on remote meetings.

5. Approval of ACIR reports

- [Remote meeting report](#) required by JSS PA 21-2 (interim report submitted to legislature)

Commission chair Sharkey said the next item requiring a vote is the remote meeting report, Item 5 of the agenda. He mentioned the effort that went into it and thanked everyone involved, noting the roles of the [CT Assoc. of Municipal Attorneys](#), staff of the [Freedom of Information Commission](#), and the state's Chief Information Officer. He believes the report is what the legislature was looking for and the ACIR can follow any further direction they provide.

A motion was made and seconded to approve the report. Commission member Filchak said he had made the correction suggested by Atty Olson and Commission chair Sharkey noted that ACIR members might be requested to participate in public hearings regarding this report. The motion

was approved unanimously. Commission chair Sharkey said that completed all the votable items on the agenda and thanked everyone who was able to join the meeting to vote.

4. Presentation: Update re. CAPSS [Blueprint To Transform CT's Public Schools](#)

Commission chair Sharkey noted that CT Assoc. of Public School Superintendents (CAPSS) executive director Fran Rabinowitz had arrived and welcomed her back to the ACIR. Ms. Rabinowitz said they learned a lot in last year's legislative session. Ms. Rabinowitz said they responded to feedback by picking priorities. She highlighted full state funding of special education excess costs as being a priority and said special education accounts for 1/3 of Hartford's education budget. The statewide average is 18%, an increase from 11% in 2011.

Ms. Rabinowitz said CAPSS recommends creation of a task force and said the federal government had promised to pay 40% but pays much less. She also noted the costs of an increased number of English learners. They are looking at the potential for [regional educational service centers](#) (RESCs) to develop programs to address these needs.

Ms. Rabinowitz noted the role of technology, with remote learning being available for inclement weather. She also pointed out the possibility of virtual learning across districts using the example of students potentially having access to instruction in both languages if one district offers Mandarin and another offers Arabic.

Ms. Rabinowitz mentioned [2021 SB 948](#), which would have penalized 77 school districts, and said it has some good features but is expensive and it is not clear that funding is permanent. She noted that she does not know the perspective of CCM on this and invited questions. Commission chair Sharkey mentioned that the [Regional Performance Incentive Program](#) (RPIP) was revised last year (RPIP 2.0) and now is available for RESCs to provide services such as some in the Blueprint.

Ms. Rabinowitz said RESCs have much to offer for special education and pre-special education and she pointed out that private providers can charge \$100,000 or more per student per year and are not subject to the same standards. Commission member Seidman said private providers are free to raise prices and added that 2/3 of the increase in his district's budget was for special education. He mentioned many students' need to catch up with school because of COVID disruptions and highlighted the potential role of inter-district cooperation for special education.

Commission chair Sharkey asked Commission member Seidman about the complications he has previously described regarding inter-district and whether the LGF subcommittee should work on that. He said they should and mentioned that such arrangements were supposed to be the subject of a study assigned to the state Dept. of Education (SDE) in Sec. 6 of [PA 19-91](#), but no report has been submitted. He said he hears questions from legislators and other districts. We need clarity. Commission member Seidman described the potential complications when school districts collaborate, which he said are due to how CT defines the federal term *Local Education Agency*. He noted that this also impacts equity.

Commission chair Sharkey said the group should think about what the ACIR can do. Commission member Brummett said sharing is done on a small scale and Ms. Rabinowitz added that remote learning could help with this. Commission member Seidman said distance learning centers have not worked because of conflicting school schedules but added that the large number of towns in CT provides opportunities for innovation. Commission member Filchak mentioned that two towns in his area would like to do something, but the requirements are a challenge. Commission member O'Leary said he agrees with Commission member Seidman and there are details within the rules that cripple progress.

Commission chair Sharkey said the ACIR could ask the SDE about that PA 19-91 report and asked if there are any additional comments about the blueprint. Commission member Thomas said he likes the

focus on special education and mentioned that CCM will be discussing that. Ms. Rabinowitz noted the potential partnership on that. Commission member Seidman said school districts face challenges, including declining enrollment, COVID, and increasing administration, but said out that the strength of the state's schools attracts people to CT.

Commission chair Sharkey asked Ms. Rabinowitz what the ACIR can do and she recommended the group focus on special education. The state should fully fund excess cost grants. She added that there should be a task force and said early intervention with students is important. She also said the blueprint and ACIR are on the same wavelength regarding shared services. Sheila McKay said the CT Assoc. of Boards of Education (CABE) is interested in removing the limit on special education excess cost grants. She said they are getting figures from school districts and outlined the shortfall in funding.

Commission member Sharkey said the state can create incentives, such as more reimbursement for districts sharing services. Ms. Rabinowitz added that it could also be done for RESCs or others providing a shared service. Commission member Seidman said districts are penalized for reducing costs and said students should remain in the district. Ms. Rabinowitz said she can return anytime the ACIR requests.

10. Additional public comments if any

There were none.

11. Next meeting

Commission chair Sharkey read the dates of upcoming meetings.

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

12. Adjournment

The meeting was adjourned at 12:06.

Minutes prepared by Bruce Wittchen, OPM