

# Local Government of the Future Subcommittee Advisory Commission on Intergovernmental Relations

Friday, December 18, 2020

A video recording is available at [NEED LINK TO ZOOM RECORDING](#)

**Members present:** Kyle Abercrombie, Carl Amento, John Filchak, Leah Grenier, Rick Hart, Marcia Leclerc, Brian O'Connor (alt.), James O'Leary, Francis Pickering, Lon Seidman, Brendan Sharkey (Chair), Bob Valentine, Lyle Wray (Vice-Chair)

**Other Participants:** Zak Leavy, Sheila McKay, Danny Medress, Dan Morley, Rick Porth

**ACIR staff:** Bruce Wittchen

## 1. Call to order

Commission chair Sharkey called the meeting to order at 9:06 and provided an overview of this subcommittee's purpose. He also noted that there are draft minutes of the group's previous meeting, but they were not included on this agenda for approval.

## 2. Discussion of Local Government of the Future initiative

Commission chair Sharkey said a goal for this meeting is to finalize recommendations for legislation in the approaching session. He provided an overview of legislative language already provided to the Governor's office, explaining that it would reconstitute the [Regional Performance Incentive Program](#) (RPIP) through the [Councils of Governments](#) (COGs) and [Regional Education Service Centers](#) (RESCs).

Commission chair Sharkey said he sees the subcommittee's priority at this time being to develop other recommendations for consideration by the legislature's [Planning & Development Committee](#) (PD). He noted that PD co-chair Re. McCarthy Vahey said people are being urged to limit the scale and scope of bills for the 2021 session. He sees the goal being a single bill, possibly titled An Act Concerning Recommendations of the ACIR. In addition to new sections, it should also include the language offered to the Governor's office. Commission vice-chair Wray asked if there has been any recent indication of support for that language from the Governor's office. Commission chair Sharkey said he will ask Jonathan Harris of the Governor's office.

Commission member Leclerc asked if the proposal for reconstituting RPIP would be accessing the same funds. Commission chair Sharkey said they called for not touching current funds. He pointed out that Bob Valentine wants to keep some funds available for small multi-town initiatives, but that is not included in the previously submitted language. He noted that he does not see the purchase of a street sweeper to be shared by three towns being an effective use of RPIP. There was a discussion of RPIP currently being a competitive grant funded by hotel and car rental taxes, so not having steady funding. Commission vice-chair Wray said [Regional Services Grant](#) (RSG) funding is a formula grant.

Commission chair Sharkey acknowledged the significance of the RPIP revenue issues and recommended the group consider the proposed bill language and asked if anyone would like to amend that language before it goes to the PD Committee. Commission member Valentine noted that the previous meeting's draft minutes describe a recommendation to review the success of a funded effort after 3-5 years. He also said cooperative efforts can succeed with just a few towns, especially in a rural area.

Commission chair Sharkey said the proposed language only requires such a program to be offered by the COG, it does not have to be used by all the towns. As an example, he described how a regional assessor based at a COG would be available to towns on an opt-in basis. He said the difference is that Commission member Valentine wants to maintain the ability of towns to undertake an effort independently of the COG.

Commission member Valentine contrasted the regional animal control facility overseen by the [Northeastern CT COG](#) (NECCOG) with the Torrington-Litchfield-Goshen operation managed by Torrington, not the COG. He added that Goshen, which has a part-time assessor, would not save by using a regional assessor; a COG engineer would be better.

There was a discussion of maintaining the availability of some funding through RPIP for multi-town initiatives not organized by a COG or RESC and of the focus being on starting services, not capital purchasing. Commission chair Sharkey asked if it would be acceptable if a COG applies on behalf of towns interested in a shared service. He noted that Commission member Filchak previously suggested block-granting [Local Capital Improvement Program](#) (LoCIP) funds.

There was general agreement about enabling COGs and RESCs to apply for RPIP funds. Commission chair mentioned comments Commission member Hart submitted with Jennifer Berigan and Commission member Hart said they are for clarification, to avoid ambiguity. Commission chair Sharkey showed and read those comments and, there being no objections, he said he will add those.

Commission member Pickering asked what the timeline would be for funded initiatives, would there be a deadline for towns to join? Commission chair Sharkey said funding would be on a rolling basis. Commission member Pickering asked if labor members or leaders would vote and Commission chair Sharkey said the current language does not propose how a bargaining group would decide. Commission member Pickering noted that the proposal specifies how a municipality votes, through the CEO, but does not do the same for labor. He said the language should specify that bargaining unit leadership decides.

Commission member Hart said executive boards usually have that decision-making authority for labor. Commission member Pickering noted the uncertainties associated with the envisioned RPIP initiatives and he is concerned about the proposed process becoming an impediment to modernizing. It could bog down the process if a town's labor executive board defers a decision to the members. He noted that a vote of everyone in town is not required for the current RPIP. Commission chair Sharkey said not every town must join to begin such an initiative.

Commission member Pickering said a sign-off by labor should not be expected before details are known. Commission member Hart said regionalizing assessment would have to be bargained, but labor can be nimble and not necessarily slow down such an effort. Commission alternate O'Connor suggested establishing a timeframe for labor to decide.

Commission chair Sharkey described how such a proposal might play out. A COG could broach the idea with the various bargaining units; one cannot veto the proposal for the entire region. Negotiation would happen when funded and the effort can proceed even if one holds out. A town whose labor held out can continue negotiation and join later. Commission member Pickering said the long impacts of a change will not be known and there was a discussion of bargaining unit negotiation. Commission alternate O'Connor said the legislative language should include a provision that labor only have that role if labor is affected.

Commission member Leclerc highlighted that there is a shortage of assessors. If there is an open position and a municipality keeps its existing employees, a labor agreement should not be required. She acknowledged the difficulties and said a town can provide assurances and this should not stop a regional approach. Commission chair Sharkey outlined language for the possible legislation. The

initiative would be housed at a COG or RESC, whose members can choose to join or not. He cannot see a regional effort being proposed if it will not be acceptable to labor. Negotiation would come later. Labor does not have a veto but cannot be ignored.

Commission vice chair Wray pointed out that automation results in dislocation; employees can move to other roles. It should be possible to consider a change before it can be vetoed, so when should that happen in the chain of actions? He agreed that not all towns will join at first and asked if police and fire unions should be able to veto finance software. Commission chair Sharkey said a COG or RESC should consult with labor prior to the RPIP application and, if there is unanimous opposition, it should not proceed. It should seek labor's endorsement, with negotiation to come later.

Commission alternate O'Connor said negotiations should be at the local level because municipalities have an existing relationship with labor. There was further discussion and general acceptance that if a critical mass of towns are considering a regional approach and have consulted with affected labor, they can proceed. Commission alternate said labor's endorsement should not be expected at the beginning; it can come later. There was further discussion of the timing of the RPIP application relative to the timing of the labor consultation.

Commission member Pickering said [enterprise resource planning](#) (ERP) software touches many people's jobs and noted the impacts of word processing in offices. Commission member Hart said the legislative language should require approval of any affected labor at the same point as COG approval. Commission member Sharkey said we should clarify what is meant by labor endorsement of a proposal. It can bog down if every bargaining unit has to sign off at the beginning.

Commission member Pickering said there must be a plan for working with labor and Commission member Hart said it should provide a timeline. Commission member Valentine said labor does have a veto in the community. He suggested including language requiring consultation with labor prior to proceeding with a change, but after the application is submitted. He said this can avoid a knee-jerk reaction at the beginning. Commission chair Sharkey read the language calling for labor endorsement and Commission member Valentine recommended changing that to consultation, with endorsement to be sought later. Commission chair Sharkey agreed.

Commission member Hart said potential pitfalls can be identified through that consultation and the process will be smoother if labor and management work together. There was further discussion of timing and Commission member Valentine said the municipality will have consulted with labor, but the proposed change will not be implemented without labor's agreement. Application for funding initiates that discussion.

Commission member James O'Leary referenced Commission member Leclerc's statement that not many of these proposals will go forward without guarantees for existing employees and said a proposal that does not eliminate jobs should not require consultation. Commission member Hart responded that consultation is a good idea: it provides everyone with an idea of a proposal's impacts. Commission alternate O'Connor said there ultimately will be job loss. It must be worked out with labor, but do not muddy up the process with that at the beginning.

There was further discussion of the timing, with consultation first and bargaining later. Commission member Hart said the process can be sped up with earlier labor involvement. Commission chair Sharkey said he will change "endorsement" to "consultation". Commission vice chair Wray added that it would be the municipalities that consult and Commission member Valentine said it should specify that participating municipalities consult.

Commission member Sharkey asked about other proposals and mentioned a suggestion that Commission member Seidman previously brought to the ACIR to provide greater flexibility to local boards of education. He noted that Commission member Seidman temporarily had to leave the

meeting but will return. He said rules for consolidation of services are governed by antiquated rules. Commission member Filchak has proposed possible language, but Commission member Seidman should participate in the discussion.

Commission member Valentine said the Region 6 and Litchfield school districts have regionalized services. He added that the proportional voting required of school districts is problematic for smaller communities because they lose control. Commission chair Sharkey said this should also be included in the proposed bill to be provided to the PD Committee, assuming we can agree on a fix. It deserves more discussion in another meeting in January. Commission alternate O'Connor said towns trying to work together can trigger state requirements for full regionalization, which is not wanted. There was further discussion of the impediments.

Commission chair Sharkey said the group should also consider two other sources when crafting possible legislation. The first is the ACIR's recent [report identifying executive orders for priority continuance and codification](#). The other is the [report of the Task Force to Promote Municipal Shared Services](#) that was submitted to the legislature earlier this year. He noted that there is some overlap and reminded everyone of Rep. McCarthy Vahey's advice to not overload a bill. He also highlighted the importance of avoiding political landmines that can scuttle an entire bill. Having everyone of the same page provides cover for a bill; we must avoid 3<sup>rd</sup> rail topics.

Commission member James O'Leary said change management begins at the outset. What issues might come up? What would change management experts suggest? Commission member Valentine said the [CT Council of Small Towns](#) (COST) has a good foundation for this and Commission chair Sharkey added that it would help move this forward if the ACIR mirrors what COST and the [CT Conference of Municipalities](#) (CCM) are proposing themselves. Commission alternate O'Connor noted that CCM has not yet endorsed the final recommendations of the work that it sponsored in this subject area, done by the [Collins Center](#).

Seeing that Commission member Seidman had rejoined the meeting, Commission chair Sharkey outlined additional concepts, one being the illogic of school board collaborations being impeded by statute. Commission member Seidman said the state definition of school district is limiting, being too narrow, forcing small towns to give up control. He described the approach taken by his and neighboring towns. They need a way to qualify as a [local education agency](#) (LEA), without being required to give up control.

Commission member Seidman said that if the property tax funding of schools does not change, we have to be more creative. He equated joining a regional school district to the level of commitment of getting married and said towns would benefit from a relationship with less commitment. Due to statutory requirements, his towns' central office must repeat paperwork five times. The state should allow towns to have more partnerships without such obligations. He referenced [CGS 10-158a](#), which authorizes cost-sharing entities, but requires separate boards.

Commission member Sharkey showed legislative language suggested by Commission member Filchak. There was further discussion and Commission member Seidman pointed out that the LEA language is regulatory. Commission chair Sharkey recommended working on this at the subcommittee's next meeting. He added that some time should be spent drafting this and the best practices language and the subcommittee should meet again before the next ACIR meeting.

Commission member Leclerc said there must be a lot of public participation. Be sensitive to the loss of jobs and to circumventing unions. She also noted the intersection of this with equity issues that have been raised. Commission chair Sharkey noted that this was first presented to the Governor as re-imagining government for improved efficiency, but it also can break down town-by-town barriers that feed institutional barriers. He will talk with Jonathan Harris of the Governor's office next week. The

focus is not on cutting jobs or forcing unpopular things; it is an opportunity to re-imagine more efficient and equitable government.

**3. Next steps**

There was no further discussion of next steps

**4. Adjourn**

A motion was made and seconded to adjourn the meeting and the meeting was adjourned at 10:47.

*Minutes prepared by Bruce Wittchen, OPM*