

**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.



TOWN OF WEST HARTFORD 50 SOUTH MAIN STREET
WEST HARTFORD, CONNECTICUT 06107-2431
(860) 561-7420 FAX: (860) 561-7426

<http://www.west-hartford.com>
Printed on Recycled Paper

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.