

Advisory Commission on Intergovernmental Relations

Telemeeting audio file available at:

https://authoring.ct.gov/-/media/OPM/2020-05-01_ACIR_telemeeting.mp3?la=en

Friday, May 1, 2020

Members present: James Albis, Carl Amento, Maureen Brummett, John Elsesser, John Filchak, Betsy Gara (alt.) Mary Glassman (alt.), Sam Gold, Leah Grenier (alt.), Rick Hart, Martin Heft, Marcia Leclerc, James O’Leary, Francis Pickering, Lon Seidman, Scott Shanley, Brendan Sharkey, Ron Thomas, Bob Valentine, Lyle Wray (Vice Chair)

Others participating: Jennifer Berigan, Rep. Christin McCarthy Vahey, Danny Medress, and other members of the public

Members absent: Sen. Stephen Cassano, Brian Greenleaf, Tommy Hyde, Neil O’Leary

ACIR staff: none

1. Call to Order

Commission vice-chair Wray called the meeting to order at 10:37 and said that attendance would be taken from the chat box rather than by calling roll and Commission member Heft will compile the list.

2. Approval of Draft Minutes

A motion was made and seconded to approve the [minutes of the ACIR’s 4/3/2020 meeting](#) and the motion was approved unanimously.

3. Governor’s Executive Orders

Commission member Heft said he did not have an update and described how to find links to the Governor’s Executive orders, with a brief description of each, at:

<https://portal.ct.gov/Coronavirus/Pages/Emergency-Orders-issued-by-the-Governor-and-State-Agencies>

Commission member Heft noted that a new one was issued the previous night and another is scheduled to be issued today. There was a brief discussion about the upcoming press conference.

4. Draft Memo: [Reopening and Recovery for Towns and Cities in CT](#)

Commission vice-chair Wray said the focus of this meeting will be on the next three items. The first is a memo on reopening and recovery. He said a number of people had gotten together and worked on the memo, which goes over issues that might be considered in reopening. He noted that the state has a new reopening committee and said he did not think the memo requires further vetting and recommended the memo be transmitted to that committee.

Danny Medress of the [CT State Employees Association](#) (CSEA) said he objects to transmitting the memo in its current form. He believes it treats union members as an afterthought, not as the vital employees that they are. A lot of work clearly went into the memo, but the exclusion of labor from the process of drafting it is disappointing.

Commission member Hart agreed and said labor is instrumental in local government and should have been involved in preparing the memo. He pointed to the 4th paragraph of the 1st page and said it

highlights what is wrong. A common thread of the memo is to use the pandemic to bypass workers' rights and established processes and to circumvent the legislature. It is very troubling. Every town has a recovery plan or should, under its local emergency planning committee, but the six targeted areas on pg. 4 of the memo have nothing to do with recovery. It is the means to get things done by circumventing statutory authority. He noted the reference to limiting medical costs in the worker's compensation discussion of Attachment 1. He pointed out the COVID-19 exposure faced by many workers and said any change at this time could open Pandora's box, with municipalities looking to restrict coverage for other issues. Moving forward with this memo could be damaging for the ACIR, the Governor's committee, and for labor-management relations.

Commission member Elsesser said he finds some of today's comments to be offensive because he considers himself to be a fair person to deal with in collective bargaining and the memo was not intended to circumvent legislation. Instead, the intent was to get state agencies moving forward with resources that are already available, to put people back to work, including union members, both public sector and private sector. He welcomed people to provide edits and said they were working in a vacuum because the state had not done this yet. He added that there are not valid recovery plans for every town. He added that there was talk about using this as an opportunity to work through collective bargaining to develop new systems for long-term improvement.

Jennifer Berigan of the [CT AFL-CIO](#) said people were taken aback by this memo because subcommittees had been formed at the last meeting to develop best practice and those subcommittees included broad representation by different interests. This memo was produced differently, with no labor participation, which is not a productive process. She asked if public notices were issued for the discussions that led to the memos. Was there an opportunity for other members of the ACIR to participate? She was unaware of memos being drafted.

Commission vice-chair Wray said this was a volunteer process discussed at the last meeting; they took down names and they met. There was not a public notice, but it was an open solicitation at the end of the last ACIR meeting. Noting the considerable disagreement about the memo, he recommended additional time be allowed to receive comments. He provided further background regarding the discussion at the last meeting and said this was not a dark of the night process.

Commission member Thomas said his recollection is consistent with that but noted that people might have missed the solicitation during the meeting. Commission vice-chair Wray said there was no intent to exclude and asked that people provide comments. He added that the draft will be edited to incorporate people's suggestions, or the draft might be abandoned. Jennifer Berigan highlighted the need for proper public notice and there was further discussion of the adequacy of how people were solicited to participate, given that interested labor organizations who attended the most recent meeting were not included.

Commission alternate Betsy Gara said she saw a press conference held by labor organizations and agrees with them that part of the recovery effort has to include protecting the safety and health of workers, both union and non-union. That should be an important part of this memo and the ACIR should get additional feedback. She added that the recovery memo was not intended to sidestep the legislature, but to get building projects moving fast, which would benefit labor and management. Part of that is looking at regulatory approval processes and making sure they are not overly cumbersome.

Commission member Sharkey questioned whether the intent of the memo is only to accelerate the availability of state funding. It seemed to him that the memo focuses on two things. One is to get state money to towns, as mentioned, but the second is to identify changes in procedure that can be adopted as a result of this process. We cannot keep doing things the same way we have always done them, but if we are looking at the longer-term issues, labor clearly has to be in the middle of this. He added that if we are looking to change the paradigm of how things are done locally, the state's regional councils of government (COGs) will be essential, along with labor.

Commission member Sharkey also said he believes a two-week delay to receive comments might be too long. Things are moving quickly and he and John Filchak have experienced this in working on the best practices guidelines. He asked that we focus on completing the review of this memo by next Friday so the memo can be delivered sooner if we can reach a consensus.

Commission vice-chair Wray said the memo is intended to serve two purposes – to unclog the system to get current money out the door, with the second part being that, as we do recovery, we not just do business as usual, such as returning to a COBOL-based unemployment insurance system. He added that he is open to reducing the comment period to one week if there are no objections. He asked if others agree with the shorter time frame and there was no disagreement. Commission vice-chair Wray said the draft will be circulated again with a deadline of a week from today for people to provide comments.

Rep. Christin McCarthy Vahey said she had just been on another call talking about this being a time when there is a need for grace and mercy because people are stressed. She respects the need to move quickly, but people are feeling disempowered and she appreciates the sense of frustration many are feeling. Everyone needs to be involved in this process. She and other legislators are trying to figure out where they are going to fit into the solutions. Commission vice-chair Wray said he believes no motion is required to distribute the memo for comments and ask if anyone disagrees. There was no disagreement.

5. Draft Memo: [Staffing Resources in COVID-19 Emergency](#)

Commission vice-chair Wray described the second memo, which outlines options for dealing with critical vacancies in local government. He described some of the listed options and asked if Ron Thomas had anything to add. Commission member Thomas explained that they had discussed existing programs at CCM, COST, and CRCOG. They also talked about interlocal agreements and the need to have samples of those be available so municipalities can access them at one place.

Commission vice chair Wray said the use of interlocal agreements is uneven across the state. Their intent in preparing the memo was to provide a template that can be used for new agreements and to describe the scope of how such agreements are already being used. He noted the recommendation for a talent bank and mentioned that CRCOG will be launching an HR consultancy in his region, where towns having a small HR capacity can get a wholesale price for a bunch of HR tasks. He invited further discussion.

Commission member Hart said he recognizes that there are local vacancies, but there is a staffing process that must be followed unless there is a critical emergency. Police, fire, and EMS are the only critical functions for which collective bargaining can be circumvented. The memo must be worded carefully in describing the filling of vacant positions.

Jennifer Berigan requested that the ACIR provide the same opportunity to review this memo and provide feedback as discussed for the previous memo. Commission member Thomas agreed with providing that opportunity. Commission member Hart complimented the authors for proposing to expand the use of municipal mutual aid agreements: they should be expanded beyond public safety functions. Commission member Wray said that, unless there was an objection, this memo will also be circulated for review with next Friday being the deadline for a response. There was no opposition.

6. Update: [draft Best Practices Guidelines for Key Municipal and K-12 School Operations](#)

Commission member Sharkey said he wanted to make it clear to everyone that Commission member Filchak has been doing extraordinary work in the research and drafting of these guidelines. He mentioned that they had considered seeking assistance from the General Assembly and described a call

with staff of the [Office of Legislative Research](#) (OLR), but they were unable to articulate how exactly they thought OLR would be able to help or what the format should be. They solicited volunteers who were interested in helping, but participation was less than robust, despite the level of interest. They have been able to accomplish so much because of John's extraordinary work.

Technical difficulties prevented the viewing of his brief PowerPoint presentation, but Commission member Filchak provided some background regarding the ACIR's decision to produce best practices guidelines and the process by which it is being done. He has produced drafts of fifteen guidelines, most of which were circulated to everyone earlier this week, and six more are in the works. He noted that, as mentioned by Commission member Sharkey, they are working with OLR to identify areas in which OLR can assist in better informing people.

Commission member Filchak said each guideline has six elements, identifying:

1. critical functions,
2. applicable statutes,
3. applicable executive orders,
4. continuity issues that can impede that municipal function,
5. best practices, and
6. resources that can assist in this function.

This is an evolving process and we are looking for further input, but we are behind and there is a need to get these up on the ACIR website, using the Washington State MRSC [Resources for Local Governments](#) site as a model. It will be a single website that towns and cities can go to for the latest news, interpretations, best practices sheets, and other resources. We talk about recovery, but we're still in the midst of this crisis and the sooner we can put the information up the better. He asked if anyone has any questions.

Commission vice-chair Wray asked Commission member Filchak how he would like to receive input. He noted the conflict between the desire for urgency and the desire for urgency. Commission member Filchak said two weeks would be too long, because of the urgency, and there has already been some vetting at OPM. He noted that we could talk about these things forever, but there is valuable information that needs to be made available. Commission vice-chair Wray recommended this be added to the other two documents with one week for comment and schedule a special meeting the following week.

Commission member Filchak noted the volume of information to review – probably 120 pages of material – and if big things jump out at people as major issues, we need to know those now so we can work on those. If we start nit-picking, we will never get them online. Commission member Hart thanked Commission members Filchak and Sharkey for drafting this; it's a comprehensive document and they included all our edits.

Commission member Sharkey said it is important to be mindful of the big-picture issues in the guidelines. Beyond recommendations for how often to sanitize the office between shifts, which is important, there are larger issues. One that often comes to mind is what to do with local workers who are not working full time but should be receiving their salaries. In his work, he recommends that towns maintain records of what they are paying for hours not worked. Those costs are potentially eligible for reimbursement. He pointed out that local taxpayers will question why, even while they are not being paid, their taxes are paying municipal employees who are not working. These are bigger picture issues and must be considered as we proceed.

Commission vice-chair Wray recommended that, despite the interest in moving more quickly, people be allowed a full week to comment. Commission member Filchak requested that any additions that improve the guidelines without requiring a policy debate be provided sooner. It will spread out the

workload, so please do not wait. Commission vice-chair Wray asked if there was general agreement among the group to do so. Commission member Valentine said that, from his perspective as a chief elected official trying to navigate all the intricacies of what is happening, it is just as important to have the documents be complete and well-vetted as it is to have them be done within a week's time.

7. Other municipal, regional, or state matters for ACIR consideration, if any

Commission vice-chair Wray described the states long term recovery planning and said recently rolled-out documents lack a prominent role for COGs:

https://portal.ct.gov/-/media/CTRecovers/CT_Rises-Planning-for-Long-Term_Recovery.pdf
https://portal.ct.gov/-/media/CTRecovers/COVID_local-Long-Term-Recovery_Unmet-needs-FINAL.pdf
https://portal.ct.gov/-/media/CTRecovers/2020_Recovery_Structure.pdf

Smaller towns are not going to be able to handle this on their own, not without some kind of regional organization. In his region, half of the towns are likely to look to the COG to help organize their response. The COG coordinates with emergency management people, many towns do not. It might be a matter for future discussion, but the state should consider the role of COGs in long-term recovery over a number of years.

Commission vice-chair Wray provided some background regarding his COG's role following 9/11. COGs should have more than a footnote role in the state's plans. Commission member Gold said he is hearing from towns and noted that, with his COG being divided between three DEMHS regions, it is even more unclear to towns as to whether their COG or DEMHS region has the lead. He mentioned that Commission member Pickering had an interesting idea, that COGs convene municipal recovery teams to facilitate information sharing, but is that best organized at the COG or the emergency management region level?

Commission member Gold noted that four of the five DEMHS emergency management regions are administered by COGs and every COG is involved in its DEMHS region(s). We just need to figure out the roles and tasks. Commission vice-chair said these questions are not answered in the state's current approach. He also noted that many of the upcoming actions are not the typical activities of emergency managers are involved with and suggested to Commission member Heft that the Governor's Office think about this a little more. Towns will look to COGs.

Commission member Elsesser said the state has made it clear that the local emergency management director is not supposed to run the local task force. In a small town, who is it going to be. He noted the number of state agencies involved and that his town has two chambers of commerce and that area churches draw from eight or nine towns. We cannot have 169 long-term recovery committees. A lot more work has to be done; he is talking with three neighboring towns about a possible four-town committee. That could become a subcommittee of a COG committee.

Commission member Elsesser noted that his town does not have major employers and that is why he is arguing to get the state dollars out. The money is just sitting at the agencies and let's get it out to the communities. He said he had not been part of the discussion of long-term recovery and, like the unions, he is feeling left out. The ACIR needs to collect input on how this should be done. Having 169 separate town recovery committees is not viable and aligning committees with DEMHS emergency management regions are not viable. He noted that his town is in DEMHS's eastern emergency management district but in the Capitol Region COG. We are not set up for this.

Commission alternate Betsy Gara said she has been involved in some of the discussions with state agencies and they do not envision every single town having its own recovery committee. They have asked about COGs and if every town is a member of a COG. They do not want to be prescriptive in terms of saying the COG must have the lead; there is flexibility, but towns need clarification about how to proceed. COST and CCM can follow up with the agencies and get some additional guidance on that.

Commission member Filchak said he agrees with the comments of Commission members Elsesser and Wray. Most of his COG's towns have reached out to the COG and said this should be done regionally. He agrees. Trying to do it 169 ways would just further the state. NY Governor Cuomo has said this is an opportunity to try new things that would have been uncomfortable in the past. This is an opportunity to act regionally, not only through the COGs but also through the [regional education service centers](#) (RESCs) on the education side. Emergency management directors do a terrific job at what they do, but they don't cover the breadth of issues we must address. Commission members Filchak said we are perfectly set up to do this and noted that he is disturbed that somebody in the Governor's office is unaware that all towns are members of a COG. We should do a better job of selling COGs. This is an opportunity to act regionally and do things intelligently.

Commission member Gold agreed about the good work done by emergency management directors and said that he has been asked if his COG will be handling long term recovery and he had to answer that he does not know. He said social services staff should work on this, but most of his towns do not have social services staff. His COG is talking about social services and economic development and it is a good role for COGs, in conjunction with emergency managers. Towns are also asking about funding.

Commission vice-chair Wray mentioned his previous experience in county management and noted their capacity for case management. We do not have the same infrastructure here. He asked that the state look at the organization of its recovery efforts at a more granular level. There needs to be a conversation about who does what. This is going to be a very long process and the administration and legislative leaders have to figure this out. There should be a chart identifying various responsibilities. It is fine if a few towns work together, but many towns are contacting COGs.

Rep. McCarthy Vahey noted that this group's name includes *Intergovernmental* and the group is about the layers of government, through the executive branch. Legislators are also between the local and state level. Even though efforts will be locally based, it would be helpful to include legislators as part of this conversation. Different communities are interacting in different ways and, although legislators are not always helpful to municipal efforts, we have all been trying to save as many lives as possible and scaling up the efforts. How can you partner with legislators and leverage their resources?

Rep. McCarthy Vahey said she also is thinking, based on her role as a social worker, in terms of coalition building. This group is creating a kind of coalition, making sure all the sectors are at the table. The earlier discussion showed we all come to the table with our different perspectives and this type of effort is designed to bring those perspectives forward. She said the people in Newtown are experienced with this kind of recovery effort. It was a different kind of disaster, but some of the people involved in that recovery have come to other communities to help us understand what to put in place. It would make sense for some of the people here to connect with some of them.

Commission member Heft said he wanted to echo Rep. McCarthy Vahey's comments and said he does not want to over-simplify the pandemic, but we can think of this as a natural disaster. What happened when Sandy came through, or the tornado of 1989? Recovery is the same process through emergency management. Individual corporations have a continuity plan; DEMHS is the authority on emergency management and we should use them as a tool to oversee recovery operations for the municipalities. It would be a clearing house. The problems will be different in Fairfield, Goshen, and Hartford, so use DEMHS as the authority, filtering down to the COGs.

Commission member Gold agreed that DEMHS has a structure for dealing with an acute crisis, but this recovery will have many different elements and will take a long time. There is massive unemployment and we will have to bring in entities that usually would not be involved in a natural disaster recovery. He mentioned the need to get workforce re-employed and the psychological needs resulting from unemployment and isolation. He mentioned the education component – how do we go back to school in the fall? This is one of the most comprehensive emergencies that we as a state and country have ever

dealt with. The acute phase is somewhat normalized now and hospitals have not been overwhelmed. We are getting a handle on social isolation and can hope for treatments that would make this a less deadly disease. The recovery will take years and will probably change how we work, do business, and socialize. The economy will be different.

Commission vice-chair Wray recommended a meeting be scheduled of DEMHS, the COGs, CCM, and COST, just to talk through that PowerPoint to have a conversation about who is to be responsible tasks. It needs to be fleshed out. Commission member Shanley said it is a reasonable approach. He added that there would be opposition if the state announced regions would be responsible for recovery plans: people would ask what the region knows about their community. It is the same if the state does it. No matter what is proposed, there is a reason to argue against it.

Commission member Shanley said that, as we get beyond the initial recovery, every community will have very different challenges and will want to deal with them differently. Not every community will want to deal with the re-opening of the food and beverage industry in the same way. It is important to talk through how the effort will be integrated between the state, regions, and communities that will have to make individual decisions on zoning, parking requirements, and things like that.

Commission member Valentine agrees with COGs having a role, but we must keep in mind that small towns and larger towns will have different needs. Goshen is in DEMHS Region 5, which also includes Danbury and Waterbury, whose needs are different. Goshen has started creating a long-term recovery committee, not to have one of 169 committees, but to have some input locally. I think that can work up to the level of COGs and DEMHS regions. He agrees with Commission vice-chair Wray's suggestion, but let's not forget the differences in local needs.

There was a discussion of the PowerPoint that has been discussed during this meeting. Those who have seen it only learned of it shortly before a discussion of it during a CCM/COST call Wednesday. Others have not seen it. Commission member Wray said it was prepared by DEMHS and offered to circulate it. He repeated his recommendation to walk through that PowerPoint with DEMHS to discuss the concrete details. He noted that his 38-member COG includes 15 small towns and his COG needs to serve their needs. Larger towns have the staff to handle more.

There was a discussion of how to arrange the desired meeting and Commission member Filchak said this discussion lends itself to the best practices the group is assembling. He asked that people, in their review of the draft guidelines, think about the continuity issues. This will evolve for a long time and there may be a second wave of infections and we might not have better ways to treat that. These discussions might fit very well into the best practices models. Whether you are Goshen or Bridgeport, they can be a resource.

Rep. McCarthy Vahey said she appreciates this conversation and referred back to her earlier description of coalition building. She noted that she chairs her local prevention council, which is a coalition, and different sectors are at the table. As Commission member Gold mentioned, this will be a different kind of recovery and the mental health and trauma challenges will have a significant impact and this is different. She would like to be part of any conversation about the PowerPoint and she noted that she just contacted the Lt. Governor's office to request a copy. Whether it is an organized effort or a back-channel effort, she wants to learn more.

Rep. McCarthy Vahey said she agrees that we have to have other things in place for the fall and everyone is working towards that, with testing, contact tracing. But what does contact tracing mean for local health departments? How do we scale up; will it be a state-run effort? Will it be a volunteer effort; will we be asking to hire people at the local level? We haven't really talked about these things. Commission vice-chair Wray agreed about the significance of future testing, tracing, quarantining and other management procedures. He noted that, according to Economist magazine Iceland had tested 135 people per thousand population as of April 20; the US had tested 6. We have some work to do.

Commission vice-chair Wray asked Commission member Heft for his thoughts about the suggested discussion with DEMHS. Commission member Heft said will schedule it. Commission member Pickering said the discussion will be important for allocating roles, but an even larger question is the availability of resources. We can allocate roles but, without resources and people to fill the roles, we cannot meet the need. This is a different type of crisis that we are facing and it probably is orders of magnitude larger the DEMHS structure is even designed for. He noted that local health departments in his region do not have the capacity they need because this is affecting so many people. We have to pencil out how many resources we need and, until we have that, we cannot address the problem.

Commission vice-chair Wray asked if people are comfortable with the suggested discussion among DEMHS, COST, CCM, and the COGs, perhaps even the Lt. Governor and Commission member Hart requested that someone from labor be involved. Commission member Hart asked if had a suggestion and he will provide one. Commission member Heft noted that Commission member Hart will be included if ACIR members participate in that discussion.

8. Future Meetings

Commission vice chair pointed out that the next meeting is the first week of June and asked if, given the pace of events, members are open to meeting in two weeks. There was general agreement to do so and the group will meet again in two weeks.

Rep. McCarthy Vahey requested that the date of the next meeting be listed at the bottom of agendas. She also noted that, in her town, backup materials for a meeting are all in one place so that people can follow along more easily. Commission vice-chair Wray said that, when meeting by Zoom, CRCOG makes all meeting documents available on Zoom. He added that all documents should be available in one email.

Commission member Heft said the agenda and both draft memos were available online, but the draft best practices guideline were not. He described the ongoing website update and noted that the ACIR will have its own website as a commission of the state, which should help in keeping all documents in one location.

Commission member Filchak asked if the group can meet in one week rather than two so that guidance material can be placed online more quickly. Commission vice-chair Wray asked if people would consider having Wednesday be the deadline for comments and the meeting be next Friday, which he noted is a tight schedule. Commission member Valentine said people have other things to do and need time to help with this. Commission vice-chair Wray said he understands the desire to move more quickly, but the group should keep to the agreed-upon schedule, with the deadline for comments being 5/8 and a special meeting being 5/15. There was no further discussion.

9. Adjournment

A motion was made and seconded to adjourn the meeting and it was approved unanimously. The meeting was adjourned at 11:59.

Minutes prepared by Bruce Wittchen, OPM