

PA 11-099

HB5780

House	3669-3684	16
Planning & Development	648-657, 674-675, 695-697, 701-711, 713-717, 893-902, 953-954	43
<u>Senate</u>	<u>6552, 6573-6578</u>	<u>7</u>
		66

H – 1102

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2011**

**VOL.54
PART 11
3438 – 3771**

House Bill 6338 as amended by House "A".

Total Number voting	142
Necessary for adoption	72
Those voting Yea	142
Those voting Nay	0
Those absent and not voting	9

SPEAKER DONOVAN:

The bill as amended it passes. Are there any announcements? Are there any announcements? If not, will the Clerk please call calendar number 128.

THE CLERK:

On page five, calendar 128, House Bill number 5780, AN ACT CONCERNING INTERLOCAL AGREEMENTS. Favorable report by the committee on planning and development.

SPEAKER DONOVAN:

Representative Becker of the 19th.

REP. BECKER (19th):

Mr. Speaker, I move for acceptance of the joint committee's favorable report and passage of the bill.

SPEAKER DONOVAN:

The question is acceptance of the joint committee's favorable report and passage of the bill. Representative Becker, you have the floor.

REP. BECKER (19th):

Thank you, Mr. Speaker. House bill 5780 is tied to regionalism. It clarifies that one municipality can work with one or more other municipalities in any area in which they think they can realize savings or efficiencies. It also shortens and simplifies the approval process which will save municipalities time and money. Currently there are two statutes on the books that appear to be at odds with one another.

The first says essentially that anything one municipality can do on its own, it can do with another. The second older statute says that if municipalities want to work with one another they may enter into interlocal agreements but only in specified substantive areas that are set out in a list. This puts the older statute at odds with the newer statute. The bill before you seeks to rectify the discrepancy by replacing the list in the older statute with the broader language of the newer statute.

Current law also requires interlocal agreements to address various procedural issues for example maximum duration, dispute resolution, et cetera. This bill allows the parties to negotiate whatever terms they see fit and only requires them to establish an

agreed upon process for amendment, terminating or withdrawing from the agreement. Finally the bill simplifies the approval process. Currently there are two different approval processes.

The process a municipality follows depends upon which statute it is seeking approval under. Each process can be cumbersome and costly to municipalities. One requires the same approval process that is used for ordinances or budget which generally requires a public hearing. The other requires municipalities to hold at least one public hearing.

This bill would create one approval process that requires each municipality to submit a proposed interlocal agreement to its legislative body which must after providing an opportunity for public comment vote to ratify or reject it. This streamlines the approval process and should save municipalities time and money.

The bottom line is that municipalities that want to work together to save costs and retain or improve services should be encouraged to do so and should not have state law be an obstacle. Now during the public hearing process a concern was raised about how the

term legislative body would be applied in town meetings municipalities.

After some discussion with colleagues on both sides of the aisle the proposed amendment that's in the hands of the Clerk is designed to address that concern. Mr. Speaker, the Clerk has amendment LCO number 6469. I would ask the Clerk to please call the amendment and that I be granted leave of the Chamber to summarize.

SPEAKER DONOVAN:

Will the Clerk please call LCO 6469 which will be designated House Amendment Schedule "A".

THE CLERK:

LCO number 6469, House "A" offered by
Representatives Becker and Candelora.

SPEAKER DONOVAN:

The Representative seeks leave of the Chamber to summarize the amendment. Is there objection to summarization? Is there objection? Hearing none, Representative Becker, you may proceed with summarization.

REP. BECKER (19th):

Thank you, Mr. Speaker. The proposed amendment addresses the concern I just mentioned by amending the

bill to permit a town meeting in a municipality with a town meeting form of government to delegate authority to enter into an interlocal agreement to the board of selectman. The amendment is permissive not mandatory. Should a town choose to delegate authority to enter into interlocal agreements to its board of selectman, it would make it easier for that town to take prompt action on interlocal agreements. I move adoption.

SPEAKER DONOVAN:

The question before the Chamber is adoption of House Amendment Schedule "A". Will you remark on the amendment? Will you remark on the amendment?
Representative Aman of the 14th.

REP. AMAN (14th):

Yes. Thank you very much, Mr. Speaker. I do believe that this amendment in general does take care of one of the major concerns that some of the smaller towns had regarding the legislative body which was the town meeting. And that the way the original bill was drafted it would have taken some of that authority away from them and put it just in the hands of the selectman. This I believe does take care of it.

The one question I have through you, Mr. Speaker, is the legislative body or the town meeting when they

vote to give permission to the board of selectman to enter into an interlocal agreement, would this authority be granted on a particular type of project of just in general saying that any time in the future you could enter into a interlocal agreement without coming back to the legislative body.

REP. BECKER (19th):

Through you, Mr. Speaker. That would be at the discretion of the local town meeting. They could choose to do it either way.

REP. AMAN (14th):

I thank the proponent for giving me that information and since it is completely at this point up to the legislative body and how they do it I would recommend to my colleagues that they support the amendment.

SPEAKER DONOVAN:

Thank you, Representative. Representative Miner of the 66th.

REP. MINER (66th):

Thank you, Mr. Speaker. I too have just a couple of questions on the proposed amendment if I could.

SPEAKER DONOVAN:

Please proceed, sir.

REP. MINER (66th):

Thank you, Mr. Speaker. In line six it talks about providing an opportunity for public comment and my understanding as we were discussing the development of this amendment what was hoped was that there wouldn't need to be a separate public hearing but in fact during the town meeting that might be called that would be the opportunity for public comment. Am I correct? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Becker.

REP. BECKER (19th):

Through you, Mr. Speaker. Yes.

SPEAKER DONOVAN:

Representative Aman. Representative Aman. I see.

REP. MINER (66th):

All right. Well I'll go with that because you're not going to change I can just tell.

SPEAKER DONOVAN:

Representative Miner. Excuse me. Now I see the difference now.

REP. MINER (66th):

I'm just watching out for the best interest of

Representative Aman. And -- and in line 12 where it talks about ratifying and rejecting. I understand the gentleman's response to Representative Aman. I was under the impression that in all likelihood the town meeting would be called and that town meeting would authorize the -- if the town so choose to authorize the board of selectman to make the decision.

It wasn't my understanding in line 12 that that actually could mean that you -- you might afford that opportunity to future boards of selectmen thereby binding a board that wasn't currently elected. So if the gentleman could clarify for me. I was hoping that this language was more definite as to -- if I wanted - - if I was the first selectman of the Town of Warren and we were proposing an interlocal agreement with the Town of Morris that the town meeting could grant the board of selectman the ability to enter into that agreement.

But if I understood the gentleman correctly when asked by Representative Aman it appears that that language might actually go beyond in which a town meeting could be called to afford not only that current board of selectman but a future board of selectman the opportunity to enter into interlocal

agreements. Through you.

SPEAKER DONOVAN:

Representative Becker, would you like to answer Representative Miner's question?

REP. BECKER (19th):

Mr. Speaker, through you. The -- under the amendment, yes. A -- a town meeting could choose to authorize the current board of selectman for the current manner or it could set up certain parameters to be followed.

For example it could give the power to the board of selectman to enter into interlocal agreements below a certain dollar amount. It could reserve certain functional capabilities to itself and delegate everything else to the board of selectman. We're really giving carte blanche to the town meeting which is the legislative body to make up whatever rules it sees fit and to let towns govern themselves.

This has nothing to do with the state statute but rather leaving it up to the towns to decide how they want to run it.

SPEAKER DONOVAN:

Most distinguished Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker. And the last question on the amendment is that we had had a conversation also with regard to expenditures. And under Connecticut law a board of selectman can't spend money that wasn't approved by the town meeting that set up the budget.

It's been my understanding and still is that even with this amendment that threshold requirement would not go away by virtue of passing this amendment. Is that in fact true? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Becker.

REP. BECKER (19th):

Through you, Mr. Speaker. That is correct. This statute does not change local ordinances or rules.

SPEAKER DONOVAN:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker. And I thank the gentleman for his answers and I thank him for his effort on this amendment.

SPEAKER DONOVAN:

Thank you, Representative. I apologize again for making a mistake there. Will you remark further. Will you remark further on the amendment. If not, I

will try your minds. All those in favor of the amendment please signify by saying Aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

All those opposed Nay.

The ayes have it. The amendment is adopted.

Will you remark further on the bill as amended.

Will you remark further on the bill as amended.

Representative Aman of the 14th.

REP. AMAN (14th):

Thank you. With the amendment is took care of the major problems. It seems like every year the planning and development committee goes through this in a variety of ways that the goal of the committee has always been whatever a town can do by itself, whatever a board of education can do by itself they can also do in combinations with other municipalities.

And it seems like every year we find other parts of the statutes that don't allow this to happen or confuse things or town attorneys are interpreting it different. But hopefully with this particular bill we will find the last few areas that that conflict exists and it will be very clear to municipalities that if

they are allowed under state statutes to perform a certain function, they are allowed to form an agreement with other towns, other municipalities, other boards of ed. to perform that same function.

And I believe that is the intent of this legislation. And therefore will encourage the passage of it. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative. Representative Miner of the 66th.

REP. MINER (66th):

Thank you, Mr. Speaker. We thought we would run that through again. If I could just two clarifying questions on the bill as amended. Through you please.

SPEAKER DONOVAN:

Please proceed, sir.

REP. MINER (66th):

Thank you, Mr. Speaker. We'd had a conversation about charter communities of which those that I represent are not but just to be clear, for municipalities that have a governing body that is formed under charter this does not supersede that local authority so anything that they've established through the charter process it's our understanding

that that remains -- the home rule aspect of that remains. Is that correct? Through you.

SPEAKER DONOVAN:

Representative Becker.

REP. BECKER (19th):

Through you, Mr. Speaker. That is correct.

SPEAKER DONOVAN:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker. And the gentleman and I had had a conversation under the underlying bill, lines 45 through 67 are deleted and I think the gentleman talked about the fact that there was a conflict between an earlier statute, the current statute and that the effort was to do away with that whole list and say clearly that anything any municipality can do, multiple municipalities can do by joint agreement and an interlocal agreement.

And so things like sharing ambulance services, things like sharing public works equipment, things like sharing resident trooper programs, all those things would be contemplated because they're not specifically identified. They're all contemplated as being acceptable.

If you can do it on your own -- the town of Warren can do it and the Town of Morris can do it then they can form an interlocal agreement and do them together. Is that correct? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Becker.

REP. BECKER (19th):

Through you, Mr. Speaker. Absolutely correct.

SPEAKER DONOVAN:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker. And I thank the gentleman for his answers. I think the -- the Chamber has known that I've been long been an advocate for voluntary regional -- regional efforts and whether I was a first selectman at the time or serving here I think there were a lot of opportunities for people to work together.

And when it makes sense most towns want to do this sort of thing. So I thank the gentleman for his effort with this bill and the committees that it's come through. And I plan to support it. Thank you.

SPEAKER DONOVAN:

Thank you, Representative. Will you remark

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further on the bill as amended. Will you remark
further on the bill as amended. If not, will staff
and guests please come to the well of the House. Will
the members please take your seats. The machine will
be open

THE CLERK:

The House of Representatives is voting by roll
call. Members to the Chamber. The House is taking a
roll call vote. Members to the Chamber please.

SPEAKER DONOVAN:

Have all Members voted. Have all Members voted.
Will the main -- Members please check the board to
determine if your vote is properly cast. If all
Members have voted the machine will be locked and the
Clerk will take a tally. Will the Clerk please
announce the tally.

THE CLERK:

House Bill 5780 as amended by House "A".

Total Number voting 142

Necessary for adoption 72

Those voting Yea 142

Those voting Nay 0

Those absent and not voting 9

SPEAKER DONOVAN:

The bill as amended -- as amended is passed.

Will the Chamber please stand at ease.

(Chamber at ease.)

SPEAKER DONOVAN:

The House will come back to order. The House will come back to order. Are there any announcements or introductions? Any announcements or introductions? I think there would be at least a couple.

Representative Clemons.

REP. CLEMONS (124th):

Good evening, Mr. Speaker. For a general transcript notation.

SPEAKER DONOVAN:

Please proceed, sir.

REP. CLEMONS (124th):

Thank you. For journal notation missing votes today, Representative Tercyak, family business, Candelaria, family business, Herbert, family business, Moukawsher, illness, Backer, illness, Esposito, illness. Transcript notation legislative business outside of Chamber, Representative E. O'Brien, Walker, Kirkley-Bey, Tong, Genga, Woodlitz, Abercrombie, P.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**PLANNING AND
DEVELOPMENT
PART 3
628 – 964**

2011

onerous on the municipalities from a financial perspective.

SENATOR CASSANO: Thank you.

RUDY MARCONI: Okay.

SENATOR CASSANO: Anyone else? Thank you very much for your time.

RUDY MARCONI: Thank you.

SENATOR CASSANO: Representative Brian Becker.

REP. BECKER: Good morning, Chairman Cassano, Ranking Member Aman, other members of the Committee.

I want to thank you for making House Bill 5780, which is An Act Concerning Interlocal Agreements, a Committee bill, and for taking the time to hear it this morning.

This is another bill that's designed to help municipalities to make it easier for them to do things on a regional basis.

It came to my attention that we actually have two statutes on the books right now. There's a more recent statute that grants municipalities essentially blanket authority to do anything that they can do on their own with another municipality, and that seems to be fairly straightforward.

However, there's an older statute that says that municipalities that want to do things together can enter into what's known as an interlocal agreement, but they're limited to certain substantive areas, a list, and that list is clearly not everything, so there

appears to be some inconsistency there.

In addition, there is a -- a rather cumbersome approval process that municipalities have to go through in order to get these types of agreements approved, involving public hearings, various notices, so it's long -- similar along the lines of what [inaudible] Marconi was talking about and the expense and time it has to go through that.

But there's been confusion over this. There are corporation counsel around the state who have been puzzling over how these two statutes work together, and they're spending legal time and money on this, and it seems to me that we ought to be able to do things more efficiently.

In speaking with LCO on this, they agree. They think that it's possible that these statutes are in conflict. At best, they're confusing and we ought to fix them.

And so I brought with me today the Mayor of West Hartford, Scott Slifka, and our deputy corporation counsel, Pat Alair, who have also had input into this bill and have looked at this language and worked on this and are here today to speak to the savings that towns and cities might realize and also talk a little bit further about what's going on in the corporation counsel community so you can hear from them.

So I'm going to yield the floor to Mayor Slifka. Thank you.

SENATOR CASSANO: Mayor Slifka, welcome.

SCOTT SLIFKA: Good to see you, Mr. Chairman.

Thank you, Representative Becker, for bringing this forward, and thank you for making this a Committee bill.

This came up in our initial discussions with Brian as he was -- as he was taking office, and it's the kind of -- it's a technical thing that most people don't pay a lot of attention to, but it could make a big difference to municipalities across the state.

You are all looking for ways to save money. We are looking for ways to save money, and one of those ways is to -- is to find incentives to have our municipalities cooperate on -- on saving money.

And unfortunately, due to something that is probably an error of no one, that's no one's fault, we have a disincentive in the way that the law is written.

And my deputy corporation counsel, Pat Alair, is going to walk you through in a moment a recent project we did with -- with four other towns in the region to hire -- attempt to hire a regional energy manager.

From my perspective, it was the kind of thing that sounded -- sounded great and sounded great to my fellow mayors and first selectmen. We found a common project, found something we could all work on, divide the costs by five, sounds great to everybody.

It [inaudible] to pull off because of all of the burdens that were put on by this law. And Pat will walk you through it. I'm the

person who gets to state here's the policy that we want to achieve. Mr. Alair is the person who had to work for over a year to try to draft it, so perhaps more important to hear from him.

But I know you're -- you're desperately trying to find ways to save money. I know that Mr. Reynolds in particular, we've talked in the past in trying to find incentives for municipalities, and this -- it's tough to quantify.

I know everybody wants to put a number on these things. It's tough to quantify what this would save us in terms of money, but I can tell you, in sort of echoing Mr. Marconi's remarks, that we -- we do spend 30 to \$40,000 a year on posting notices. And part of this law requires us to post notice for a public hearing simply to approve this type of agreement that we might have made with these other communities, and we'd like to save some small portion of that, if we could.

So I thank you for your time. I thank you for your attention to this before we even got here, and thank you again to Representative Becker for bringing us here today, and I'd like to introduce Pat Alair.

SENATOR CASSANO: Welcome.

PATRICK ALAIR: Good morning, Mr. Chairman, members of the Committee.

Mayor Slifka alluded to a project that we recently did in West Hartford. We recently received a grant from the state through OPM to share a regional energy manager with four

other towns, Bloomfield, Simsbury, Farmington and -- I knew I'd forget one. Avon. Thank you.

And the -- the five towns, each would -- would participate in hiring a single manager, get the best price that way. None of us on our own had enough work to -- to get the best price from a good competitive firm that had a great deal of expertise, pool our resources. We did.

The catch is, if any one of us by ourselves wanted to contract with an energy manager, it's a straightforward contract.

For any one of us to contract with any other town to do that together, under existing law you have to first figure out which of the two statutory schemes applies.

Then whichever of those schemes applies, we are required to hold a public hearing on the interlocal agreement before we can actually enter into the agreement with the contractor.

So it's a procedural hoop that none of us would have to go through acting alone but all have to go through acting independently -- or together, rather.

Worse yet, if there was a disgruntled bidder, if there was a citizen in any one of those five towns who didn't like the contract, they could go to any one of the other five towns and go, ah-ha, they didn't comply precisely with the letter of these procedural requirements and kill all five towns' project.

So the -- the simple solution that -- that

Representative Becker has proposed, and it's now been made a committee bill, is essentially to merge these two schemes that there is one, to expand the total -- the field, if you will, for interlocal agreements to anything that any municipality could do by itself, and to eliminate the procedural requirements that make it more cumbersome to act together than to act alone, and we strongly urge you to support it.

SENATOR CASSANO: All right. Questions of the Committee? Anyone?

Yes, Representative Candelora.

REP. CANDELORA: Thank you, Mr. Chairman.

Just in taking a look at the two statutes, it seems as if one of them speaks specifically to municipalities, and the other one creates more -- speaks more generally to public agency.

So I'm wondering if, you know, there is an attempt or there was an attempt with the two statutes that we are specifically -- the more specific statute is allowing municipalities to sort of broadly enter into interlocal agreements.

That other section, which contemplates more of a broad public agency definition, might -- might have meant to deal with, you know, state agencies or entities of that nature, and I'm wondering if -- if there was discussion about that, and I ask it because I -- I'm definitely sympathetic to what you're saying, but I want to make sure that if we do clarify these statutes, maybe we should be bifurcating the process and making it clear that the state has certain standards

and municipalities have others.

REP. BECKER: I don't have the -- the definition of public agency before me, but I know in working with LCO, we took a look at that, and we tried to wrap in -- all of the entities into this so that they could all work together in whatever way they see fit and do it as simply as possible.

So it was trying to encompass it all and have one process, regardless of which type of venue we have, and -- excuse me one second.

Right. Thank you. Allison just pointed out to me she has the statute here, and public agency includes city, town, borough. So it's part of that definition as well.

So again, trying to bring these two statutes together, we swept it together and tried to make it consistent.

SENATOR CASSANO: But as we draft a committee bill, maybe we'll look at that aspect of it and make sure that we aren't talking municipalities, because I -- as Mayor Slifka says, there have been, I know just from PROG experience, many, many, many occasions where towns began the process of doing something together but weren't permitted by the statute, and you can't measure the savings, but we know that many have tried and failed because of it, so we can address that municipal part of it.

A VOICE: Mr. Chairman, if I could follow up on that? I think if you look at Sections 1 and 2 of the bill, what you'll see is that the definition of "municipality" in the first bill -- and I think this sort of explains

what you were getting at -- is expanded to include metropolitan districts or municipal districts, while the definition of "public agency" in the second bill goes back -- which already includes those entities goes back and says we're going to use the definition in the other section now.

So it makes them consistent. It does open the first section up to including metropolitan and municipal districts; but in most cases, those are already con -- considered to be quasi-municipal anyway.

So I think the intention was to make them relate. And frankly, if we could sit down and have an interlocal agreement with MDC, a lot of times that would be just as effective as one with Bloomfield or Avon or Simsbury.

REP. CANDELORA: Yes, and that makes sense. And I know -- I think this interlocal statute's fairly old, and we've certainly seen new agencies and animals popping up over the last 30 years, so it does make sense.

I was just pointing out maybe that other section dealing with public agencies and interlocals between -- I think it was between states as well -- might -- might need to stay as a separate animal and then we look at interlocal agreements between municipalities, between quasi-public agencies, you know, among the entities within Connecticut.

Thank you.

SENATOR CASSANO: Thank you. Other questions?

REP. BECKER: Mr. Chairman, if I could just add, originally we were looking to perhaps repeal

the interlocal statute, because as Representative Candelora points out, it is an older statute. But that term is used throughout the statutes in too many different places, and it creates havoc.

That's why we tried to marry the two and make them consistent.

SENATOR CASSANO: Okay.

REP. BECKER: Thank you.

SENATOR CASSANO: Thank you. Sorry, Senator Fasano.

SENATOR FASANO: Just before you leave, I know that you met a lot of us separately on this bill, and I appreciate that.

And I think Representative Candelora's remarks are well taken. I think this Committee understands that we're trying to make these agreements more smooth. And if there is this biting between these two sections, we're going to -- I think we've agreed that we're going to look at it.

But I think it's important to keep in mind that we don't have unintended consequences that open up other Pandora's boxes that we may not want to open.

But we certainly understand the concern, and we certainly understand we should streamline it; otherwise, we're not going to get the intended effect that we want from having these agreements.

And we thank you for raising the bill. It's a good comment.

SENATOR CASSANO: [Inaudible].

A VOICE: Mr. Chairman, I just kind of in closing wanted to amplify a remark you made before, based on I know your municipal experience that there's a lot of communities that try to enter into an agreement and we're unable to based on the law.

I think the other concern we have based on this experience we had with the energy consultant is there are a number of these communities that are not even really willing to engage in the discussion right now because they've been so discouraged by the past experience. They say it sounds like it's great, but in the end is it worth all that time and effort to save a little bit of money.

And I don't think that's the kind of message we want to send in this type of economic climate.

SENATOR CASSANO: Right. Agreed. Thank you.

A VOICE: Thank you.

SENATOR CASSANO: All right, gentlemen, thank you very much.

Senator Rob Kane and then Senator Ed Meyer. Welcome.

SENATOR KANE: Senator Cassano, members of the Planning and Development Committee, you have my testimony. I won't read it to you, but just to give you a little background on this proposal, the State of Connecticut has a -- has had a marijuana and controlled-substance tax since 1991. That's how long it's been on

HB6293

SENATOR FASANO: And I don't think that's the import of it, but I'm mindful of what you said, and I appreciate the comments. Thank you.

Thank you, Mr. Chairman.

SENATOR CASSANO: Other questions or comments?

DEANNA RHODES: Thank you.

SENATOR CASSANO: Seeing none, thank you very much. Senator Kissel.

SENATOR KISSEL: Good morning, Chairman Cassano, Chairman Gentile, Ranking Member Fasano, esteemed members of the Planning and Development Committee. I'll be brief.

I'm here to speak in favor of Committee Bill No. 5780, and I'm delighted to see that the co-chairs of this committee are co-sponsors of this legislation as well. It's An Act Concerning Interlocal Agreements.

And essentially what we're all striving for, I believe, this year -- as much as any other year -- is trying to look for efficiencies as to how we can serve our citizens here in the State of Connecticut.

And what this bill does is take away some of the ambiguities in our statutes, some of the impediments in our statutes that may discourage municipalities or various local agencies from working cooperatively together to try to glean some efficiencies and do things for the people that we serve.

It's not always easy. I know in our neck of the woods, a couple of communities we're

thinking about combine animal control services, and it ended up that the townspeople voted against that.

I do note in here that there is a provision making sure that the public does have a form of input as to these proposals, and I just encourage you to move forward with this legislation so that municipalities that want to work cooperatively together have no impediments in moving forward, at least nothing to discourage them through our statutes, and I'm happy to answer any questions.

SENATOR CASSANO: Thank you, Senator Kissel. Questions? Okay. Thank you.

SENATOR KISSEL: Great. Have a nice day. Thank you.

SENATOR CASSANO: Okay. All right. Bill 487, Bill Ethier, Bob Wiedenmann from the Homeowners Association.

Make a suggestion to the Committee here. The Home Builders have eight bills before us, which will be at least 24 minutes. I suggest that maybe Mr. Either will have about ten or eleven minutes to deal with the eight bills at this time instead of coming back and forth.

BILL ETHIER: I wish every Chairman was this gracious.

SENATOR CASSANO: I'd rather say it once than eight times, Bill.

<u>SB 487</u>	<u>SB 491</u>
<u>SB 859</u>	<u>SB 860</u>
<u>SB 869</u>	<u>HB 5473</u>

BILL ETHIER: Well, thank you very much, Senator Cassano and Representative Gentile, members

point in the process or to the STC or all of the other state agencies.

And they're spending a lot of resources. So again, we're dealing with projects that have been approved that -- at least at one point, and we're just asking for a three-year extension for those -- for that initial approval to allow the economy to come back.

REP. REED: Thank you. Thank you, Madam Chair.

REP. GENTILE: Are there any other questions from Committee members? Thank you, Bill.

BILL ETHIER: Thank you very much for your indulgence.

REP. GENTILE: Eric Brown? John Filchak? Martin Mador? John?

JOHN FILCHAK: I'm sorry.

Good morning. I'm John Filchak. I'm the executive director of the Northeastern Connecticut Council of Governments, which is one of the 15 regional planning organizations in the state, and I represent 12 towns within that group.

I'm here today to talk briefly about House Bill 5780, An Act Concerning Interlocal Agreements, and House Bill 6294, An Act Concerning Shared Services.

HB 6303

And in support of both, both of these are intended to foster regionalism and intertown cooperation, and there are towns -- our 12 towns are strong supporters of -- of regionalism, and we have put that into practice over the years. And as you can see

from my written testimony, we have an array of services that we offer our towns.

Just some examples. If you need a paramedic in northeastern Connecticut, that's -- northeastern -- that's a Council of Governments service that's provided, and that saves the towns literally tens of thousands of dollars. There's not a town we have that could do that on their own.

For most of my towns, if you need an animal picked up, animal control services, that's us. That's saving our towns 20 to 60 percent on average, spectrum for them, and we've increased services doing it that way.

We operate the transit system, which saves about \$150,000 for the region. And there's a longer list there, but most recently and notably was we were just the first region in the state to enact a regional revaluation program, which I believe will save my region about \$700,000 by doing it regionally rather than one by one.

So I guess the point of that is regionalism is out there. It works. It's not as widespread as it ought to be, so initiatives like this that can further foster it I think are great.

I do want to know, though, we almost never use Section 148 -- 7148 which the bill specifically addressed in how we do our programs.

What we -- the approach we do is we set them up, and then the towns buy the program through us.

Section 148 can be, as Senator Kissel and the others from West Hartford outlined, it can be pretty cumbersome. We had to use that because the -- the legislation required it for the re-valuation, and it took us several months more than I ever anticipated it would going through each town meeting and all that and dealing with 12 different town attorneys. It was a long process to -- to get that through.

But mainly I'm here to say it works, and we're thankful that you're trying to encourage it.

And I just want to quickly mention House Bill 6303, the municipal animal shelters, which I mentioned we run. We're in favor of that. That really mirrors what we do do.

We've been operating a program since 2004, and we work with the nonprofit sector, and we have not had to put a dog or cat down due to lack of space, and that's 2200 animals, so we've adopted them all out.

So the system you're proposing works, because we do it. We've been doing it for the last six years, so thank you.

REP. GENTILE: We appreciate your testimony. We're hoping that the system will continue to work and work even better for more municipalities.

Any questions? Representative Grogins.

REP. GROGINS: Yes, thank you for your testimony.

On the animal shelter bill, do you find that there are a lot of rescue groups that are -- you're saying you work with rescue groups to

you know, oftentimes animal control goes way down on the ladder of things. And more often than not, it's part time. And, you know, when it -- compared to plowing roads, et cetera, the investment's not there more often than not locally, and that's been one of the advantages of what we've done, because we've taken all part-time programs and now given them full-time -- full-time coverage.

So, you know, looking at things, doing it regionally, there needs to be a better model, because we're not getting the job done under the current -- current system.

REP. REED: Thank you so much for your testimony and for all the good work you do.

Thank you, Madam Chair.

JOHN FILCHAK: You're welcome.

REP. GENTILE: Thank you. Any other questions?
Thank you, John.

JOHN FILCHAK: Thanks.

REP. GENTILE: Martin.

MARTIN MADOR: I guess I can say good afternoon, members of the Committee. I'm Martin Mador. I'm the Sierra Club volunteer, legislative chair. I'm going to talking about 5780, the interlocal agreements.

The Sierra Club recognizes that itemization of Connecticut governments into 169 independent children of the state, while useful in giving people a strong sense of home and place, causes a torrent of significant environmental and economic

problems.

It is our position that fostering municipal cooperation and regional governance is a necessary step for the well-being and future viability of our state, as well as our high environmental quality of life.

We are delighted that -- as of last night -- five of the six chairs and ranking members of this Committee have already signed on as co-sponsors of this bill, as well as 22 other legislators, both senators and representatives, democrats and republicans.

We appreciate that the language of the bill makes it somewhat easier to do, fees into local agreements. However, we note that the concept language for interlocal agreements appeared in statute in 1961. Given the few numbers of such agreements today, the concept has obviously not fared well.

It is now the task of both the legislature and the executive to move as boldly and rapidly to more regional governance, both through encouraging multi-municipal cooperation and through creation of regional governance capacity.

This bill is a good start. In a small way it reminds us that we need to encourage towns to start working together. However, we must be clear. This bill is only a start. Perhaps even a suggestion of a start. We need to do more and sooner, rather than later.

This legislature needs to put incentives on the table for the towns to work together. State funds should be prioritized to floater towns who are working together. The

mechanisms for sharing tasks, resources, staff, even income, must be strong, accessible and effective. Perhaps most importantly, structure must be created to facilitate that cooperative behavior.

Fortunately such tools already exist. They are the regional Council of Governments. COGs work well because they're controlled and run by mayors of the member towns. They are not new. They are not throwbacks to what we had in 1960. They exist today.

We now have 15 regional planning organizations, COGs, regional planning associations and regional councils of elected officials.

We must establish incentives for the five RPAs and the three CEOs to convert to the COG format. We must encourage the towns to voluntarily reduce the resulting 15 COGs to some smaller, more efficient number, whatever that number might be.

We must encourage cooperation through the COGs by sending state money to the towns via the COGs and rewarding cooperative efforts financially.

I want to note that I am a co-author along with five others of a white paper discussing this move to regionalism. You don't have paper copies, but I have appended it to my electronic testimony, which is available on the Committee's website for public hearings.

So I'd ask that you take a look at this, which is a further elaboration of the points I've made this morning.

I also note that while John Filchak is not an author on it, he contributed significantly to the ideas mentioned in here, and I want to give John credit for -- for some of the content of this report. I do hope you'll take a look.

The Sierra Club thanks the Committee for both drafting this worthy bill and for the opportunity to deliver a short, three-minute oration on regionalism.

Thank you.

REP. GENTILE: Thank you, Marty.

We appreciate your efforts on that document, and I have reviewed the document. There is a lot of good stuff in there. We'll be considering it a little bit further as we move forward.

Are there any questions from the committee?

Senator Fasano.

SENATOR FASANO: Marty, it's good to see you again.

MARTIN MADOR: Good afternoon.

SENATOR FASANO: You know, on the regional issue, doing what we're doing with these agreements obviously is a step -- is a small step, and I agree much more can be done.

The real issue on regionalization is hitting the nuts and bolts that I just don't think the legislature has the guts to do and local government has the guts to do, and that is taking schools, police service, fire service and start consolidating that on a regional

basis, which means that local politicians, legislatures are going to say that school district is not going to exist. You're going to have to travel a little bit more than that school district.

That firehouse in New Haven, which is a half mile from the firehouse in East Haven, one of those are going to disappear. That police building over here doesn't need to be here, because we are got one in downtown.

Those arguments, when taken to the public, quickly dwindle, and the special interests come out to help them dwindle. That's the problem I find with regionalism.

If we're going to do it, we'll start -- let's not eat around the fringes and claim that that's -- and I know that that's not your claim, so it's not directed to you. It's more of a statement and an oratory, as you say, of regionalism.

If we're going to do it, then we as the legislature have the guts to say we're willing to take on the fights that we have to take on to create regionalism, reduce the burdens to the municipality that are carrying the burdens of local government by expanding that burden, which means reducing the amount of outlets for that burden.

When we talk about it, I think most legislators will honestly say, yes, it's a fight that's just -- it's a huge fight, and I'm not sure there's a taste for it in this building. I agree we should do it, and I'm willing to stand up and say, yes, that firehouse has to go and that police station has to go and that school district has to

merge with that school district, and we shouldn't have all these superintendents. We should have centralization. We're doing it in higher ed now. We should do it.

But you're going to run into fights -- you and I know of very well, because you've been in this building longer than I have -- you know that are just going to rear their ugly head and speak to deferring that.

So I appreciate what you're saying. I haven't read your paper yet, and I apologize for that. I haven't seen it online, but that's me. But I appreciate your comments.

MARTIN MADOR: Well, Senator, as ranking member on this Committee, I am absolutely pleased to hear those words coming from you, because I think it's this Committee that is the center of that storm, and it's this Committee that is really going to have to put some of that forward in cooperation with the executive.

And you'll note that this paper was written for Governor Malloy, hoping that he will -- he will take this on.

He's sort of got his hands full right now. We recognize that. I don't know when he'll get to this, but I think your -- your words are very encouraging. We certainly agree with everything you've just said, with one exception. And we discussed this at length as we were crafting the paper. We don't -- and I apologize for using the M word here.

I really have to. We don't think legislative mandates are what's going to get us from here. And to have those decisions made in the legislature is somewhat problematic.

We see the route to get there is to give the towns incentives to do this on their own. Let the towns and let the school districts figure out how they want to consolidate. Give them incentives. Say if you guys want state money, it's going to go to some regional entity, whatever that is. Maybe it's a regional school district. And give -- send the message to the town this is how you're going to get your money.

You guys figure out how you want to do it. Maybe your decisions won't be exactly what the legislature -- assuming the legislature [inaudible] would make the unified final decision on exactly how to do this. Give them the incentives to do it. Let the folks out there in the district figure out how to reach this goal. But make it clear they're going to have to do this on their own, because that's -- that's how they're going to get resources from the state.

So that's our proposal.

SENATOR FASANO: And I agree with you a thousand percent. I think they should do it. I think we -- we should have incentives out there and get out of the way and let them figure it out.

I agree with you a thousand percent. Thank you.

MARTIN MADOR: I really think that's the only feasible way to get there. Dictating this from the legislature, you know, when we do regulations, the legislature doesn't write the regulations. They say here's a goal we want and hands it over to the agency and says

to the agency you figure out the procedure for getting us to the goal that the legislature has prescribed, and maybe that's the same thing here.

You guys set the goal, saying you're going to have to figure out how to meet this goal, but it's up to you to figure out how to get there. Maybe that's our best shot at getting there.

But we really have to. It's been a very long time, and we really haven't moved much at all towards this.

And of course I'm sitting here as a environmentalist looking at the environmental harm that's done by doing things on this atomized scale, by reliance on things like property taxes which drive the towns to make very bad land-use decisions from an environmental point of view.

We -- we've really got to get beyond this.

REP. GENTILE: Thank you.

Any further questions from Committee members?
Marty, thank you for your time.

MARTIN MADOR: Thank you.

REP. GENTILE: Is Eric Brown in the room now? Good afternoon.

ERIC BROWN: Good afternoon, members of the Committee. My name is Eric Brown, and I'm an attorney and lobbyist with AFSCME Council 15, Connecticut Council of Police Unions.

SB868 HB5180
HB6294
HB5480

We represent over 60 police unions in the state, municipal police unions, and over 4,000 police officers, and I'm here to testify today in opposition to House Bills 868, 5780 and 6294.

SB868

House Bill 868 is a bill -- is An Act Concerning Employment of Private Detectives by Municipalities. We see this bill as an opportunity for municipal -- municipalities to employ private individuals to perform police functions, and we have grave concerns about allowing municipalities to private individuals to perform those police functions which are always performed by certified police officers who undergo training through the POST Academy, as well as significant background checks through the POST Academy, physical fitness requirements, psychological testing requirements and polygraph testing requirements.

Our concern is that if we have noncertified individuals performing police functions within municipalities, there is a potential for corruption in the provision of those services, as well as the violation of people's civil rights based on the fact that these people have not been properly trained, and so we are in strong opposition to that bill.

We are also opposed to House Bills 5780, An Act Concerning Interlocal Agreements, and 6294, An Act Concerning Shared Services.

Again, we propose -- we oppose these bills because we think that combining services among municipalities will pose unique challenges to those municipalities in terms of defining the structure within police

departments, defining who's going to be involved with supervision of police officers as those services are -- are combined. And we think it's important for each community to have their separate departments in order to ensure proper functioning of those police Services.

Finally, I come here to speak in support of House Bill 5480, An Act Establishing a Municipal Post-Employment Benefit Plan Deficit Funding Bonds Pilot Program.

And given the -- the crushing impact that OPEB benefits are having on municipal budgets, we think that this pilot program presents an opportunity for our municipalities to get their house in order with respect to provision of OPEB benefits and, if successful, will allow municipalities to continue to provide those valuable benefits to the municipal employees, so we're in favor of that.

I'd be happy to answer any of your questions, and I thank you for accommodating me for being late.

REP. GENTILE: Thank you, Eric.

Are there any questions from our committee members?

Senator Fasano.

SENATOR FASANO: Thank you for your testimony.

By the way, that's the reason I was saying before regionalization runs into problems, because if we start regionalizing, these are the issues that you're bringing up, saying

each department should control their own sector, which is what I was telling Mr. Mador, that this is the impediment that we're going to run into.

We as a legislature have to say we hear you if we want regionalization and just fight the fight. But that's one of the concerns.

But that being -- aside, Bill 868, I just want to be clear on what that bill does. First of all, that bill's been on the books and records for the municipalities for years, and what the purpose of that bill is is to allow a municipality to say, you know, we think someone in our town hall, we think someone in our facility is stealing or is committing not necessarily a crime but a paper theft that we need to investigate.

Under the bill, they could hire the private detective based upon I think 1955 dollars. So the point of this was to raise it to 2010 levels; otherwise, you have to have a public hearing on it.

And then if you have a public hearing of why you're hiring a detective, the person who you're hiring the detective to look at knows about it, and the investigation's blown.

So the point of it was to say let's bring it to 2010 levels. We then checked with the -- this went on last year. We then checked with the states attorney's office who said, listen, we would like to know if you're doing this, because we may be doing our own investigation, and then we want you out of our way, because we may be doing something locally for the state, and we said that's fine.

more costs than what they already have.

This was sort of more of an internal problem that they couldn't hire these detectives because they couldn't meet the \$500 threshold and say to a detective I'm going to pay you \$500, would you do an investigation, and he would say I can't do anything.

So we raised it to 2,000, at least got him to do it without having a public hearing. That was the point of it, so --

Thank you, though. Thank you, Madam Chair.

REP. GENTILE: Just a quick question for you, Eric, before you disappear.

You mentioned that your objection is that it does not specify limiting it to municipal corruption only; is that correct?

ERIC BROWN: Correct.

REP. GENTILE: So does that even mean that if it was specified in the language, it would be more palatable?

ERIC BROWN: Not necessarily, Representative, no, because I think it still raises the same concerns that we raised with respect to privatization of police functions, noncertified personnel performing the function and potential violation of civil rights, what have you.

REP. GENTILE: Thank you. Representative Reed.

REP. REED: Thank you, Madam Chair.

Getting back to conceptually talking about

regional -- I like to call it regional cooperation, and I like to call it property tax reform.

And I've noticed that in -- I -- I represent Branford, but I notice our police departments -- Branford, Guilford, Madison, East Haven -- they all work together on many cases and on many issues. It's very cooperative, and I -- and it feels as if it might be, you know, the germ of a model going forward as we look down the road. It may be, you know, voluntarily -- I agree with Mr. Mador -- encouraging towns to make things more efficient administratively, and various other things.

And I'm just wondering if your union would ever consider discussing this in a transitional way going forward. I understand protecting jobs and all of that, but it feels as if you've just dug into the standard in tough economic times when we're really discussing these issues in an effort to save people money and make things more efficient.

ERIC BROWN: Yes, Representative, from the union's perspective, we're always willing and ready to listen and to have frank discussions about possible solutions to problems that face the municipalities. And we'd be willing to sit down and have a frank discussion about this, too.

Frequently, however, municipalities bypass the union process and enter into these types of shared agreements with other municipalities without even discussing the issue with the unions.

And what ends up happening is I'll get a

phone call six months later from an angry union member saying how come that officer is getting more pay for doing the same job I'm doing when we're working out of the regional SWAT team.

Or a regional SWAT team goes out to handle some important matter, the action that they're taking goes bad, and all of a sudden one officer says I'm not reporting to him because he's not in my department, I'm reporting to this sergeant who's in my department, and the other officer saying no, I'm reporting to that lieutenant who's in my department, and the whole command structure starts to break down when the situation goes bad.

So I think -- I think you make a good point. The problem is that there isn't enough discussion between the union and the municipalities prior to entering into some of these interlocal agreements that have taken place and they become apparent when things go bad.

And so I think it's important for there to be discussion, and there hasn't been enough of that.

REP. REED: Thank you. I'm really glad to hear you say that. And I think any rational person going forward would know that you need to be at the table to do anything that's really going to be real in a real-world sense, so thanks for your testimony.

ERIC BROWN: Thank you.

REP. REED: Thank you, Madam Chair.

REP. GENTILE: Representative?

REP. ROJAS: Thank you, Madam Chair.

Thank you for your testimony, Mr. Brown. Continuing on the topic of regionalization, recognizing what happened in New Haven yesterday, you know, what solutions do you propose to try to mitigate what perhaps is just the opening volley in terms of local layoffs, particularly in the area of public safety, which none of us want, but we all are facing very, very stark fiscal realities, particularly at the local level?

And I know there's opposition to it. You seem -- there already are areas where we are collaborating on a regional basis, and what would it take to move it in a little bit further, you know, recognizing the fiscal limitations we're going to have for some time?

ERIC BROWN: Just taking the issue in New Haven that happened yesterday, I think politics played a significant role in that. I think there's been an ongoing dispute between the union and the city down there with respect to the chief of police.

There was a vote of no confidence taken with respect to him, and the mayor and the union have been butting heads for some period of time now.

So I'm not so sure that that has everything to do with economics. I think it has an awful lot to do with politics.

With respect to trying to combine services, again, certainly there -- there is some

overlap in what police departments do, and regionalization may be able to address some of those issues on a piece-by-piece basis, perhaps, but what's going to be required in order to get there is a lot of discussion and negotiation between the towns and the unions.

And up to this point, at least from my perspective, municipalities have been willing to make the change without having full and frank discussions about wages and benefits and working conditions.

Those things, particularly in public safety, matter a great deal, because you have public safety officers who are putting their lives on the line to do a job. And they don't know what the command structure is. For example, either the public can be injured or police officer or a firefighter can be injured, and so that's why that matters to us a great deal.

REP. ROJAS: And I can appreciate that. Would it be helpful if -- and I don't know how feasible this is, but if we're going to consider these interlocal agreements, perhaps mandate that the municipality sit down with the union to work on these issues, particularly in the area of public safety?

ERIC BROWN: I think that would be a huge step forward for us.

REP. ROJAS: Okay. Thank you. Thank you, Madam Chair.

REP. GENTILE: Thank you.

Any further questions? Thank you, Eric.

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Connecticut Chapter
645 Farmington Ave.
Hartford, Connecticut 06105
~~111 COLLEGE AVENUE, HARTFORD, CT 06105~~
Martin Mador, Legislative Chair

Planning and Development Committee
February 18, 2011

Testimony In Favor of
HB 5780 AAC Interlocal Agreements

I am Martin Mador, 130 Highland Ave., Hamden, CT 06518. I am the volunteer Legislative Chair for the Sierra Club-Connecticut Chapter, as well as a director of Rivers Alliance and the Quinnipiac River Watershed Assn. I hold a Masters of Environmental Management degree from the Yale School of Forestry and Environmental Studies.

The Sierra Club recognizes that atomization of Connecticut government into 169 independent children of the state, while useful in giving people a strong sense of home and place, causes a torrent of significant environmental and economic problems. It is our position that fostering municipal cooperation and regional governance is a necessary step for the well-being and future viability of our state, as well as our high environmental quality of life.

We are delighted that five of the six chairs and ranking members of this committee have already signed on as co-sponsors of this bill, as well as 22 other legislators, both senators and representatives, Democrats and Republicans.

We appreciate the language of this bill simplifying the sections of the CGS concerning interlocal agreements:

- no more complex set of rules
- no more restricted, if not somewhat inspiring, list of permitted functions

We appreciate the extension of the opportunity to participate in such agreements to municipal districts as well as towns themselves.

We note that the concept language for interlocal agreements appeared in statute in 1961. Given the few number of such agreements today, the concept has not fared well. It is now the task of both the legislature and the executive to move us boldly and rapidly to more regional governance, both through encouraging multi-municipal cooperation, and through creation of regional governance capacity. This bill is a good start. In a small way, it reminds us that we need to encourage towns to work together.

However, we must be clear. It is only a start, perhaps even a suggestion of a start. We need to do more, and sooner, not later. This legislature needs to put incentives on the table to the towns to work together. State funds should be prioritized to flow to towns who are working together. The mechanisms for sharing tasks, resources, staff, even income must be strong, accessible, and effective.

Perhaps most importantly, structures must be created to facilitate this cooperative behavior. Fortunately, such tools already exist. They are the regional Councils of Governments. COGs work well, because they are controlled and run by the mayors of the member towns. They are not new; they are not throwbacks to 1960. They exist today. We now have 15 Regional Planning Organizations, COGs, RPAs and RCEOs. We must establish incentives for the 5 Regional Planning Agencies and the 3 Councils of Elected Officials to convert to the COG format. We must encourage the towns to voluntarily reduce the resulting 15 COGs to some smaller, more efficient number. We must encourage cooperation through the COGs by sending state money to the towns via the COGs, and rewarding cooperative efforts financially. We must now start delivering current government services through the COGs, both those now delivered by towns and those delivered by state agencies.

I am a co-author with 5 colleagues of a white paper on regionalism, Regions as Partners, which will be appended to my testimony on the committee public hearing testimony web pages.

The Sierra Club thanks the Committee both for drafting this worthy bill, and for the opportunity to deliver a little 3 minute oration on regionalism.

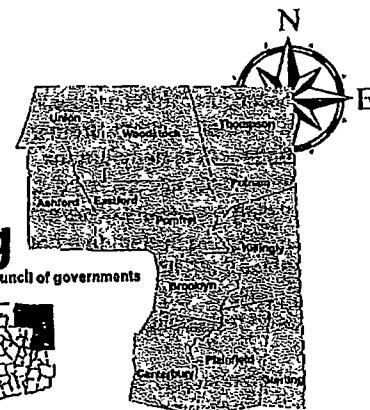
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Testimony Regarding

House Bill 5780 **AN ACT CONCERNING INTER-LOCAL AGREEMENTS**

necog

northeastern connecticut council of governments



The Northeastern Connecticut Council of Governments (NECCOG) **strongly supports** House Bill 5780 and urges the Committee to give it favorable consideration.

The Northeastern Connecticut Council of Governments (NECCOG) is a voluntary statutorily authorized association of local chief-elected officials of twelve municipalities, in northeastern Connecticut. The members towns are: **Ashford, Brooklyn, Canterbury, Eastford, Killingly, Plainfield, Pomfret, Putnam, Sterling, Thompson, Union, and Woodstock**. NECCOG is not another level of government. It is a continuing association of local governments without legislative or taxing power. We are strongly committed to regionalism and are engaged in it on number of fronts, including:

- Paramedic Intercept
- Revaluation
- Economic Development
- Animal Services
- GIS
- Engineering
- Transit Administration
- Land Use Assistance
- Administrative Services

NECCOG has also regionally addressed a number of critical issues including: Tribal Recognition, Special Education, and Solid Waste Management. Currently, we are examining the possibility of regionalizing fire marshal duties, building officials duties, and land use enforcement. Our basic test on any of these is (1) does it save money and (2) does it increase efficiencies/service for residents.

NECCOG almost never uses 7-148cc in its regional services. The exception to this is our recently completed *Regional Revaluation Program* where we were mandated to use 7-148. Our normal approach is a relatively simple services agreement between each town and NECCOG. To date, this approach has worked well.

The use of regionalism to address many of Connecticut's immediate and long term budget challenges offers significant opportunity. The proper use of regionalism to address a range of needs now provided by 169 towns and various state agencies will lead to lasting efficiencies in the delivery of services and improvement of the quality of such services. The reduction in costs will contribute significantly to the reduction of the state deficit and lead to better spending decisions in the future. Several regions, including NECCOG, have successful records demonstrating such results.

Unlike most of the nation, Connecticut operates without county government. Our state has never had a functioning county system -- formally eliminating the counties in the 1960s. County boundaries function only as a connection to the rest of the country; primarily related to Census data.

Connecticut's 169 municipalities operate as independent entities under the state's constitution – deriving their authority from the state. For many, this "home rule" approach to governance is the embodiment of democratic ideals. For others the home rule system is a relic that breeds inefficiencies, increases costs, and makes little sense for present times and the challenges of providing necessary government services with scarce resources. While the prospect of changing from a town-based system to a county-based or metropolitan-based government is remote - the magnitude of the current economic conditions provides a real opportunity for the use and success of regionalism. Using our existing Councils of Governments provides a ready vehicle to implement and expand regionalism.

Chief-elected officials, of course, are directly accountable to their residents. Councils of Governments are governed by chief-elected officials - serving as effective forums for chief-elected officials to discuss issues and seek collective solutions. This is a key reason why NECCOG and other COG's have realized success working cooperatively/regionally.

The membership of NECCOG knows that regionalism works. House Bill 5780 (as well as HB 6274) seeks to enhance regionalism and inter-municipal cooperation and we support its passage.

Thank you.

For more information, please contact: John Filchak, NECCOG Executive Director
860-774-1253 john.filchak@necog.org

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State of Connecticut
HOUSE OF REPRESENTATIVES
STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591

REPRESENTATIVE BRIAN BECKER
19TH ASSEMBLY DISTRICT

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MEMBER
COMMERCE COMMITTEE
ENERGY AND TECHNOLOGY COMMITTEE
PROGRAM REVIEW AND INVESTIGATIONS
COMMITTEE

Statement of Brian S. Becker
State Representative for the 19th Assembly District
before the
Committee on Planning and Development
Connecticut General Assembly
February 18, 2011
in support of
HB 5780
An Act Concerning Interlocal Agreements

Chairman Cassano, Chairman Gentile, Ranking Member Fasano, Ranking Member Aman, and the other distinguished members of the Planning and Development Committee, thank you for making HB 5780, An Act Concerning Interlocal Agreements, a committee bill and for taking the time to hear testimony on it.

As you know, there is a huge interest in regionalism. Municipalities that want to work together to save costs and retain or improve services should be encouraged to do so, and should not have state law be an obstacle.

Right now, we have two statutes on the books that are related to the municipalities' authority to work together and to the process they must follow to do so. Section 148cc, the newer of the two statutes grants blanket authority to municipalities. Basically, the statute says that whatever a municipality can do on its own, it can do with another. This is the way it should be – nice and easy.

The older statute, Section 7-339a, states that municipalities that want to work together can enter into "interlocal agreements," but can do so only in the substantive areas listed in the statute. While the list is long, it is clearly not everything. This begs the question, "If Municipality A wants to work with Municipality B in a substantive area that is not on the list for interlocal agreements, can the two municipalities still work together and, if so, what type of agreement would they be authorized to enter into to document their understanding?"

Arguably the statutes are in conflict with each other. At best they are confusing. LCO agrees with these last two statements and endorses fixing the statutes.

In addition to fixing the statutes and making them consistent, HB 5780 also seeks to simplify the approval process for municipalities. Rather than going through the time-consuming and cumbersome process set forth in the current statutes, the bill calls for interlocal agreements to be approved by the legislative body of the municipality after an opportunity for public comment. It also makes clear that the opportunity for public comment does not require a public hearing. This should make the approval process very straightforward.

As further evidence of why this bill is a good idea, I have with me today the Mayor of West Hartford, Scott Slifka, who will address potential cost savings to cities and towns, and West Hartford Deputy Corporation Counsel, Pat Alair, who will speak to the amount of time some corporation counsel around the state have spent trying to reconcile the current statutes. Both of these gentlemen had input into the proposed bill.

Before turning the microphone over to Mayor Slifka, I just want to point out that this is a bipartisan bill signed by more than 25 legislators from the House and Senate, including over half the members of this committee. I hope that after today, you will continue to support this bill.

Thank you.

OFFICE OF
CORPORATION COUNSEL

Statement of Patrick Alair
Deputy Corporation Counsel of the Town of West Hartford
before the
Committee on Planning and Development
Connecticut General Assembly
February 18, 2011
in support of
HB 5780
An Act Concerning Interlocal Agreements

Chairman Cassano, Chairman Gentile, Ranking Member Fasano, Ranking Member Aman, and members of the Planning and Development Committee, it is an honor and a privilege for me to be here this morning.

I would like to follow up on the comments of Representative Becker and Mayor Slifka with a simple example of how this bill will help towns. Recently the towns of West Hartford, Avon, Farmington, Simsbury and Bloomfield received a joint grant of State funds to hire a regional energy consultant. The five towns jointly chose a vendor following a request for proposals. Any one of them could have entered into an agreement with this vendor separately, but doing so would not have created the volume of work to get the best possible price. In order for them to enter into an interlocal agreement to contract with the vendor jointly, however, a number of roadblocks had to be overcome. First, it had to be determined which of the two completely separate processes established in General Statutes §7-148cc or §7-339c applied. I can tell you that I participate in a listserv of municipal attorneys and have seen a number of questions posted to that listserv by very competent attorneys who have struggled with variations on this question.

Next, after determining which statutory scheme applied, under either one of them each of the five municipalities would have been required to hold at least one public hearing before entering into the agreement. Other procedural technicalities applied depending upon which of the statutory processes was being used. Once again, had any of these towns simply contracted with the vendor by itself, none of these requirements would have applied. As you are all aware, a public hearing takes time, but it also costs money. Public hearings require notice to be posted and published according to the requirements of state and local law applicable to each town. They may also require the presence of a court reporter to prepare a transcript.

Once each of the towns held their public hearings and approved the interlocal agreement, only then could that agreement have been implemented. Then a second contract could have been signed with the vendor. Even then, all five towns would have had to concern themselves with the possibility that a disgruntled citizen or prospective vendor in any one of the five towns could challenge the agreement on the ground that any one of the five had failed to follow the proper procedure for approving the interlocal agreement.



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Because of the complexities of this process we opted to write the contract as a cumbersome six-party agreement so that each town technically had a separate contractual relationship with the contractor and no real contractual relationship with each other. The contract we ended up with is far from the model of regional cooperation which the State and the five towns had in mind when the process began. Operationally it is burdensome, redundant and needlessly complicated in order to simply make it work.

House Bill 5780 resolves all of these concerns. It synthesizes the two existing - but separate - processes for entering interlocal agreements so that there are no more questions about which process applies. Even better, however, it eliminates the procedural burdens imposed upon towns which want to join together to do something which any of them could do alone. While it still requires that each municipality obtain public comment, it does not require a public hearing. In West Hartford, for example, the Town Council could obtain this public comment through the standing "Public Forum" portion of its bi-weekly regular meeting agenda. It is a simple thing, but this change would help towns out in a very practical way.

Thank you.

OFFICE OF THE
MAYOR

**Statement of R. Scott Slifka
Mayor of the Town of West Hartford
before the
Committee on Planning and Development
Connecticut General Assembly
February 18, 2011
in support of
HB 5780
An Act Concerning Interlocal Agreements**

Chairman Cassano, Chairman Gentile, Ranking Member Fasano, Ranking Member Aman, and members of the Planning and Development Committee, thank you for the opportunity to address you this morning.

Representative Becker has summarized this bill for you very well. Quite simply, it resolves confusion in existing law and it makes it easier for municipalities to come together to solve mutual problems including the paramount problem we all share: saving money.

This committee is well aware of the cost-savings which municipalities can achieve by joining together. The options range from cooperative purchasing of office supplies to the creation of shared information technology departments to the sharing of contractual professional services. From the largest of cities to the smallest of towns, the possibilities are endless. As the law stands today, however, it is actually *harder* for two towns to get together to contract for a shared service than it would be for each of them to do so separately. This makes no sense at all. If anything, it should be *easier* for two political subdivisions of the state to work together.

As we face unprecedented economic problems in Connecticut, the State and its 169 municipalities are all struggling to find new ways to become more efficient without sacrificing necessary services. The modest changes which House Bill 5780 makes to existing law will cost absolutely nothing. Instead, the procedural changes will help the Town of West Hartford eliminate some portion of the court reporting fees and the \$30,000 to \$40,000 which it pays each year to publish notice of public hearings. There are no troubling public policy concerns. Instead, this bill will simply save municipalities time and money while allowing them to come together to do what they can already do alone. I strongly urge your support and I thank you for your time.



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TESTIMONY
of the
CONNECTICUT CONFERENCE OF MUNICIPALITIES
to the
PLANNING AND DEVELOPMENT COMMITTEE

February 14, 2011

CCM is Connecticut's statewide association of towns and cities and the voice of local government - your partners in governing Connecticut. Our members represent over 93% of Connecticut's population. We appreciate this opportunity to provide testimony to you on issues of concern to towns and cities:

H. B. 5780, "An Act Concerning Interlocal Agreements"

CCM urges the Committee to amend the bill to ensure that, with Representative Town Meeting (RTM) municipalities, the "local legislative body" means the Board of Selectmen.

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If you have any questions, please contact Ron Thomas at rthomas@ccm-ct.org or (203) 498-3000.

Speaker's
page 4
line 125

TESTIMONY IN OPPOSITION TO

HOUSE BILL 868
HOUSE BILL 5780
HOUSE BILL 6294

and

TESTIMONY IN SUPPORT OF

HOUSE BILL 5480

**TESTIMONY OF ERIC BROWN
STAFF ATTORNEY and LOBBYIST
CONNECTICUT COUNCIL OF POLICE UNIONS
AFSCME, COUNCIL 15**

**BEFORE THE PLANNING AND DEVELOPMENT COMMITTEE, OF
THE CONNECTICUT GENERAL ASSEMBLY**

FEBRUARY 18, 2011

Ladies and Gentlemen of the Committees, my name is Eric Brown, and I am an attorney and lobbyist with AFSCME Council 15, a labor union representing the interests of more than 4000 police officers in 62 municipal communities throughout Connecticut.

I am here today to speak in opposition to House Bill 868 – An Act Concerning Employment of Private Detectives by Municipalities.

This bill, as we see it, is designed to privatize police functions which should be done by certified police officers under the direct control of either the municipal police department or the Department of Public Safety.

Employment of private firms and individuals to perform functions which are fundamental governmental functions – like the provision of public safety services – is capable of leading to public corruption. Furthermore, it can lead to higher expenses for municipalities, shoddy and unaccountable service, and harassment of the public at large.

Public safety is a function which must be performed by government under the tight controls maintained by the government to assure the protection and safety of the citizenry.

In this state, we require that all of those individuals who perform police functions be certified by the POST Academy, and satisfy polygraph, psychological, and background checks in order to ensure proper qualifications for dealing with the public and performing the functions of a police officers. This bill would throw all of those

requirements away and expose the public to rogue detectives, all in an effort to save a few dollars. The public safety is worth more than that.

We are opposed to passage of House Bills 5780 AN ACT CONCERNING INTERLOCAL AGREEMENTS and 6294 AN ACT CONCERNING SHARED SERVICES. We oppose these bills because they present unique challenges to the delivery of police services among communities. In particular, in a police department, definition of a command structure is vital to carrying out the mission of public safety. When regionalization and shared services are thrown into the mix, the identification of supervision and leadership becomes problematic and can lead to confusion and disruption in the delivery of services. That can pose a threat to the public and the police officers, particularly in hot situations demanding immediate and direct leadership from supervisors.

Further, implementation of the rights set forth in these bills will require the participating communities to renegotiate collective bargaining agreements with effected bargaining groups, creating uncertainty among employees about the working conditions and benefits afforded to them.

We are in support of HB 5480 - AN ACT ESTABLISHING A MUNICIPAL POSTEMPLOYMENT BENEFIT PLAN DEFICIT FUNDING BONDS PILOT PROGRAM. We believe that this Pilot Program has the potential of eliminating the crushing liabilities which some municipalities face in financing their OPEB obligations to employees, and if successful, can allow municipalities to continue to provide and fund the valuable OPEB benefits which it has historically provided to its valued municipal employees for years of great public service.

S - 632

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2011**

**VOL. 54
PART 21
6546-6914**

mhr/cd/gbr
SENATE

499
June 7, 2011

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Calendar page 15, Calendar 525, House Bill
Number 5780.

Madam President, move to place the item on the
Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Calendar page 15, Calendar 526, House Bill
Number 6513.

Madam President, move to place this item on the
Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Continuing on calendar page 15, one additional
item, Calendar number 5, Calendar 527, House Bill
Number 6532.

Madam President, move to place the item on the
Consent Calendar.

mhr/cd/gbr
SENATE

520
June 7, 2011

Mr. Clerk.

THE CLERK:

Immediate roll call's been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber. Immediate roll call's been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

THE CLERK:

Madam President, the items placed...

THE CHAIR:

I would ask the Chamber to be quiet please so we can hear the call of the Calendar for the Consent Calendar.

Thank you.

Please proceed, Mr. Clerk

THE CLERK:

Madam President, the items placed on the first Consent Calendar begin on calendar page 5, Calendar 336, House Bill 5697.

Calendar page 7, Calendar 421, Substitute for House Bill 6126.

Calendar page 8, Calendar 449, Senate Bill 1149.

mhr/cd/gbr
SENATE

521
June 7, 2011

Calendar page 10, Calendar 470, Substitute for House Bill 5340. Calendar 474, Substitute for House Bill 6274. Calendar 476, House Bill 6635.

Calendar page 12, Calendar 499, Substitute for House Bill 6638. Calendar 500, House Bill 6614. Calendar 508, House Bill 6222.

Calendar page 13, Calendar 511, House Bill 6356. Calendar 512, Substitute for House Bill 6422. Calendar 514, House Bill 6590. Calendar 515, House Bill 6221. Calendar 516, House Bill 6455.

Calendar page 14, Calendar 517, House Bill 6350. Calendar 519, House Bill 5437. Calendar 522, House Bill 6303.

Calendar page 15, Calendar 523, Substitute for House Bill 6499. Calendar 524, House Bill 6490. Calendar 525, House Bill 5780. Calendar 526, House Bill 6513. Calendar 527, Substitute for House Bill 6532.

Calendar page 16, Calendar 528, House Bill 6561. Calendar 529, Substitute for House Bill 6312. Calendar 530, Substitute for House Bill 5032. Calendar 532, House Bill 6338.

Calendar page 17, Calendar 533, Substitute for House Bill 6325. Calendar 534, House Bill 6352.

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SENATE

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June 7, 2011

Calendar 536, House Bill 5300. Calendar 537, House
Bill 5482.

calendar page 18, Calendar 543, House Bill 6508.

Calendar 544, House Bill 6412. Calendar 546,
Substitute for House Bill 6538. Calendar 547,
Substitute for House Bill 6440. Calendar 548,
Substitute for House Bill 6471.

Calendar page 19, Calendar 550, Substitute for
House Bill 5802. Calendar 551, House Bill 6433.
Calendar 552, House Bill 6413. Calendar 553,
Substitute for House Bill 6227.

Calendar page 20, Calendar 554, Substitute for
House Bill 5415. Calendar 557, Substitute for House
Bill 6318. Calendar 558, Substitute for House Bill
6565.

Calendar page 21, Calendar 559, Substitute for
House Bill 6636.

Calendar page 22, Calendar 563, Substitute for
House Bill 6600. Calendar 564, Substitute for House
Bill 6598. Calendar 566, House Bill 5585.

Calendar page 23, Calendar 568, Substitute for
House Bill 6103. Calendar 570, Substitute for House
Bill 6336. Calendar 573, Substitute for House Bill
6434.

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SENATE

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June 7, 2011

Calendar page 24, Calendar 577, Substitute for
House Bill 5795.

Calendar page 25, Calendar 581, House Bill
6354.

Calendar page 26, Calendar 596, Substitute for
House Bill 6282. Calendar 598, Substitute for House
Bill 6629.

Calendar page 27, Calendar 600, House Bill
6314. Calendar 601, Substitute for House Bill 6529.
Calendar 602, Substitute for House Bill 6438.
Calendar 604, Substitute for House Bill 6639.

Calendar page 28, Calendar 605, Substitute for
House Bill 6526. Calendar 608, House Bill 6284.

Calendar page 30, Calendar number 615,
Substitute for House Bill 6485. Calendar 616,
Substitute for House Bill 6498.

Calendar page 31, Calendar 619, Substitute for
House Bill 6634. Calendar 627, Substitute for House
Bill 6596.

Calendar page 32, Calendar 629, House Bill
5634. Calendar 630, Substitute for House Bill 6631.
Calendar 631, Substitute for House Bill 6357.
Calendar 632, House Bill 6642.

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SENATE

524
June 7, 2011

Calendar page 33, Calendar 634, Substitute for
House Bill 5431. Calendar 636, Substitute for
House, correction, House Bill 6100.

Page 34, Calendar 638, Substitute for House
Bill 6525.

Calendar page 48, Calendar 399, Substitute for
Senate Bill 1043.

Calendar page 49, Calendar 409, Substitute for
House Bill 6233. Calendar 412, House Bill 5178.
Calendar 422, Substitute for House Bill 6448.

Calendar page 52, Calendar 521, Substitute for
House Bill 6113.

Madam President, that completes the item placed
on the first Consent Calendar.

THE CHAIR:

Thank you, sir.

We call for another roll call vote. And the
machine will be open for Consent Calendar number 1.

THE CLERK:

The Senate is now voting by roll on the Consent
Calendar. Will all Senators please return to the
Chamber. The Senate is now voting by roll on the
Consent Calendar, will all Senators please return to
the Chamber.

mhr/cd/gbr
SENATE

525
June 7, 2011

Senator Cassano, would you vote, please, sir.

Thank you.

Well, all members have voted. All members have voted. The machine will be closed, and Mr. Clerk, will you call the tally?

THE CLERK:

Motion is on option Consent Calendar Number 1.

Total Number Voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar Number 1 has passed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

We might stand at ease for just a moment as we prepare the next item..

THE CHAIR:

The Senate will stand at ease.

(Chamber at ease.)