

Advisory Commission on Intergovernmental Relations

Legislative Office Building, Hartford, Connecticut

Friday, January 4, 2019

Note: A video of this meeting can be viewed at <https://ct-n.com/ctnplayer.asp?odID=15867>.

Members Present: Carl Amento, Sen. Stephen Cassano, Kathleen Demsey, John Filchak, Sam Gold, Martin Heft, Barbara Henry, Marcia Leclerc, James O'Leary, Neil O'Leary (Chair), Leo Paul, Lon Seidman, Scott Shanley, Ron Thomas, Lyle Wray (Vice Chair)

Members Absent: Maureen Brummett, Lee Sawyer, Joyce Stille, Jim Watson

Others: Tom Banisch (alternate), Sheila McKay

ACIR staff: Bruce Wittchen

1. Call to Order

Commission chair O'Leary called the meeting to order at 10:33.

2. Consideration of the draft minutes of the November 2, 2018 meeting

A motion was made and seconded to approve the [11/2/2018 minutes](#) and the motion was approved unanimously, with Commission members Demsey, Henry, and Paul abstaining because they had not attended the meeting.

3. Consideration of 2017 Sessions Mandates Report

Bruce Wittchen provided an overview of the report and of the sequence of events that led to it not yet being adopted. He explained that members initially received a draft of the report for review in 9/2017, but decided to postpone its adoption so that it could also include mandates arising from that year's ongoing special sessions. The group received the updated report in early 2018, but [June 2017 Special Session PA 17-3](#), adopted at the end of October, had suspended all ACIR mandates reporting until 2019.

Bruce said the only significant change since the early 2018 version is in the report's transmission letter, which also can be read as an executive summary. He noted that he had distributed that as an excerpt in an email this week so members can focus on it separate from the rest of the report and decide if anything should be changes.

Commission member James O'Leary said he is concerned by the sentences that compare the number of public acts with mandates in 2017 to the previous years. Due to the reduction in the number of bills imposing mandates, he is concerned that legislators might read that and think they did well. That is not what the ACIR report should convey. He said even one is too many.

Commission chair Neil O'Leary said the summary is well structured, but he agrees that the message needs to be clarified. Bruce Wittchen offered to add an explanation to the summary to ensure that the ACIR's point is understood. Commission member Henry recommended that the sentences comparing the numbers from year to year be eliminated instead.

Commission member Filchak said the legislative [Office of Fiscal Analysis](#) (OFA) does not consistently consult with the [CT Conference of Municipalities](#) (CCM) and the [CT Council of Small Towns](#) (COST) when analyzing the potential impact of bills and amendments. He added that they also have reduced the spectrum of towns from which they seek input. The level of review is not consistent for different

bills. Commission member Leclerc said OFA staff work for the legislature, but added that they are open to input that assists their reviews.

There was a discussion of the time constraints OFA staff face, how the circumstances can prevent thorough analyses of potential impacts, and various efforts to improve lines of communication and enable greater outside input. Commission member Leclerc said municipalities should engage with their legislative delegations to ensure that potential impacts are understood before bills are passed. There was further discussion of the challenges faced by OFA staff, who should be able to conduct an in-depth analysis of a bill under committee review but can't be expected to do so for a last-hour amendment.

Commission member James O'Leary said the ACIR should do a retrospective analysis of 2-3 bills per year, comparing the fiscal impacts predicted by OFA with the reality experienced by municipalities, but doing so would require staff time. Commission vice-chair Wray said a high level of review should be standard for committee bills, given that the length of time during which they are developed. That review should begin early to allow time to reach out to a spectrum of municipalities and to CCM and COST. Commission member Henry added that municipalities and municipal groups should not wait for a bill's public hearing to provide fiscal impact information – that is too late.

Commission member James O'Leary said that even if the fiscal analysis can be improved as discussed, it still would be beneficial to re-assess the impacts of previous years' mandates and Commission member Henry said the ACIR, CCM, COST, municipalities, and councils of government (COGs) should all be involved in reviewing impacts.

Commission chair Neil O'Leary noted that the Lamont transition's shared services committee recommended the ACIR have a greater role. Commission member Filchak noted that he and Commission vice-chair Wray had served on that committee and pointed out that the committee also recommended a greater role for the intergovernmental policy division at OPM.

Commission chair Neil O'Leary asked for CCM's suggestions and Commission member Thomas said this is an opportune moment: there is an increased level of interest in the ACIR and the group now has a non-agency chair and vice-chair. He mentioned that CCM had tried to organize a rapid response structure for providing feedback regarding bills, but has now compiled lists of municipal officials who they recommend OFA contact regarding various subjects. Commission member Thomas added that CCM agrees with the concerns raised about the fiscal analysis process. Bills often change following a hearing.

Commission chair Neil O'Leary said CCM, COST, and the ACIR should review possible mandates and municipalities can approach any of them. Commission vice-chair Wray said the ACIR should write to the Governor and OPM Secretary in response to the shared services committee report. Commission chair Neil O'Leary recommended they meet with someone from the Governor's office and with the OPM Secretary.

Commission member Cassano said the committee's report makes strong recommendations, but there needs to be a strategy to avoid creating an impression that it is county government. The recommendations can save money, but we need professional guidance to proceed. Commission member Leclerc said it is all in the details of the approach. She mentioned the Department of Public Health's proposal to consolidate public health departments, which never proceeded because of pushback regarding its details and how it was presented.

Sheila McKay noted that she is from the [CT Association of Boards of Education](#) (CABE), whose ACIR representative could not attend today, and said she had also been involved in developing the shared services committee report. She said the [CT Association of School Business Officials](#) (CASBO) is another group that can contribute to the state's shared services efforts. Commission member Henry said

advocates for shared services approaches should highlight the difficulties that small towns face due to the lack of assessors, zoning enforcement officers, and emergency responders.

There was a vote on the motion to approve the 2017 Sessions Mandates Report and the motion passed unanimously.

4. Old Business

a. Future ACIR reporting

- 2019 mandate reporting schedule

Bruce Wittchen provided an overview of the ACIR's mandates reporting schedule for the rest of the year, noting the impacts of [PA 17-2 of the June Special Session](#), which suspended the mandate reporting until 2019. He noted that a full mandate compendium is due this year and added that he plans to cover 2018's mandates in a report this year, as well as 2019's mandates. He said he can do those in two separate reports or in a single report, whichever the group prefers.

Commission member Shanley recommended Bruce should combine them if it saves time and said the group should conserve the staff time available to the ACIR. Commission member James O'Leary mentioned that Bruce has previously suggested eliminating the statute history section from mandates compendium. Bruce explained the organization of that report and the amount of space and preparation time that are committed to the history. He noted that the history descriptions probably were worthwhile when the ACIR began producing those reports, but the information is readily available online now.

Commission member Cassano asked Bruce how much of his time is spent on the ACIR and he said doesn't track it, but thinks it probably is 1/4 or 1/3 of his time. Commission chair Neil O'Leary said the ACIR should push for the state to dedicate more staff time to the group's work. There was further discussion of the mandates compendium and the consensus was to eliminate the statute history sections from future reporting. Bruce said he can add guidance in those reports that explains how to find statute histories on the General Assembly's website. Commission member Cassano asked Bruce to contact his office and arrange to come in and talk about the ACIR with the Planning & Development Committee leadership.

- 2018 – 2020 municipal budget adoption study

Bruce Wittchen said he has to reach out again to the approximately 25 municipalities that have not yet responded.

5. New Business

a. Lamont-Bysiewicz Transition Policy Committee Report on Shared Services

Commission vice-chair Wray referred to the committee report and highlighted that property taxes account for 42% of the total tax burden in the state. He also noted other recommendations for the state to beef up the OPM Comprehensive Planning and Intergovernmental Policy (CPIP) Division's local and regional services functions and to expand the ACIR's role and membership.

Commission vice-chair Wray said the state should stop subsidizing inefficiency. The committee's report recommends increased shared service – both town and school – and mandatory [Uniform Chart of Accounts](#) (UCOA) reporting. He added that, even with such changes, local governments need a system of revenue that is less dependent on property taxes.

Commission member Filchak said a revenue stream is available to increase capacity at OPM's CPIP Division and to facilitate the state's [regional education service center](#) (RESC) and COG operations. The report envisions a broader ACIR, recommending the addition of a representative of organized labor. He added that a number of municipalities have not implemented the UCOA and the available data are woefully out of date.

Commission member Filchak said it will also be necessary to bring current municipal service sharing up a notch. It has to be more than regional animal control. He mentioned that his region has a regional assessor program and also noted that municipal inspections are handled regionally for one of [MA's regional planning agencies](#). Sharing services is not new. Commission member Filchak added that the report also recommends that local taxing authority be bifurcated.

Commission vice-chair Wray said this will be a long process and funding will be needed for start-up and capacity development. He said Governor Lamont is interested and noted that the state is about to be hit by a wave of retirements, including a significant proportion of supervisors. He also pointed out the role of pay disparities, with people going into electrical engineering earn much more than those who go into civil engineering, a field that is important for local government.

There was a discussion of what must change and Commission member Filchak said Massachusetts has model bylaws. He also pointed out that CT relies on old data, with data in OPM's [Municipal Fiscal Indicators reports](#) being 2-3 yrs. old. We need real-time data. Commission vice-chair Wray mentioned a conversation he had with Scott Jackson, former ACIR member from OPM and now Commissioner of the Dept. of Labor. He said structural aspects of the problem must be addressed and this will be a long process.

Commission member Filchak said the previously-discussed DPH desire to reduce the number of health departments makes sense, but a change like that must be rolled out properly. He mentioned the number of health departments in the state, as well as the number of 911 call centers, noting that places having a similar population have a much smaller number of call centers.

Commission chair Neil O'Leary asked how restructuring will affect the ACIR and Commission member Filchak said it's a question of who should be included at the table. He said there should be around 20 members and said the group should include a representative of labor and include a co-chair and ranking member of the P&D Committee. He said the ACIR should also include a representative of a university having a public policy center.

Commission member Leclerc asked who would determine the group's membership and said the group needs more members from municipalities. Commission chair Neil O'Leary agreed. Commission member Filchak said the membership is established by statute and Commission member Thomas mentioned that he recalls legislative and state agency members being more involved in the past.

Commission chair Neil O'Leary said he is concerned about the possible loss of municipal representation if a representative of a university think tank were to be added. Commission member Filchak said he agrees regarding the importance of municipal representation, but believes we should take advantage of other perspectives too.

Commission member James O'Leary said he agrees with the concern expressed by the chair. He does believe a representative of labor should be added to the group, but someone representing a university should not be a voting member. He noted that it can be difficult to get a quorum and

the group currently has vacancies. Commission member Cassano said the ACIR has a chance to do something. It can form sub-groups as needed and universities can contribute their research capabilities. He said he is excited about the shared services committee's recommended changes.

Commission member Paul said he would be concerned with think tanks voting and believes they should be brought in to assist in sub-groups. He added that he agrees with the recommended changes at OPM, but disagrees with any reduction in the role of municipal CEOs in the ACIR. Commission member Filchak said it was not his intent for a university to be representative to replace a municipal representative, but universities have great resources.

There was further discussion of ACIR membership and how others might also contribute. Commission member Filchak said he reads the recommendations of the shared services committee report as being an opportunity to focus attention on municipal concerns. Commission vice-chair Wray said the group should start with what we want to be done. We need to talk with the Governor's office and with the OPM Secretary. We should get academic input, but not as a member. The ACIR should start by identifying specific tasks that should be done first. There's a problem when grand lists are up by 1% and costs are up by 6%.

Commission member Cassano noted that just four years ago the state was talking about whether the ACIR should continue to exist. Commission chair Neil O'Leary said the timing is right to approach the Governor and his team. We should look to Sen. Cassano for help with this. Commission chair Neil O'Leary added that the Governor-elect and employees seem sincere and the possibility of making a difference is why I am here.

- b. There was no further new business.

6. Future Meeting Topics and/or Invitations

Commission member Filchak said would be interested in postponing next month's presentation by the co-chairs of the [Commission on Fiscal Stability & Economic Growth](#) (CFSEG) so that the ACIR can hear about the Governor's budget proposal instead. Commission chair Neil O'Leary pointed out that the presentation already has been postponed once, so he would rather keep that on February 1. He said he's open to scheduling a second meeting regarding the budget. Commission member Leclerc said the CFSEG presentation will be worthwhile and noted that they have revised their original recommendations. There was a discussion of inviting someone from OPM to attend a 2nd meeting in February for a discussion of the budget and that decision can be made later.

7. Adjournment

Commission chair Neil O'Leary said the next meeting will be February 1 and the meeting was adjourned at 12:06

Minutes prepared by Bruce Wittchen, OPM