

Advisory Commission on Intergovernmental Relations

Friday, December 4, 2020

A video recording is available at <http://ct-n.com/ctnplayer.asp?odID=17958>

Members present: Kyle Abercrombie, James Albis, Jennifer Berigan (alt.), Andy Cirioli (alt.), Kathy Demsey, John Elsesser, John Filchak, Sam Gold, Martin Heft, Marcia Leclerc, Brian O'Connor (alt.), James O'Leary, Francis Pickering, Lon Seidman, Scott Shanley, Brendan Sharkey (Chair), Lyle Wray (Vice-Chair)

Members absent: Maureen Brummett, Sen. Stephen Cassano, Greg Florio, Brian Greenleaf, Rudy Marconi, Neil O'Leary, Bob Valentine

Other participants: Rep. Cristin McCarthy Vahey

ACIR staff: Bruce Wittchen

1. Call to order and overview of telemeeting procedures

Commission chair Sharkey called the meeting to order at 10:34 and thanked the [Capitol Region Council of Governments](#) (CRCOG) for providing the Zoom line for the meeting.

2. Agenda review and additions

There were no changes to the agenda.

3. Approval of the minutes of the 11/6/2020 meeting.

A motion was made and seconded to approve the <https://egov.ct.gov/PMC/Minutes/Download/6944> and the motion was approved unanimously, with Kyle Abercrombie and Kathy Demsey abstaining because they had not attended the meeting. Kyle introduced himself as being the new designee from the Dept. of Economic & Community Development (DECD) and Commission chair Sharkey welcomed him to the ACIR.

4. Proposed 2021 meeting schedule

Commission member Sharkey described the ACIR's typical schedule, meeting the first Friday of each month unless that day conflicts with a holiday or holiday weekend. Bruce Wittchen said he had neglected to include the proposed 2021 schedule with the other attachments and recommended the schedule be tabled until the January 8 meeting. He noted that four of the year's meetings would be on second Fridays.

Commission member Filchak pointed out that Friday meetings can conflict with meetings of the legislature's [Planning & Development Committee](#) (P&D) during the legislative session and said it might be better to meet on Thursdays during the session. Commission chair Sharkey asked Rep. McCarthy Vahey, co-chair of P&D, and there was a discussion of how to improve engagement with the P&D Committee. Rep. McCarthy Vahey recommended that she and Commission chair Sharkey discuss scheduling.

5. Report Review

a. 2021 Mandate Compendium Supplement

Bruce Wittchen provided an overview of the difference between a mandate compendium and compendium supplement and noted this report is not due until January 20. He highlighted a concern that Commission member Valentine raised last month about ACIR's classification of mandates applying to police. Those are classified as "B" mandates, because a municipality is not required to have police and is only subject to the mandate if it chooses to. Additionally, the ACIR does not categorize the fiscal impact of "B" mandates. Bruce said the ACIR decided to form a work group to reconsider how mandates are categorized and he expects that group will meet in the coming year.

b. 2020 Annual Report and 2021 Work Plan

Bruce Wittchen said this report should be a higher priority for review because it describes the work being done by the group and plans for 2021. He noted that it's less complete than the compendium supplement and is waiting for further input from the group. Commission chair Sharkey said the group has a lot of homework and said members can provide comments before and at the next meeting.

6. Old Business

a. Update on executive orders and other state matters

Commission member Heft said there have been only four additional [executive orders](#) since the ACIR's previous meeting, but another might be issued tonight. He highlighted [Executive Order 9L](#), which extends other executive orders to 2/9/2021. Commission chair Sharkey asked if any concerns are raised by these executive orders and there were none.

Commission chair Sharkey asked Rep. McCarthy Vahey about plans for the upcoming legislative session and she said there have been many conversations about it. The current expectation is that the session will be held remotely for a long period of time. She said they must do a better job of reaching out because it is more difficult for the public to reach in, although she noted that remote meetings offer some benefits.

b. UConn & UGA policy studies

Commission vice-chair Wray said two draft reports have been completed and provided an overview of each, noting that they were distributed with the agenda. He asked how the ACIR wants to consider them. He said one possibility is to have students present their work at an ACIR meeting and mentioned the possibility of producing a webinar with UConn and CRCOG that could include a panel to react to the report presentations.

There was a discussion of options for presenting the work of those students and Commission chair Sharkey asked other mentors for updates. Commission member Gold said a problem arose with his student regarding payment for work and that effort has ended. Commission alternate Cirioli provided an update on work by the student working with the [South Central Regional Council of Governments](#) (SCRCOG) and Commission member Elsesser provided an update on the work that he and Commission member Pickering are mentoring.

Commission vice chair Wray noted the number of other activities underway and asked if they can set aside 15 minutes on the January agenda for two students. Commission chair Sharkey said we should leave time on each agenda for this work. It is relevant to the upcoming session and the outcomes are helpful. There was general agreement to provide 15 minutes each for two presentations in January and, after further discussion, to organize the webinar as discussed. Commission vice chair Wray asked that ACIR members interested in serving on the webinar panel to Bruce, Commission chair Sharkey, or himself and Commission chair Sharkey encouraged

everyone to complete the student work by the P&D Committee's Joint Favorable Report (JF) deadline.

c. "Best of" Executive Orders review to identify aspects to make permanent

Commission member Filchak provided an overview of the alternative versions of the report that were circulated with the agenda. He described the disagreement between municipalities and organized labor regarding Sections 1 & 2 of [Executive Order 7JJJ](#) and explained that the amended version of the report provides the [CT Council of Municipalities'](#) (CCM's) and labor's conflicting perspectives without taking a position.

Commission chair Sharkey said we are looking for a vote on the report and what to recommend to the legislature in the upcoming session. Commission member Shanley complimented whoever worked on the report and said it is a great product. Commission chair Sharkey said this has been Commission member Filchak's labor of love all year and the report is the culmination of all that work.

Commission alternate O'Connor restated CCM's opposition to Sections 1 & 2 of Executive Order 7JJJ and Commission member Shanley said he agrees with CCM. Commission alternate O'Connor said current [Workers Compensation](#) (Workers Comp) has been able to adjudicate cases and mentioned the [CARES Act](#) and other support available for workers. Commission member Elsesser said he agrees the Workers Comp process has worked and said most exposures have been via groups outside work.

Commission alternate Berigan described the Workers Comp approach and pointed out that Sec. 1 of EO 7JJJ applies to a narrow range of dates. She said it is working and highlighted that Sec. 1 creates a rebuttable assumption, which means a municipality can provide evidence in a hearing to rebut it. She added that the CARES Act is not the same and noted that some people with COVID-19 take much longer to recover.

Commission member Berigan said that, overall, Workers Comp cases are down. She provided further background and described the experiences of the state's front-line workers, who are not working from home. She asked for the support of the ACIR. Commission chair Sharkey asked about Workers Comp case data and Commission alternate Berigan said there are approximately 2100 cases, but she does not know how many fit within the EO 7JJJ framework. She added that the next report of the Workers Comp Commission should be released soon. There was further discussion.

Commission alternate O'Connor said most claims are in the private sector and said part of the concern is that such a change can be precedent-setting. Commission chair Sharkey contrasted the coverage provided by EO 7JJJ with the heart & hypertension benefit of [CGA 7-433c](#) and Commission alternate Berigan reminded everyone that EO 7JJJ shifts the burden of proof to the employer only for a narrow window of time.

Commission alternate O'Connor questioned if Workers Comp is beyond the purview of the ACIR and Commission member Heft recommended excluding the discussion of EO 7JJJ if members are not in agreement. Commission member Filchak pointed out that the amended version of the report is drafted to provide the different points of view without that ACIR taking a position. He believes they are important points and to leave them out would do a disservice.

Commission alternate O'Connor said CCM agrees with the report including both positions. Commission chair Sharkey said doing so reflects the differences of opinion and emphasizes that this is an important public policy decision. Commission member Filchak read the report's statement about the ACIR not taking a position. Commission chair Sharkey confirmed that everyone was

reviewing the same version of the document and that it has CCM's concurrence. Commission members Shanley and Elsesser and Commission alternate Berigan also concurred with that approach.

Commission vice chair Wray asked if this will be the precedent for how the ACIR incorporates disagreeing views in future reports. There also was a discussion of whether the ACIR has a role or not in labor relations. Commission alternate Berigan said some health & safety issues are bargained by organized labor, but some are not. This is important for workers. There was a motion and second to approve the amended version of the report and all voted in favor except Commission member Pickering, who was opposed because he believes the report addresses topics outside the ACIR's intergovernmental purview. The motion passed.

The report is available at:

https://portal.ct.gov/-/media/ACIR/Misc_Reports/2020/Executive_Orders-for_Priority_Continuance_and_Codification.pdf

d. CT Local Government of the Future initiative

Commission chair Sharkey provided an update regarding the initiative, which he explained is driven by municipalities' experiences with changes forced by COVID-19 and the growing recognition of inequities in the current system. The initiative seeks to increase efficiencies and to decrease separation.

Commission chair Sharkey said the approach is in the circulated draft legislation, which would re-engineer [Regional Performance Incentive Program](#) (RPIP) for [Councils of Governments](#) (COGs) and [Regional Education Service Centers](#) (RESCs). He noted that the ACIR decided last month to form a subcommittee to work on this and he has provided the draft legislation to the Office of the Governor. He described the new approach, noting that it would not require an intermunicipal agreement and would require approval of the municipality and labor.

Commission chair Sharkey said the Office of the Governor is reviewing that initial proposal and considering it for inclusion in the Governor's legislative package. He also has discussed it with Rep. McCarthy Vahey and incoming majority leader Jason Rojas and they are very open to this and other legislation. He said the subcommittee met 12/2 and discussed possible changes. They were waiting for today's discussion of the executive order report and for further research before taking the next step.

Commission member Elsesser mentioned that CCM has hired the [Collins Center](#) and that work has led to a similar recommendation regarding a role for COGs. Commission alternate O'Connor said they are winnowing down the possible concepts and explained that COGs are envisioned performing certain services in lieu of county government. The goal is to maintain local character in such services and CCM hopes to have an updated draft soon. Commission chair Sharkey noted some possibilities and the possibility of breaking down barriers.

Rep. McCarthy Vahey said she looks forward to discussing this with CCM. She also said she has become sensitive to the use of the word "character" and asked if CCM's goal actually is to maintain local "identity". Commission alternate O'Connor agreed that it is and added that they also are looking at revenue diversity.

Commission chair Sharkey said the subcommittee will schedule another meeting and noted the ongoing interplay with the Office of the Governor and with legislators. Commission alternate Berigan asked if the subcommittee is a better venue for providing suggestions and Commission chair Sharkey said it is but added that there is a time crunch. However, they are not shutting off

discussion and will continue to draft language. Commission member Leclerc noted that she was unable to join Wednesday's meeting but will be a member of the subcommittee.

Commission chair Sharkey asked Commission vice-chair Wray to consider possible legislative concepts arising from the results of the student research. Commission vice-chair Wray said the subcommittee was concerned about loading up a bill with too many concepts. He also mentioned their interest in encouraging legislators to review the [report](#) prepared on behalf of the [Task Force to Promote Municipal Shared Services](#). Commission member Sharkey said there can be separate bills and the subcommittee will look at that. He asked if the subcommittee should meet again before the holidays and again after the next ACIR meeting. There was general agreement that it should.

Rep. McCarthy Vahey said prioritization will be important and the ACIR should articulate its priorities. Commission chair Sharkey outlined the approach for a single bill vs multiple bills. Rep. McCarthy Vahey said the number of bills is not important; the ACIR should emphasize concepts that are its priorities.

e. Any other ACIR activities

There was no further discussion

7. New business

Commission member James O'Leary noted that there is an entrenched resistance to change in CT. The ACIR has been wrestling with change since 1985 and has been only marginally successful. He believes it is necessary to explore the psychology of change: how can change be encouraged? Commission vice-chair Wray said change management should be part of the previously discussed webinar and outlined some possible approaches. Commission chair Sharkey asked if there are resources to launch an effort in 2021 to determine how change can occur.

Commission vice-chair recommended beginning this aspect of the work on an *ad hoc* basis, addressing it individually for each study and with other activities. Commission member James O'Leary agreed and said it might be presented as an algorithm and described such an approach, noting the similarity to developing an algorithm for performing CPR.

Commission chair Sharkey said people have changed in the past year and so has government. The question is how to make some changes permanent. Commission vice-chair Wray said there is a steep hill to get a service started and then for sustaining it. Property tax reform and adopting advanced IT are very different. Commission member James O'Leary said we should bring in advice from experts.

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

There was no further discussion.

9. Future Discussion Topics

There was no further discussion.

10. Additional public comments

There were no additional comments.

11. Next meeting

Commission chair Sharkey said the next meeting will have a packed agenda and will be Friday, January 8, at 10:30. He said he hopes for a healthy season.

12. Adjournment

A motion was made and seconded to adjourn the meeting and it was approved unanimously. The meeting was adjourned at 12:08.

Minutes prepared by Bruce Wittchen, OPM