

Advisory Commission on Intergovernmental Relations

1849 Room, CCSU Student Center
Ella Grasso Boulevard, New Britain, Connecticut

Thursday, October 20, 2011 - 10:00 A.M.

Members Present: David LeVasseur (Chairman), Ronald Harris, Barbara Henry, Robert Kaliszewski, James O'Leary, Leo Paul, Virginia Seccombe, Scott Shanley, Joyce Stille, Michael Stupinski and Ron Thomas

Members Absent: Mark Allaben, John Finkle, Alice Meyer (Vice-Chairman), Sen. Stephen Cassano, Linda Krause, Mark Paquette and Timothy Stewart

Staff: Bruce Wittchen

Other Attendees: Steve Kliger, John Pasco, Ryan Rogers

Opening Remarks: Commission member LeVasseur called the meeting to order at 10:15 and introduced Steve Kliger of CCSU's Center for Public Policy and Social Research, who is again hosting the meeting. Mr. Kliger thanked the ACIR for meeting at CCSU and described some of the Institute's activities, including its professional development and education roles with the CT Town Clerks Association and the Connecticut Association of Zoning Enforcement Officials. He also introduced the Institute's John Pasco, who coordinates CAZEO training, and Ryan Rogers, a political science student who Steve noted is running for the Planning & Zoning Commission in Southington. Steve added that the Institute has strong research capabilities and hopes to work closely with the ACIR.

1. **Consideration of Minutes of July, 2011 Meeting:** A quorum of members was not yet present, so consideration of the minutes was deferred until later.
2. **Consideration of ACIR reports**
 - a. 2011 Municipal Budget Adoption Experiences Report: Bruce Wittchen referred to the draft budget adoption experiences report distributed to members and provided a brief explanation of how the report is prepared. He added that municipalities vary in how they account for certain expenditures and that the questions used in ACIR's survey do not seem focused enough to obtain a consistent set of data from towns. He hopes to get further input into next year's survey from the ACIR members most experienced in municipal finance.

Bruce Wittchen mentioned that the draft report no longer mentions the average municipal budget increase. He said reporting the average can be problematic and that number was 4.1% this year, although only 16 municipalities had increases larger than that. The number was inflated by the fact that some large cities had relatively large increases and it misrepresents the experience of most municipalities. The report now includes the median increase, which is the amount at which half the municipalities had a larger increase and half had a lower increase. The median increase was 1.5% and the report also mentions the largest increase and decrease. ACIR members agreed with reporting the median instead of the average and deferred approval of the report until a quorum was present.

- b. 2011 State Mandates on Municipalities Report: Bruce Wittchen referred to the draft report distributed to the members and noted that it includes more mandates and mandate reductions than previous years but that they were primarily small ones. He noted that many of the reductions were associated with state acceptance of email for certain notifications rather than previous requirement to use US Mail. Based on ACIR report definitions, even minor mandates and mandate reductions are tallied.

Commission member Kaliszewski said that some of the mandates only apply to municipalities that choose to do something, or even to those that are applying for state funding for certain projects. Bruce Wittchen agreed that some do and said the ACIR's annual compendium includes a separate category for mandates that only apply to a municipality that chooses to perform a particular activity.

Commission member Shanley pointed out that just because something is identified as a mandate does not mean that it is bad and Commission LeVasseur said the ACIR might want to reconsider how it identifies mandates. Commission member Paul said some state grants require a municipality's legislative body to approve a grant application, which is a hardship in a town where the legislative body is a town meeting. Commission member Henry said her town avoids that problem by voting at its annual town meeting to authorize the submission of any application for grant funding that requires such approval.

Commission member Kaliszewski pointed out that some of the identified mandates apply only to the three municipalities that operate energy companies. Commission member Shanley said the ACIR should think about the original intent of its mandate reporting and what its mission should be for the future. Should the mandates reporting be changed to reflect our current needs?

Commission member O'Leary pointed out the differences between ACIR's evaluation of fiscal impacts and the evaluations by the legislature's Office of Fiscal Analysis (OFA). Bruce Wittchen said OFA does not report fiscal impacts for many of the smaller mandates that ACIR reports.

Commission member Harris referred to the description of a mandate in PA 11-115 and noted that OFA concluded that there is not fiscal impact but ACIR states that there is. He said that PA 11-115 adds a two-day time limit to an already-existing requirement for a school district to transfer educational records when a student transfers to a new district. As he sees it, there is no cost in performing a task that you were already performing, even if there is new a time limit for doing it. Bruce said he identified it as a mandate because it can limit a district's ability to do something when convenient for the district. There was further discussion of differences between the OFA's and ACIR's criteria and what standard is appropriate.

Commission member O'Leary referred to the description of PA 11-111 in the report and how one of the new requirements is that a municipal animal control officer must post a photo of a stray animal online. He does not believe his town's officer would be able to do that. Bruce Wittchen said that he thinks the public act makes an exception when the officer cannot do so and he thought that was in the report, but that he might have lost the text during editing. He will check the public act and add the exclusion in the report. Commission member LeVasseur asked all the members to let Bruce know of any other changes.

Enough additional members having arrived at the meeting to constitute a quorum, the group returned to Item 1 of the agenda. Commission member Stille made a motion to accept the minutes and Commission member Paul seconded it. The motion passed unanimously, with Commission members Harris and Shanley abstaining because they had not attended the meeting.

The group proceeded to Item 2a of the agenda. Commission member Shanley made a motion to accept the Municipal Budget Adoption Experiences report and Commission member Stille seconded it. The motion passed unanimously.

The group proceeded to Item 2b of the agenda. Commission member Henry made a motion to accept the State Mandates report, subject to revisions, and Commission member Stille seconded it. The motion passed unanimously.

There was a discussion of the ACIR's history of mandate reporting. Commission member O'Leary said he believes mandates were more painful to municipalities fifteen years ago and maybe, because of the ACIR's activities, the state's leaders are more aware of the potential burden and are more careful now. Commission member LeVasseur said the Connecticut Council of Municipalities (CCM) and Council of Small Towns (COST) look to the ACIR's work too and, these days, it's the federal government that has the more painful mandates.

Commission members Shanley said there are differences of opinion about mandates within CCM and some municipalities want to maintain prevailing wage requirements or to allow a local option rather than to eliminate or narrow requirements as would be preferred by most municipalities.

- c. 2011 Annual Report: Bruce Wittchen referred to the draft annual report and noted that it's a brief report that refers to and identifies highlights from the ACIR's other reports. A motion was made and seconded to accept the report and the motion passed unanimously.

Referring back to the discussion of the mandates report, Commission member Shanley said the reason we care about mandates is because of the effect on property taxes and who has to take the heat for a property tax increase. There was a discussion of the magnitude of property taxes in CT and of the effects of mandates. Commission member Stupinski said that a mandate like prevailing wages should at least be indexed for inflation and there was a discussion of the length of time since the current project cost standard was established. Commission member Shanley said we need to come to grips with the tax structure problems of CT. Should 40% of tax revenue be derived from a property tax?

Ron Thomas said there is no consensus regarding which mandates to eliminate and noted that newspapers and the state Freedom of Information Commission oppose any allowance for publishing municipal legal notices online. There was a discussion of how the requirement for publishing legal notices has become an entitlement for newspapers and they acknowledge how important the revenue is to them. Commission member Seccombe said another concern is how opposition to a mandate is perceived. Someone's opposition to an anti-bullying mandate can be portrayed as the person being in favor of bullying, which is incorrect.

- 3. **Old Business**: Commission member LeVasseur said the ACIR can continue this discussion at its coming meetings and discuss how it might refocus its activities. Commission member Shanley added that the ACIR should re-evaluate its mission and there was a discussion about trying to

have a greater impact. Someone asked if the legislature's MORE Commission of 2010 is still active and there was a brief discussion.

4. **New Business:** Bruce Wittchen distributed a schedule of meeting dates for 2012 and meetings are scheduled for January 26, April 19, June 28 and November 15. That is one less meeting than was scheduled for 2011 but, as was also done in 2010; the final meeting of 2011 is being canceled because all ACIR business for the year has been completed. During 2012, in addition to continuing today's discussion, the goal is to review the 2012 Compendium supplement in January, the 2012 session mandates report in June and the municipal budget and annual report in November. That schedule conforms better with the timing of the 2012 legislative session and with municipal budgeting. The April meeting is scheduled for a few weeks before the end of the 2012 regular session and will be an opportunity to discuss and respond to legislation of interest.

The next meeting will be at 10:00 on January 26, 2012, at CCSU

The meeting was adjourned at 11:15.