

TOWN MANAGER'S REPORT

TO: Honorable Town Council Members

FROM: Karl F. Kilduff, Town Manager

DATE: October 7, 2020

Please find my report concerning various items of interest to the Town Council and community.

1. Council Business:

- a) Refinancing Bonds: A fair amount of work has taken place in preparation of issuing bonds to refinance our existing bonds. The plan is to both reduce the total cost of debt service and to structure the balance of the amortization schedule to take the peak off of our top debt. A call was held with Standard & Poors, who rates our debt, to discuss the local economy, local financial results and answer questions regarding COVID and other issues impacting Clinton. Our bond rating of AA+ with a stable outlook was re-affirmed. Attached is a copy of the rating determination for your reference.

2. Connecticut Conference of Municipalities:

- a) The CCM Legislative Committee met virtually on September 30, 2020. The majority of the meeting focused on a presentation from the Chairman of the Public Utilities Regulatory Agency (PURA) regarding the PURA process and its different pending matters related to utility response to recent storms.

Also discussed were matters to be considered by the Special Session of the General Assembly which were being heard in the House of Representatives on the same day. The discussion focused on the efforts of CCM to impact the draft legislative language.

Finally, the Legislative Committee is working the legislative concepts that CCM will pursue in the next legislative session. A series of Committee have been established to vet concepts which are then approved by the Committee. Attached to this memo are the approved legislative concepts which relate to Municipal Law, Public Health and Education. Additional committee reports will be presented at upcoming Legislative Committee meetings.

3. River COG:

- a) The River COG met virtually on September 23, 2020. The highlights of the meeting include the following:
 - The Deputy DOT Commissioner gave an overview of the DOT's activities under COVID-19 and a general update on the department. While COVID reduced traffic counts on state roads, less gasoline was consumed which resulted in less Fuel Tax receipts which impacts the amount of revenue available for the Special Transportation Fund.

- Draft State Transportation Plan: The TIP is moving forward with a virtual public comment process. Public comments are due by October 9. The TIP would then be presented to the COG for ratification at its meeting on October 28.
- Other Transportation Updates: Bus service has been free since the outbreak of the pandemic to reduce contact points. Buses will begin charging a fare again on November 1. An “app” based payment system is also available for contactless payments. Discussions will also be held regarding bus service in Clinton to serve the Indian River development.
- Long-term Recovery: An update was provided regarding long-term COVID recovery. A change in leadership has taken place at the State level on this topic. Regional efforts at long-term recovery were discussed but are contingent upon funding being available to all council of governments to fund the activity.
- Natural Hazard Mitigation Plan Update: The Natural Hazard Mitigation Plan will have a public hearing on the plan. The public hearing process will include a 2-week comment period to receive further comment from the public. The plan will need local approval after this process is completed.
- Regional Affordable Housing Plan: The COG Executive Director is seeking approval from the State to use some of the regional services grant funding to support a regional affordable housing plan which would be structured much like the Nature Hazard Mitigation Plan with annexes tailored to participating municipality which also would need local approval. There will be more to report on this item in the future.

4. Miscellaneous:

a) Department Highlights:

- Assessor – Revaluation Update: Vision is currently finishing their review of all building permits and will continue inspections until the end of October. Notices with new values will be mailed out by November 20, 2020. The hearings for anyone who would like to discuss their value or any issues they might have, will start on November 30, 2020 through December 18, 2020. All hearings will be by phone due to COVID-19. People can sign up for a hearing over the internet or by calling Vision’s toll-free number which will be on the notice they receive.

b) Town Engineer RFP: The Request for Proposals for Town Engineer services has been posted with a due date for responses on September 28, 2020. The Town received proposals from 9 firms which are now in the process of being reviewed to come up with a short list of firms to be interviewed.

c) STEAP Grant Application: The State Office of Policy and Management announced a further delay in reviewing STEAP Grant applications. The new anticipated award date is October 15.

Summary:

Clinton Town, Connecticut; General Obligation; Note

Credit Profile

US\$19.315 mil GO rfdg bnds issue of 2020 (federally taxable) ser C due 02/01/2038

Long Term Rating AA+/Stable New

US\$3.49 mil GO rfdg bnds issue of 2020 ser B due 02/01/2035

Long Term Rating AA+/Stable New

Clinton Twn GO

Long Term Rating AA+/Stable Affirmed

Clinton Twn GO BANs

Short Term Rating SP-1+ Affirmed

Rating Action

S&P Global Ratings assigned its 'AA+' long-term rating and stable outlook to Clinton Town, Conn.'s roughly \$3.49 million series 2020B general obligation (GO) refunding bonds and roughly \$19.315 million series 2020C GO refunding bonds and affirmed its 'AA+' long-term rating, with a stable outlook, on the town's existing GO debt.

At the same time, S&P Global Ratings affirmed its 'SP-1+' short-term rating on the town's 2020 bond anticipation notes (BANs).

The town's full-faith-and-credit pledge secures the bonds.

The short-term rating on the notes reflects our criteria for evaluating and rating BANs. In our view, Clinton maintains a very strong capacity to pay principal and interest when BANs come due. We view the town's market-risk profile as low because it has strong legal authority to issue long-term debt to take out the BANs, with no additional authority required, and it is a frequent debt issuer that regularly provides ongoing disclosure to market participants.

Officials plan to use series 2020B and 2020C bond proceeds to refund certain maturities for savings.

Credit overview

Clinton's conservative financial practices have led to consistent financial performance and improving reserves. We think that costs related to the town's long-term liabilities are low and manageable and that they should not pose any immediate budgetary pressure. Furthermore, although economic growth has been slow, the town's location, near both New Haven and Hartford, along major highways, provides economic stability, which slowed during the height of COVID-19; this should support stable finances.

While fiscal pressure posed by COVID-19 and the related recession, coupled with an expected but uncertain recovery, we think healthy reserves and Clinton's proactive approach will likely mitigate any short-term effects should state

funding change or property tax collections decrease. (For S&P Global Economics' latest U.S. economic forecasts, see the articles, titled "The U.S. Economy Reboots, With Obstacles Ahead," published Sept. 24, 2020; "U.S. Real-Time Economic Data Signals A Faltering Recovery," published Aug. 3, 2020; and "U.S. Real-Time Economic Data Continues to Paint a Mixed Picture," published Aug. 14, 2020, on RatingsDirect.)

Our outlook is generally for two years, but we see some risks due to COVID-19 and the related recession during the next six months to 12 months.

The long-term rating also reflects our opinion of Clinton's:

- Very strong economy, with access to a broad and diverse metropolitan statistical area (MSA);
- Adequate financial management, with standard financial policies and practices under our Financial Management Assessment (FMA) methodology;
- Adequate budgetary performance, with a slight operating surplus in the general fund and an operating surplus at the total governmental-fund level in fiscal 2019;
- Very strong budgetary flexibility, with available fund balance in fiscal 2019 at 17% of operating expenditures;
- Very strong liquidity, with total government available cash at 26.9% of total governmental-fund expenditures and 3.3x governmental debt service, and access to external liquidity we consider strong;
- Adequate debt-and-contingent-liability position, with debt service carrying charges at 8.2% of expenditures and net direct debt that is 100.4% of total governmental-fund revenue, as well as low overall net debt at less than 3% of market value; and
- Strong institutional framework score.

Environmental, social, and governance (ESG) factors

We have evaluated the town's ESG factors relative to its economy, financial measures, management, and debt-and-long-term-liability profile. We acknowledge that, absent implications of COVID-19, we consider the town's social risks in-line with the sector standard. We view environmental risks and their potential effect on taxable properties, which are slightly elevated compared with its peers because the town is on the Long Island Sound. We recognize the town is working on various resiliency efforts. We view its governance risks as in-line with the sector standard.

Stable Outlook

Downside scenario

We could lower the rating if budgetary flexibility were to weaken due to negative budgetary performance.

Upside scenario

We could raise the rating if economic indicators were to improve to levels we consider comparable with higher-rated peers.

Credit Opinion

Very strong economy

We consider Clinton's economy very strong. The town, with a population estimate of 12,709, is in Middlesex County in the Hartford-West Hartford-East Hartford MSA, which we consider broad and diverse. Projected per capita effective buying income is 121% of the national level and per capita market value is \$175,427. Overall, market value grew by 1.1% during the past year to \$2.2 billion in fiscal 2021.

The roughly 17.2-square-mile Clinton is 17 miles east of New Haven and 40 miles south of Hartford, traversed by Interstate 95 and routes 1, 81, and 145. The primarily residential town maintains a modest commercial presence, along with some industrial properties. Leading employers include:

- Clinton Crossing Premium Factory Outlet Center,
- Clinton government,
- Stop & Shop, and
- Connecticut Water Co.

There is no taxpayer concentration with the 10 leading taxpayers accounting for less than 10% of the grand list. The town's old Morgan High School facility is under contract with developers for mixed use with residential, commercial, hotel, and chain restaurants. Unilever's former building is also under redevelopment. We note that these developments have slowed due to COVID-19 and that they have recently restarted and are on track. Several existing and new residential and commercial developments will be complete during the next few years. We expect the town's economy will likely remain very strong.

County unemployment was 3.2% in 2019. Despite this very low figure, rapidly evolving economic conditions due to the pandemic have significantly affected the labor market. While the regional economy showed resilience during the past recession, high unemployment, particularly if it exceeds 10%, is a risk we are monitoring. As of June 2020, county unemployment was 6.1%.

Adequate management

We view the town's financial management as adequate, with standard financial policies and practices under our FMA methodology, indicating the finance department maintains adequate policies in some, but not all, key areas.

Clinton's budgetary assumptions are conservative, and management uses three-year historical trend analysis when developing the budget. The town also reports on budget-to-actual results to the board monthly. Clinton follows state guidelines on investments. While it does not have a formal long-term financial plan, it is working on formally adopting a plan. The town's rolling capital plan extends into fiscal 2028, but it does not identify funding. The town's formal reserve policy calls for maintaining unassigned reserves at no less than 10% of expenditures. Management has adhered to this policy during the past three fiscal years.

Adequate budgetary performance

Clinton's budgetary performance is adequate, in our opinion. The town had slight surplus operating results in the general fund at 0.5% of expenditures and surplus results across all governmental funds at 6.7% in fiscal 2019.

Historically, Clinton has produced balanced operations, supported by its strong budget development and monitoring framework. While the sudden contraction of its local economy has not had a significant effect on Clinton, weaker revenue collections could pressure budgetary performance during the next few fiscal years.

Fiscal 2019 results include adjustments for one-time capital expenditures paid for with bond proceeds and recurring transfers. Management primarily attributes fiscal 2019 positive performance due to conservative budgeting for state revenue and expenses related to school costs and lower-than-budgeted expenditures and higher-than-expected revenue. Clinton budgeted conservatively for intergovernmental, property tax, and charges-for-services revenue. Town departments also maintained good control of expenditures, which netted cost savings.

Property taxes accounted for 82% of fiscal 2019 general revenue, followed by intergovernmental revenue at 16%. Tax collections averaged 99.3% during the past three fiscal years; the town budgets for 98.8% collections, which provided additional operating flexibility.

The fiscal 2020 budget totals \$55.1 million, or a 2.9% increase over fiscal 2019. Officials are projecting a budgetary surplus due to several higher-than-expected revenues and the town receiving delayed reimbursements related to Hurricane Sandy. Expenditures decreased due to conservative budgeting, further supported by cost-containment measures put in place at the start of the pandemic.

Management will continue to budget conservatively for state revenue in fiscal 2021. As part of its \$55.4 million budget, Clinton lowered the expected tax-collection rate and increased the amount of the contingency line item. Officials increased expenses mainly for contractual and fixed costs. They report revenue is in-line with previous fiscal years with one or two exceptions, and expenses are below historical levels.

Very strong budgetary flexibility

Clinton's budgetary flexibility is very strong, in our view, with available fund balance in fiscal 2019 at 17% of operating expenditures, or \$9.5 million.

Clinton has consistently maintained very strong budgetary flexibility during the past three fiscal years with available reserves averaging 12% of expenditures, supporting its formal reserve policy of maintaining unassigned fund balance at 10% of expenditures. In fiscal 2019, available fund balance was, once again, at levels we consider very strong. Despite some uncertainty surrounding revenue during the latter half of 2020, the town forecasts a surplus and growing fund balance.

Due to the delay of the high school sale, the town will now add the roughly \$2.2 million payment to reserves. We think the town will maintain balances higher than 15% of expenditures. However, we expect management will spend fund balance on various capital projects and other one-off expenses. We, however, do not expect budgetary flexibility will likely weaken materially.

Very strong liquidity

In our opinion, Clinton's liquidity is very strong, with total government available cash at 26.9% of total governmental-fund expenditures and 3.3x governmental debt service in fiscal 2019. In our view, the town has strong access to external liquidity if necessary.

Clinton is a regular market participant that has issued debt frequently during the past several years, including GO bonds and short-term BANs. Clinton does not have any variable-rate or direct-purchase debt. We expect liquidity will likely remain very strong.

Adequate debt-and-contingent-liability profile

In our view, Clinton's debt-and-contingent-liability profile is adequate. Total governmental-fund debt service is 8.2% of total governmental-fund expenditures, and net direct debt is 100.4% of total governmental-fund revenue. Overall net debt is low at 2.7% of market value, which is, in our view, a positive credit factor.

Following this issuance, the town will have about \$58.6 million of total direct debt, including \$3.1 million in BANs. Officials have \$13.8 million of authorized, but unissued, debt. The town has received \$25 million of state grants to offset the new high school's construction, and it expects an additional \$3 million in grants.

Pension and other-postemployment-benefit (OPEB) highlights

- We do not view pension and OPEB liabilities as an immediate credit pressure for Clinton despite lower funding and our expectation costs will likely increase.
- Under a special funding situation, the state is obligated to make pension contributions on behalf of Clinton for Connecticut State Teachers' Retirement System (CSTRS), mitigating risks of escalating costs, despite poor plan funding.
- Because the town's actuarially determined pension contribution is built from, what we view as, weak assumptions and methodologies, we think it increases the risk of unexpected contribution escalations. However, we expect higher contributions will likely remain affordable due to the strength of the town's revenue base.
- Although Clinton funds OPEB liabilities on a pay-as-you-go basis, which, due to claims volatility and medical-cost and demographic trends, is likely to lead to escalating costs, the town has established a trust and is working toward a funding policy.

At June 30, 2019, the town participated in:

- Clinton Police Pension Plan, a single-employer police retirement system, established and administered by the town, which was 63.36% funded, with a \$7.9 million net pension liability;
- Clinton Board of Education Noncertified Personnel Pension Plan, a single-employer pension system, established and administered by the board to provide pension benefits to noncertified employees of the board of education, which was 80.36% funded, with a \$1.5 million net pension liability;
- Volunteer Firefighters' Plan, which was 0% funded, with a net pension liability of \$857,094;
- Connecticut Municipal Employees' Retirement System, which was 73.6% funded, with a proportionate share of the plan's net pension liability of \$4.3 million;
- CSTRS, which was 55.93% funded; and

- OPEB for eligible school and town employees.

Clinton's combined required pension and actual OPEB contribution totaled 4.3% of total governmental-fund expenditures in fiscal 2019: 3.5% represented required contributions to pension obligations and 0.8% represented OPEB payments. The town made its full annual required pension contribution in fiscal 2019.

The town's OPEB plan has a total liability of \$2.7 million at June 30, 2019, while the board of education's OPEB plan has a total liability of \$8 million. The fiduciary net position for the town's plan is 1.16% while the board's plan has a fiduciary net position of 0.94%.

Management has created an OPEB trust fund with an initial contribution of \$100,000. The town is developing a funding policy for its trust fund. While the town's total pension and OPEB carrying charge as a percent of expenditures has grown during the past fiscal year, we think costs will likely remain manageable; however, should costs significantly increase, we could revise our view of the town's pension and OPEB profile. We view the town's retirement costs and long-term liabilities as manageable.

Strong institutional framework

The institutional framework score for Connecticut municipalities is strong.

Related Research

- S&P Public Finance Local GO Criteria: How We Adjust Data For Analytic Consistency, Sept. 12, 2013
- Incorporating GASB 67 And 68: Evaluating Pension/OPEB Obligations Under Standard & Poor's U.S. Local Government GO Criteria, Sept. 2, 2015
- Criteria Guidance: Assessing U.S. Public Finance Pension And Other Postemployment Obligations For GO Debt, Local Government GO Ratings, And State Ratings, Oct. 7, 2019
- 2019 Update Of Institutional Framework For U.S. Local Governments
- Through The ESG Lens 2.0: A Deeper Dive Into U.S. Public Finance Credit Factors, April 28, 2020

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collaborating for the common good

September 30, 2020

TO: CCM Legislative Committee

FROM: Elinor Carbone, Mayor of Torrington, Chair
Erika Wiczenski, First Selectwoman of Willington, Vice-Chair

RE: **Recommendations for CCM's 2021 State Legislative Program: Committee on Education**

Below are the recommendations of the CCM Committee on Education for inclusion in *CCM's 2021 State Legislative Program*. The report is divided into the following sections: (i) Legislative Proposals Recommended for Inclusion, (ii) Committee Statement, (iii) Proposal for Further Consideration, (iv) Administrative Proposals and (v) Proposal to be Referred.

LEGISLATIVE PROPOSALS RECOMMENDED FOR INCLUSION

- * 1. Provide municipalities stability and predictability in budgeting for special education by:
 - a. **Requiring that special education funding follows the student** until such fiscal year concludes when such student changes school districts during the fiscal year,
 - b. **Establishing a legislative task force to examine (1) potential regional opportunities for the provision of special education services, and (2) potential opportunities to increase the involvement of Regional Education Service Centers for the provision of special education services,**
 - c. **Allowing a town to reduce their MBR in an amount that reflects costs associated with special education students once those students leave the district, and**
 - d. **Decrease the Excess Cost grant threshold to at most 2.5 times the district's average per-pupil expenditure and fully fund the grant.**

- 2. Provide regional school districts with increased predictability and stability in budgeting by requiring:
 - a. **Regional school districts to use a 3-5 year moving average to identify and establish operating costs, and**
 - b. **The establishment of regional boards of finance to provide oversight to such regional boards of education.** Such regional boards of finance shall have the same authorities as a local board of finance and shall be comprised of representative membership identical to the regional board of education in the regional school district in which they are located.

- * 3. Provide municipalities predictability and stability in budgeting for education by:
 - a. **Allowing local governments to provide non-education related services included in board of education budgets** and removing collective bargaining impediments to establishing service sharing arrangements between boards of education and local governments,
 - b. **Requiring boards of education to accept proposed adjustments for non-education related services made by boards of finance or budget making authority to board of education budgets** and allowing for boards of education to establish a “contingency” line item to fund unanticipated expenditures, and
 - c. **Establishing a cap on the per pupil tuition endowed academies and magnet schools are allowed to charge local governments for provision of education and special education services**, and establish a state funding mechanism to subsidize such tuition charged to local governments.

The intent of the 3rd proposal is to provide municipalities and Boards of Education a way to alleviate some of the budget stressors that Boards of Education experience attempting to balance the need to maintain facilities and provide back-office functions (non-educational expenses) with the requirement to provide a free and appropriate education (educational expenses). These suggestions are made with the goal of building collaboration and consolidating services where appropriate with a common goal of reducing the impact of budgetary spending on the taxpayers.

PROPOSAL FOR FURTHER CONSIDERATION BY CCM LEGISLATIVE COMMITTEE

- 1. **Revising CGS 10-220 to provide the Board of Finance or chief elected/appointed municipal official with the authority to deny line item transfers on non-collective bargaining expenditures within a Board of Education budget.**

ADMINISTRATIVE PROPOSALS

- * 1. Urge the administration, and if necessary the legislature, to **(1) ensure that costs associated with preparing and maintaining public health measures as a result of COVID-19 in schools do not impact the municipalities MBR, and (2) any student enrollment changes as a result of the pandemic should not negatively impact state financial assistance for education.**
- 2. **Work with the Office of Policy and Management (OPM) to provide municipalities with more advanced notice regarding their MBR amount.**

PROPOSAL TO BE REFERRED

- 1. **Collaborate to ensure that education inequities and desegregation efforts are considered in the ongoing discussion regarding housing and zoning issues.**

Refer to CCM’s Municipal CEO Working Group regarding affordable housing and zoning rules.

If you have any questions, please contact Michael Muszynski, Advocacy Manager, at mmuszynski@ccm-ct.org, or (203) 500-7556.

* Because this item is a state funding proposal, it will be referred to the CCM Board of Directors for approval.



September 30, 2020

TO: CCM Legislative Committee

FROM: Don Stein, First Selectman of Barkhamsted, Chair
Rudy Marconi, First Selectman of Ridgefield, Vice Chair

RE: **Recommendations for CCM's 2021 State Legislative Program: CCM Committee on Public Health and Human Services**

Below are the recommendations of the CCM Committee on Public Health and Human Services for inclusion in *CCM's 2021 State Legislative Program*. The report is divided into the following sections: (i) Legislative Proposals Recommended for Inclusion and (ii) State Agency Proposals.

LEGISLATIVE PROPOSALS RECOMMENDED FOR INCLUSION

- * 1. **Ensure municipalities have the resources and tools to handle the ongoing COVID-19 epidemic by:**
 - a. Maintaining full and adequate funding for local health departments in order to preserve current services and combat COVID-19 impacts, and
 - b. Ensuring there is proper guidance from the State, including but not limited to, contact tracing, planning for future delivery of vaccines, and how to manage ongoing public health emergencies.
- 2. **Establish a legislative working group tasked with studying the mental health and substance abuse effects of COVID-19 and specifically identify funding needs.** The goal of the group would be to develop recommendations for the legislature to consider during the 2021 legislative session.

STATE AGENCY PROPOSALS

- 1. **Enhance efforts to combat the State's opioid epidemic by designating the Chief Operating Officer of Connecticut or other official as Connecticut's Drug Abuse and Control Ombudsman** tasked with coordinating efforts to enhance and examine sustainable funding streams to support substance abuse prevention, education and recovery efforts.
- 2. **Ensure various State Agencies of cognizance provide direction and long-term guidance on the behavioral health impacts** of including, but not limited to, social distancing, distance learning, the lack of afterschool programs, and how it affects families and individuals.

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If you have any questions, please contact Michael Muszynski, Advocacy Manager, at mmuszynski@ccm-ct.org, or (203) 500-7556 or Zachary McKeown, Senior Legislative Associate at zmckeown@ccm-ct.org or (860) 462-9556.

* Because this item is a state funding proposal, it will be referred to the CCM Board of Directors for approval.



September 30, 2020

TO: CCM Legislative Committee

FROM: Ben Blake, Mayor of Milford, Chair
Catherine Iino, First Selectwoman of Killingworth, Vice Chair

RE: **Recommendations for CCM's 2021 State Legislative Program: Committee on Municipal Law, Liability and Insurance**

Below are the recommendations of CCM's Committee on Municipal Law, Liability & Insurance for inclusion in *CCM's 2021 State Legislative Program*. The report is divided into the following sections: (i) Legislative Proposals Recommended for Inclusion and (ii) Proposal to Refer to the CCM Police Accountability Work Group.

LEGISLATIVE PROPOSALS RECOMMENDED FOR INCLUSION

1. **Reduce municipal liability through:**
 - a. **Limiting the scope of the "reckless disregard" exception to municipal immunity statute found in CGS §52-557n(b)(8).** Recent Supreme Court decision in *Williams v. Housing Auth. of the City of Bridgeport, et al.* broadened the scope of reckless disregard. This would be accomplished by deleting "under all the relevant circumstances" from the end of 52-557n(b)(8).
 - b. **Applying a new defense that would protect municipalities from liability against those seeking damages as a result of engaging in activities in municipal recreational areas.**
2. **Amend CGS 8-2 to remove the word "advertising" from the type of signs that a municipal zoning commissions may regulate.** The State Supreme Court decision in *Kuchta v. Arisian*, ruled zoning commissions, under that statute, cannot regulate signs that merely express a personal opinion.
3. **Modify existing Freedom of Information statute/regulation to allow municipalities the option to conduct virtual meetings for any purpose.**

PROPOSAL TO REFER TO CCM POLICE ACCOUNTABILITY WORK GROUP

1. **Ensure that requirements found in PA 20-1, regarding police accountability officers, are within the condition of employment, and therefore, not subject to collective bargaining.**

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