

Advisory Commission on Intergovernmental Relations

Hearing Room 2A, Legislative Office Building
Hartford, Connecticut

Wednesday, September 18, 2013 - 1:00 P.M.

Members Present: Dave LeVasseur (Chairman), Carl Amento, Frederick Baruzzi, Sen. Stephen Cassano, Jim Finley, Sarah Hemingway, Scott Jackson, Robert Kaliszewski, Linda Krause, Rep. Frank Nicastro, James O'Leary, Mark Paquette, Leo Paul, Lisa Roy, Scott Shanley, Joyce Stille, and Jim Watson

Members Absent: Ryan Bingham, John Finkle, Barbara Henry, and Michael Stupinski

Staff: Bruce Wittchen

Others: J.H. Torrance Downes, Robert LaFrance, Sheila McKay, Charles Rothenberger

Opening Remarks:

1. Call to Order

Commission member LeVasseur called the meeting to order at 1:05 and, due to the presence of new ACIR members and others, asked everyone to introduce themselves.

2. Consideration of the [Minutes of the February 19, 2013 Meeting](#):

A motion was made and seconded to approve the February 19, 2013 minutes. An error was noted in the date of the meeting and Bruce Wittchen said he will correct that. There was no further discussion and the minutes were approved unanimously, with Commission members Finley, Hemingway, Jackson and Roy abstaining because they had not attended the meeting.

3. Old Business:

a. Other:

There was no old business

4. New Business:

a. Mandates reporting – definitions and format

Commission member O'Leary said the ACIR has, over the years, attempted to quantify the impact of mandates and asked if the [General Assembly's Office of Fiscal Analysis](#) (OFA) still do its reviews? He added that "minimal mandate" is too nebulous of a term as used in the draft mandates report and the impact of a mandate can be very different in Colebrook than in New Haven. Bruce Wittchen explained that this particular report has long distinguished between mandates and minimal mandates and said the difference is qualitative, not quantitative.

Commission member O'Leary said he had thought the ACIR's evaluations were quantitative and Commission member LeVasseur said this has always been a problem, in part because of the

differences among large and small communities, as pointed out by Commissioner member O'Leary, but also because the magnitude of a mandate's impact will vary depending on how different municipalities implement it. Commission member O'Leary said a mandate's impact should be quantified to the extent possible and, if it cannot be determined with adequate precision, the report can say that the impact cannot be determined.

Commission member Finley said the OFA has too much to handle due to the resources it has lost and the [CT Conference of Municipalities](#) (CCM) and [CT Council of Small Towns](#) (COST) try to fill the gap. Going forward, Commission member Finley recommended the ACIR only list mandates in this report without characterizing them as minimal or not. He made a motion to do so, beginning with this report and Commission member Stille seconded the motion. Commission member LeVasseur asked if there is any further discussion.

Commission member Krause asked if there is any alternative approach that might provide an indication of a mandate's impact. She noted the difficulty, and as an example pointed out that a municipality with a full-time webmaster might easily handle a mandate for posting information online, while one with a part-time or volunteer webmaster might have to devote more resources to that function. She said she doesn't have a good answer for solving this and asked if anyone else has any ideas.

Commission member Paul said he has a more central question – what is the point of this report and of the ACIR? He said the ACIR produces reports, but what do we do with them? Why is the ACIR not more active during legislative sessions? Commission member Cassano said every bill is a mandate on someone. He mentioned the 2013 session's mattress stewardship bill ([PA 13-42](#)) and said it imposes a burden, but it is intended to be for the public good. He said many of the mandates having the greatest impact on municipalities focus on education and that is a big impact on municipalities but for a big public good.

Commission member Cassano said CT leads all states in its quality of life and we should not use an overly broad brush with mandates. Without mandates, we would not want to live next to some people and some towns. Commission member Nicasastro said he agreed and suggested the ACIR form a group that can meet with legislative leaders regarding ACIR members' concerns. He mentioned [PA 13-34](#), which requires each municipality to designate a veterans' service contact person. That is a mandate on municipalities, but we have thousands of veterans coming home and we have a duty to them.

Commission member Nicasastro said there is a reason for many mandates, but he has voted "No" more times in the past two years than ever before. He suggested that the ACIR compile a list of mandates during the session and meet with the legislative leaders to discuss them. Commission member Shanley asked that, if the ACIR's current reports are not of value to legislators, what is the value in the reports. He noted that such compilations, even without advocacy, do provide some value.

Commission member Krause said former member Alice Meyer, who was a founder of the ACIR, had said the ACIR was supposed to have greater authority. Commission member Krause added that this could be taken up under New Business; perhaps the ACIR is not doing what it was intended to do. Commission member Cassano said people should think about what the ACIR's role should be. He noted that the legislature's [Municipal Opportunities and Regional Efficiencies](#) (MORE) Commission and various regionalism initiatives are also looking at the relationship between the state and municipalities.

Commission member O'Leary said the ACIR used to do more and noted that it produced white papers and sponsored symposiums regarding mandates, but there was little movement. There also was more discussion among the members. The ACIR had met monthly and legislators would attend meetings. OPM was ACIR's work horse, but OPM did not set the agenda. There have been changes and the group is more passive now. Commission member Jackson said each municipality must do its own analysis to determine the impact that each mandates will have on it. He mentioned that Hamden does not have dams, so a mandate regarding dams is not relevant to the town. He believes the ACIR's retrospective review is appropriate. Commission member LeVasseur asked if there is any further discussion regarding the motion and, there being none, the members voted and approved the motion unanimously, so this and future editions of the mandates report will not include a separate category of minimal mandates.

The group returned to the question Commission member Paul had raised earlier – what is the point of this report and of the ACIR? – and Commission member LeVasseur recommended the ACIR appoint a small work group to work on that. He pointed out that some ACIR members cannot be involved in advocacy. Commission member Roy said that, as a new member, she would like to know more about the original intent for the ACIR and of what has changed since then.

Bruce Wittchen provided a brief overview of the ACIR's history, noting that most of it occurred prior to his involvement. He said CT's ACIR was an outgrowth of an ACIR effort undertaken at the federal level. The ACIR was established as a research agency with a broad mission plus a budget and staff. Over time, the legislature assigned specific reporting duties to the ACIR, such as the mandates report discussed at this meeting and, as the ACIR lost funding and staff, the focus narrowed to completing those required reports. Commission member Baruzzi said the ACIR should also advise, not only report, and should have a voice before a mandate is passed. Mandate relief should be considered for those for whom a particular mandate is an especially big issue. Commission member Finley said the ACIR's research should contribute to policy development.

Commission member Cassano asked if, without appearing political, can the ACIR advocate for the release of [Nutmeg Network](#) broadband funds. Commission member Paul said the ACIR should be able to do that. Commission member Cassano asked Commission member LeVasseur if the ACIR can do so and Commission member LeVasseur answered that he did know any reason that it cannot, but some members should not participate.

Commission member O'Leary said the ACIR used to weigh in on matters in the past, but did stay out of politically thorny issues. Council member Shanley said this is an appropriate agenda item. Broadband funds must be way back on the state's queue and this might help, although he is not in favor of the ACIR being an advocacy group. He added that, regarding Commission member Nicastro's comment regarding the mandate for towns to designate a veterans' service contact person, the state should put pressure on the [US Dept. of Veterans Affairs](#) to provide better services for returning veterans as was done before Viet Nam. Commission member Shanley said he prefers the ACIR's research role because it maintains the group's credibility.

Commission member Nicastro said meeting three times per year is not enough. A simple majority can pass a mandate and it is important that everyone be informed. Commission member Paul said he is very pleased with this discussion and is willing to meet more frequently and to serve on a work group. He would like to see the ACIR be more active during legislative sessions and be able to provide information about unfunded mandates.

Commission member Nicastro said the MORE Commission is accomplishing things because [Speaker Sharkey](#) has pushed it to get things done. Commission member Krause noted past research conducted by the ACIR and asked if OPM is capable of doing more for the ACIR. Commission member LeVasseur said Bruce Wittchen also has other responsibilities and that there used to be a stipend that could pay to do additional things. Commission member Cassano said every agency has staffing limitations, but other entities, such as the General Assembly's [Office of Program Review & Investigations](#) and [Office of Legislative Research](#) have staff and perhaps the ACIR can make use of their resources.

Commission member Jackson said he agrees with Commission member Cassano's suggestion and added that he believes the ACIR should not limit itself to mandates and should also look at enabling statutes. We are an advisory group and the goal is a more effective, interlaced government.

5. Consideration of ACIR reports:

a. State Mandates on Municipalities: Actions in 2013

There was a motion to approve the report as amended by the earlier discussion to not categorize any mandates as being minimal. The motion was seconded and approved unanimously.

6. The next meeting will be at a time and place to be determined

Commission member LeVasseur said he will look into options for scheduling additional meetings and arranging the workgroup as discussed at today's meeting. Commission member Krause asked if it will be possible to take up the Nutmeg Network comments at the next meeting. Commission member Paul suggested the group take it up today, but Commission member LeVasseur recommended the ACIR reach out to the various players involved with it. He noted that it includes different funding streams, which is part of the problem that must be addressed.

Commission member Cassano recommended the ACIR send a letter to the players and Commission member Krause mentioned that municipalities have been receiving letters about the network. Commission member LeVasseur said OPM will be distributing letters about the [Regional Performance Incentive Grant program](#) around the end of the month. Commission member Krause said there is a lot of confusion about these efforts at the municipal level and said the ACIR is a possible avenue for informing towns of state initiatives.

The meeting was adjourned at 2:15

Minutes prepared by Bruce Wittchen, OPM