

Advisory Commission on Intergovernmental Relations

Legislative Office Building, Hartford, Connecticut

Friday, February 7, 2020

NOTE: A video of this meeting can be streamed at <http://ct-n.com/ctnplayer.asp?odID=17122>

Members present: James Albis, John Elsesser, John Filchak, Sam Gold, Mary Glassman (Alt), Rick Hart, Martin Heft, Marcia Leclerc, James O’Leary, Francis Pickering, Scott Shanley, Brendan Sharkey, Ron Thomas, Bob Valentine, Lyle Wray (Vice Chair)

Members absent: Carl Amento, Maureen Brummett, Sen. Stephen Cassano, Kathleen Demsey, Brian Greenleaf, Tommy Hyde, Rudy Marconi, Neil O’Leary (Chair), Lon Seidman

ACIR staff: Bruce Wittchen

1. Call to Order

Commission vice-chair Wray called the meeting to order at 10:36 and noted that Commission chair Neil O’Leary is unable to attend the meeting.

2. ACIR Membership Updates

There was no update.

3. Consideration of the draft minutes of the January 10, 2020 meeting

A motion was made and seconded to approve the [1/10/2020 minutes](#) and the motion was approved unanimously.

4. PA 19-117 Task Force meeting and report

Commission Vice Chair Wray provided a brief overview of the [Task Force to Promote Municipal Shared Services](#) and highlighted Commission member Filchak’s central role in compiling the [Task Force report](#). He added that the goal today is to consider the changes and accept them if possible. Bruce Wittchen explained that he is waiting for instructions from Finance Committee staff regarding the format of the final submission. Commission Vice Chair Wray and asked him for an update.

Commission member Filchak described some of the changes he made subsequent to the recent Task Force meeting. He highlighted that, in accordance with the Task Force’s discussion, he has removed 203, but not all mentions of the word “regional”, using instead “collaborative”, “shared services”, or other appropriate terms except where “regional” has to be. He also has moved around some of the discussion and included additional material about education, technology, fiscal disparities, and revenue sharing. He also added two sub-recommendations regarding regional councils of governments (COGs) and RPIP grants under Priority 1, as requested by Rep. Rojas, and a new Priority 6, that deals with fiscal disparities. He asked if anyone has any questions.

Commission vice-chair Wray Thanked him for his efforts and noted that the report is largely the same, other than for changes requested by Task Force members. Commission alternate Glassman mentioned that Sen. Fonfara had been vocal about adding staff to OPM and breaking some china. Should we add more to the report? Commission member Filchak said he had a brief conversation with Sen. Fonfara and, for people who had not attended the Task Force meeting, he explained that Sen. Fonfara said the group wasn’t breaking any china; that the draft report was not radical enough. That prompted him to

add some of the previously mentioned material. He added that he wasn't comfortable going further than that without any specific guidance.

Commission vice-chair Wray said legislators involved in the process had previously recommended the group take a more limited approach, focusing on what can be passed this session. Taking the different approach now would be contrary to the direction provided by the senators and representatives who participated in the effort leading up to the report.

There was a motion to approve the updated report and the motion was seconded. Commission member Shanley said a lot of time and effort went into this report and he appreciates the input of the legislators. He added that he doesn't disagree with Sen. Fonfara and believes municipalities have to stop holding onto somethings so tightly and think in terms of the greater good of everybody in the state. He agrees that most of the legislators wanted to focus on things that can be passed. Commission vice-chair Wray said he agrees with all of that.

Commission member Valentine noted that he is a new member and said there are some recommendations in the report that he disagrees with. However, he will vote to approve it and perhaps there will be a later opportunity for fine tuning. Commission vice-chair Wray said the ACIR might revisit the recommendations before each legislative session. The motion to approve the report passed unanimously.

Commission vice-chair Wray asked if there are any comments regarding the transmittal letter and, if not, the report will be sent to the committee. He noted that the ACIR can meet with the Task Force members again if Task Force members would like. He thanked everyone for their efforts.

Commission member James O'Leary asked if the question about more staffing at OPM has been resolved. Commission vice-chair Wray said it had been a recommendation of the Governor's transition committee and asked Commission member Sharkey for more on that. Commission member Sharkey said the committee had recommended there be more staff generally, but also identified that the Undersecretary of Intergovernmental Planning at OPM would be the champion or the czar of all things regional, with a fully staffed program. Commission member Filchak said the Task Force's priority recommendation #3 recommends that an Office of Government Efficiency within OPM be given up to \$2 million of funding from the RPIP account for staffing needed for implementation..

5. Other Old Business

- a. Updates on ACIR reports
 - 2020 mandate compendium (due 2/19/2019)

Commission vice-chair Wray asked Bruce Wittchen to explain his suggestion that the group conditionally approve the draft report. Bruce said the draft report was only distributed the previous day and is not due until 2/19. He suggested the group discuss it today and approve it conditionally. Members can have until next Friday to send any further suggestions or questions and Bruce said that would leave him with two days to pull everything together and submit it to the legislative committees by the deadline.

Bruce noted that this year's report is almost 300 pages shorter than the previous edition. Previous editions included additional statutory history for one of the categories of mandates, which lengthened the report. He does not know why a decision was made long ago to include that for just the one category, which does not include all the major mandates. He has included direction for people to locate such information on the General Assembly. He welcomed suggestions that can improve the report and noted that any provided today can be discussed by the full group.

Commission member Wray asked if the compendium should mention the concept of re-assessing a sample of mandates at a later date to determine the actual impact, as has been discussed in recent meetings. They may be surprising sometimes. He noted that OFA staff said they often have very short timeframes for their analyses.

Commission member Filchak said that is Other Recommendation #9 in the just-approved Task Force report. Ohio does that and their equivalent of the ACIR can take a deep dive to determine actual impacts on municipalities or school districts. Commission member Wray said the Compendium can reference that recommendation, since that report is now approved, in discussing the concept. He asked what others think.

Bruce Wittchen pointed out that the draft does mention the possibility of such an analysis, in the 3rd paragraph above the chair's and co-chair's signatures. He added that the group may want to go beyond what he wrote. Lyle requested a motion to approve, but with an allowance for minor tweaks. If something substantial emerges, Bruce should email the group to solicit further input. Bruce pointed out that, while the Feb. 19 deadline for this report is in statute, reports can be submitted late. If members want to consider adding something that requires further discussion, delaying the report by two weeks would get the group to the next meeting to allow for a full discussion.

Commission member Shanley made a motion to adopt the report as presented and to give the chair and vice-chair the authority to work with staff to approve any edits of a non-substantial nature. The motion was seconded. Commission vice-chair Wray asked if there is any discussion and Commission member Leclerc said she supports the motion, but also agrees with the suggestion to re-assess some mandates and follow up to the compendium with a report discussing them.

Commission vice chair Wray said towns and CCMs might identify mandates for such review. Commission member Filchak said that when he was adding the pieces on fiscal disparities back into the report, he looked at legislation passed in 2001 that enacted CGS 7-148dd. It requires an analysis by OPM of municipalities in distress. The fiscal note says the additional work can be absorbed in the course of OPM's normal business, but a later sentence says it might require staff. They have fewer resources now to do it now and it has not been analyzed to determine if it is working.

Following up on Commission member Leclerc's suggestion, Commission member Thomas said we could find examples and put them in press releases. The compendium is not widely distributed and we should take advantage of every opportunity to highlight the impact of mandates and the sheer volume of them. There was further discussion of appropriate approaches for this group.

Commission member Elsesser said the transmittal letter for this report should mention the Task Force's report and the need for further work. Commission member Sharkey said that in addition to studying mandates that were expected to be innocuous but became burdensome, the ACIR should also consider mandates that were predicted to be burdensome but were not. He mentioned that a negative fiscal note can kill a bill. Sometimes such a bill is appropriate.

Commission member Leclerc said she was not suggesting the ACIR do a public broadcast of the negative implications of mandates, but to use it as a starting point for discussions with legislative committees about unanticipated consequences. Being too aggressive will not take the ACIR where we want to be, which is at the table with them. If the gentler approach does not work, then we can do more.

Commission member Shanley said he agrees with Commission member Sharkey's comments. Municipalities can react to strongly to a proposed burden, but how bad was it? It can go both ways. He noted that this discussion should not have any significant on the report itself. Commission member Valentine reminded the group to not lose track of the possibility that mandates expected to be minor that turned out to be major.

The group voted unanimously to conditionally approve the report as discussed. Bruce Wittchen pointed out that the same statute that requires the ACIR's mandates report authorizes the group to submit additional mandates reports whenever they feel like it. The group would not be overstepping their authority by submitting additional reports off-cycle. Commission vice-chair Wray suggested the ACIR establish a parking lot for additional reporting on 2-5 mandates. He noted that a mandated 30-day jail sentence for a 2nd DUI cost his local government in the Midwest \$800,000.

b. Updates on Municipal, Regional, or State Matters

Commission member Thomas said the [CT Conference of Municipalities](#) (CCM) is still reviewing bill language, but it's a good start. He mentioned the Governor's interest in transit oriented development (TOD) to support affordable housing and CCM will see what that includes. Commission vice-chair Wray noted that the toll vote would affect funding for transportation. Commission member Gold noted that the Governor's budget would sweep regional performance incentive funds for 2020-2021, which will require that this year's funding to be stretched to cover two years.

Commission member Shanley said CCM's conference included a presentation by officials from Colorado who were here to describe their experiences with marijuana legalization. They said municipalities were hit broadside and he recommended that ACIR member view the video of the conference. If we do the same here, local governments will require a revenue stream to handle the local burdens imposed by legalization. Commission member Thomas said CCM can provide a link to that video (see <https://ct-n.com/ctnplayer.asp?odID=16938>) and provided further background regarding the conference and regarding what had not been considered in Colorado.

Commission member Shanley said CT can structure language so things Colorado experienced will not happen here. He provided examples. Commission vice-chair Wray described a tour for public officials he attended in Colorado. The scale of it surprised him and he noted that public safety officials seemed to be concerned; others were not. He pointed out that Canada has also legalized marijuana, so we should also consider their experiences.

Commission member Wray asked Commission member Heft if he can set up a meeting with [Dept. of Administrative Services](#) (DAS) Commissioner Geballe and anyone who would like to attend to discuss the administrative burden of shuffling paper back and forth between the state and towns. He pointed out the large variation in approaches even within a single agency, such as the [Dept. of Transportation](#) (DOT).

Commission member Elsesser said the Governor's task force on 5G has come out with preliminary regulations and they should be looked at. He hears they are viewed as a model that would apply to towns and oversee all town issues. He will circulate it and the ACIR should pay attention because it is an intergovernmental issue.

Commission vice-chair Wray said there is considerable variation in the approach of different 5G systems. They operate at different wavelengths. It affects the number of transmitters required. He mentioned that his COG has offered to pilot a master municipal agreement for 5G deployment. He also noted health concerns being raised about 5G. Commission member Shanley said information needs to be circulated regarding the health research that has been done or not done so we

understand the potential impacts. He added that people are legitimately concerned because we have been told a lot by government. He mentioned that Oxycontin was touted as being not addictive. Public confidence is low. We need to address this if we are serious about 5G in our communities.

There was further discussion of the possible rollout of 5G service. Commission vice-chair Wray noted the potential equity issues, given that the most profitable places to roll it out are affluent urban areas. Commission member Gold said 5g is being installed along the Berlin Turnpike in Newington. The boxes are the size of small refrigerators and are on utility poles. Commission member Elsesser said we face a potential geographic divide in the availability of 5G, which will be critical for economic development. The control systems of the future will be in the low frequency band . Commission vice-chair Wray mentioned the increased significance of this for public services and the Internet of Things.

Commission member Pickering cautioned that 5G is an umbrella term that leads to much confusion about what is being discussed. Some things described as 5G are just different encoding methods and use the same wavelengths as previous generation technology. His COG's regional technology task force has a white paper that he can share. It addresses the ability of communities to regulate and there is much confusion about that.

Commission vice-chair Wray said it will be worth hearing more. There was further discussion of the approach in dealing with large telecom companies and Commission member Pickering pointed out that CT municipalities are not of the scale of Boston or New York. Separate negotiations with 169 CT towns might not be palatable to potential providers. Commission vice-chair said negotiations have begun with the five largest cities and asked that this topic be included on next month's agenda.

Commission member Jim O'Leary mentioned that, before getting involved with the Task Force, the ACIR had discussed the prospect of identifying topics for research for the coming year. Technology is a topic of interest and there are others too. This could be on the next agenda. Commission vice chair Wray said the questions of electronic reporting and retrospective mandate analysis should be included too.

6. New Business

There was no additional new business.

7. Adjournment

A motion was made and seconded to adjourn the meeting and it approved unanimously. The meeting was adjourned at 11:28.

Minutes prepared by Bruce Wittchen, OPM