

February 27, 2026

Esteemed Chairs Rahman and Kavros Degraw,  
Members of the Planning and Development Committee:

The Western Connecticut Council of Governments (WestCOG) appreciates the opportunity to comment on Raised Bill 273, *An Act Concerning Local Government*.

While the bill as introduced makes a narrow technical clarification to civil service administration, this legislative vehicle presents an important opportunity to address a foundational structural issue affecting regional governance in Connecticut: extending the municipal liability framework set forth in CGS § 52-557n to regional councils of governments (COGs).

## **I. REGIONALIZATION SHOULD NOT ALTER LEGAL POSTURE**

Connecticut increasingly takes advantage of regional councils of governments as platforms for shared and delegated services. COGs administer transportation programs, housing initiatives, emergency management coordination, environmental planning, and other critical responsibilities. This model reflects sound public policy. Regional delivery reduces duplication, strengthens technical capacity, and improves coordination across municipal boundaries.

However, when a municipality delivers a governmental function directly, its actions fall squarely within Connecticut's well-developed municipal liability framework, including CGS § 52-557n and related common-law doctrines. That statute has been interpreted and refined over decades of judicial decisions, creating a stable and predictable body of law governing discretionary acts, ministerial duties, and official immunity.

When the identical function is delivered through a council of governments, the statutory footing is less explicit. COGs are political subdivisions of the state exercising delegated governmental authority. They perform discretionary, policy-driven, and in some cases quasi-judicial functions. Yet § 52-557n does not expressly apply to them. Modern appellate case law addressing COG tort liability exposure is limited. Unlike municipalities, whose immunity framework has been repeatedly examined by the courts, COGs operate in a comparatively untested space. The resulting uncertainty is structural.

Regionalization is intended to improve efficiency and coordination, not to alter the liability posture of public services. A municipality that provides a service directly operates within a well-defined immunity framework. That same municipality should not face ambiguity merely because it chooses to deliver that service regionally.

## **II. LEGAL UNCERTAINTY BECOMES A PRACTICAL BARRIER**

This issue is not abstract. Municipal officials and municipal counsel evaluating shared service agreements must assess risk. They must determine whether participation in a regional structure alters exposure, affects insurance, or introduces legal ambiguity. Where immunity doctrine is clear and judicially developed, counsel can provide reliable advice. Where statutory language is silent

and case law sparse, uncertainty itself becomes a constraint. If the State intends councils of governments to function as durable platforms for shared services, they must stand on the same legal footing as municipalities when performing delegated governmental functions. Parity of immunity is not an expansion of protection. It is a prerequisite to meaningful regionalization.

### **III. A CLEAN AND LIMITED CLARIFICATION**

WestCOG does not seek immunity beyond what municipalities already possess under § 52-557n. Nor does it seek to diminish accountability or alter substantive rights. The most straightforward solution is a clean statutory clarification. The General Assembly could amend CGS § 52-557n to provide that a regional council of governments, when exercising delegated governmental authority pursuant to state law, shall be treated in the same manner as a municipality for purposes of tort liability and governmental immunity. Such language would:

- Align the liability framework with the State’s regional governance structure;
- Provide structural certainty to municipalities participating in shared service arrangements;
- Preserve the existing balance struck in § 52-557n between accountability and protection for discretionary governmental acts; and
- Ensure that officers, employees, and volunteer officials of a COG acting within the scope of their duties enjoy the same immunities and defenses available to municipal officers and employees.

This would not create new immunities, nor would it expand defenses. It would simply ensure symmetry between municipal and regional implementation models.

### **IV. STRUCTURAL CERTAINTY SUPPORTS THE STATE’S POLICY GOALS**

Connecticut has invested in regional governance as a mechanism for efficient service delivery. That model will function best when the legal framework supporting it is clear, consistent, and aligned with decades of developed municipal jurisprudence. Public services should not move from a place of established legal certainty into a comparatively untested framework. Extending the municipal immunity statute to councils of governments ensures that regional governance operates within the same predictable parameters that municipalities rely upon every day. Raised Bill 273 provides an appropriate vehicle for this targeted clarification. WestCOG respectfully urges the Committee to consider a clean extension of CGS § 52-557n to regional councils of governments.

Thank you for your consideration.

Sincerely,



Francis R. Pickering  
Executive Director