

Susan Mandiberg: I want to welcome everyone to this meeting of the Governance Subcommittee of the OPDC. We have a relatively short agenda. I think we can get it done in an hour, although the timing on the agenda may end up being adjusted. First thing I want to do is introduce Mara Hoaglin, who is new at OPDC. She is the staff person who's going to be supporting the commission at its meetings and our subcommittees at our meetings, and she's a good point of contact for people who need to communicate with us or want information. So, welcome, Mara. I see you're muted with your face not available, but I know that you're here. There you are. Good to see you. The first thing on the agenda is an update about the Audit Committee Charter. We have a draft out for consideration, and Rob, this is you. Want to give us a report?

Robert Harris: Yeah, I don't have much on this. We've been trying to get the Audit Committee together again, and we've had to delay this and reschedule this several times. We were supposed to have met earlier this month, and I think we've kicked it out to October 1, Eric, is that right? I don't know if you've got that on your calendar.

Eric Deitrick: That sounds about right.

Robert Harris: Yeah, and since our last Governance Committee, I have not been involved in any significant... I've been in contact with Scott a couple of times, but no substantive changes to the last draft. Eric, do you have any other information on that? Have you been talking to Scott?

Eric Deitrick: It's been a few weeks. It's been since mid-August. There were some changes in addition to the changes this subcommittee was recommending, but I don't think they were terribly substantive. It was more clarifying in nature.

Robert Harris: Yeah, there was a couple of definitional issues I think that Eric had brought up that him and Scott were working on hammering out, so what I'm hoping is that at the October Audit Committee meeting, our quarterly meeting, we'll be able to... Oops, excuse me.

Susan Mandiberg: Do you think we'll be able to have a charter by the end of the calendar year?

Robert Harris: Yes.

Susan Mandiberg: Okay, great.

Robert Harris: I think it's actually pretty close. I mean, really, it's just a matter of getting everyone together and finalizing these details.

Susan Mandiberg: I think it would be really important to have something on the books before we transition to the executive branch.

Robert Harris: Yes.

Susan Mandiberg: Yeah, great.

Robert Harris: We will get that done.

Susan Mandiberg: Fantastic. Thank you. So, some of the folks who are attending who are not commissioners may have looked at the documents that were posted on the commission website earlier than this morning. They were draft documents, and posting the final documents evidently fell through the cracks. They have been posted this morning, so they're available now. Starting with the next thing on the agenda, the ED evaluation process, the only change to the draft documents that were posted is the calendar, and that was my mistake. The calendar that was in the draft documents mistakenly put this committee's meeting date instead of the commission meeting date. So, the final document has a new calendar.

So, the commission will approve the review process on September 18th. A letter will go out to potential evaluators on the 19th, and they'll have until the 30th to respond. The evaluation will go out on October 1st, and they'll have till the 15th to respond. A progress report will be at the October commission meeting, and then the board chair and the human resources director will present the survey results at an executive session, and it will be an executive session because it deals with personnel issues. So, that's the only change from the draft document so far. Rob, do you have any issues about that? Questions?

Robert Harris: No, that's clear. Thank you for that.

Susan Mandiberg: Okay. The other thing to discuss about the executive director evaluation process, and I'm sorry that we don't have a quorum yet to discuss that, is that a number of us have received emails or phone calls from stakeholders objecting to Eric Deitrick being listed among the evaluators for the executive director. And the reason that Eric is listed, and I note that he has left the subcommittee meeting at this point to make it easier for us to discuss this, the reason he is on the list of evaluators is that the executive director protocol says that people who are on the executive team and are direct reports to the executive director should be evaluators in this process. And Eric is on the executive team and directly reports to the executive director. He has...since this commission has been in existence on January 1st, as I understand it based on communications with me, the reason some people object to him being an evaluator is because of the report that was made after investigation into behavior that Eric was

involved in a number of years ago under a different executive director and a different commission. And so I felt the need to raise those objections today at this subcommittee and get this subcommittee's sense of whether his name should be eliminated as an evaluator. The only people here to discuss it, Rob, are you and me. [Laughter]

Robert Harris: Yep. As long as Eric remains on the executive team, he should be included in this. If he is no longer on the executive team, he should not be included in this evaluation.

Susan Mandiberg: So, what I hear you saying is that if he is no longer on the executive team by October 1st, he should be taken off?

Robert Harris: That would be my position because he would no longer fit the criteria of individuals who should be included in this executive director's review.

Susan Mandiberg: Even though he has been a direct report and on the executive team since January, and that is the period of time he would be reviewing?

Robert Harris: Yes. Yes.

Susan Mandiberg: Okay. We have no quorum and so we can't take a vote on this.

Robert Harris: If I may, Susan.

Susan Mandiberg: Yeah.

Robert Harris: I did have one more comment and I apologize. I probably didn't raise this the first time or two that we had looked at this, looking at the folks who will be doing the review. I am looking at parties of interest. You have lawyers with law firm contracts. Those two are great. I would like to see a law firm that does not do almost 100% or exclusively public defense, sort of a mixed caseload because there are a significant number of those providers in the state and there's no one on this list that meets that. I know Jack and John do some retained work, obviously, but primarily they do public defense work and that's what they are known for. The other thing is there's no one here from Washington County, which is the second largest county and has a mixed unit, and so Washington County also has a couple of law firms that do a significant amount of retained. And if there were to be someone added to this, I think that would fill both of those, what I see as holes in these reports.

Susan Mandiberg: Okay.

Robert Harris: So, I'll just throw that out there.

Susan Mandiberg: Right. I don't have any problem with that, personally. Maybe you could... I don't know who those law firms are. I could find out from staff, or you could tell me.

Robert Harris: Yeah. I could shoot you an email or I could... whatever you want to do is fine.

Susan Mandiberg: We'll work that out. I don't have any problem with that.

Robert Harris: Yeah, okay.

Susan Mandiberg: I see the other as being more controversial and I'm not sure how to handle that with only two of us here. I understand the complaints. I understand your position. What makes me uncomfortable is that the period that is being evaluated is the period from January 1st to now, and Eric has worked closely with the executive director during that period, and I'm sure has some important insights about the issues that are listed on this evaluation.

Robert Harris: Yeah. I get that. The flip side is if for whatever reason Eric is not on the executive team, his responses may be affected by that departure. And you already have one, two... You got how many people on executive team? One, two, three, four, five, right? So, you'd be down to four, but you also have the two direct reports within the agency.

Susan Mandiberg: Well, that's a good point. I hadn't thought about... I mean, I assume you are suggesting that his leaving the executive team would not be 100% voluntary and so any resentment that he might feel would affect his review. Is that your point?

Robert Harris: Yes, that is possible. I mean, I do not know, but that's...when I have people leave my employment, even if they do it voluntarily, sometimes they're not that thrilled about it. So, that would be a concern. Now, if there are only three people on this executive team and it would go down to two, I would have maybe a difference of opinion and I would be thinking more along the lines of I think what you're initially thinking, but with this many people on the team already, having one person not being able to respond may not unnecessarily skew the results, I guess.

Susan Mandiberg: I think the way to take care of this – because we have the executive team and we have the direct review – so maybe the way to take care of this, and again, I wish we had a quorum because we can't take an official vote, but since I wrote the memo, I can amend it and explain to the commission how we got here. Maybe what we should do in the memo is say executive team and direct reports as of October 1st and not list any names.

Robert Harris: Yeah, I like that.

Susan Mandiberg: Okay.

Robert Harris: Yeah, you may have other changes as well.

Susan Mandiberg: We may have other changes as well, if there are going to be changes, and I have no idea whether that's happening. But the only problem then is if it gets down to only two people, but I doubt that there'll be an executive team with only two people.

Robert Harris: Yeah.

Susan Mandiberg: That would be unusual. The only other problem I see with that is... No, I don't think that'll be a problem. The survey, as it notes in the memo, will be sent out. The person who will administer it is the head of HR. It'll be done with a confidential, dedicated Survey Monkey. She needs to have time to set that up, even though it won't go active until after the commission votes on this, but she can set up the questions, and plugging in who gets the survey won't take much time. So, I think that'll be okay.

Robert Harris: Okay.

Susan Mandiberg: All right. I think that's a good solution. Is there anything else we want to say about that? I know that Jennifer is planning to come to the commission meeting, and if she does come, we can let her know what happened. I am going to email Eric and ask him to come back. Mara, perhaps you could get Eric back, if you would, because we need him for the next thing on the agenda.

Mara Hoaglin: Yes, will do. Thank you.

Susan Mandiberg: Thank you. All right. All right. The KPM measures. Hi. Hi, Eric. Thanks for coming back. The KPM measures, so what this is is the Department of Administrative Services and the Legislative Fiscal Office require this to be done. And this commission best practices that we all filled out a survey on, and some staff filled out a survey on, is one of 15 best practices that the agency has to do. This is the only one the commissioners have to weigh in on. The rest are all things for the staff of the agency to weigh in on. And what happens is that the agency has to get this all in by October 1st. Kimberly Freeman is in charge of filling out the template that DAS and LFO make available in this system. And the responses are some numeric responses, and some textual responses are also possible.

The most important thing is for the agency to get the results in by October 1st because if we don't get the results in by October 1st, that's a problem for the budget process. My understanding is that meeting that October 1st deadline is

often more important than what the surveys actually reveal because they're supposed to be mainly for us to engage every year in self-evaluation so we can figure out how to improve. Kim will report on all of the [Distortion 00:17:51] at the September commission meeting, and I will report on this memo and what this committee has done with it, if anything.

The fact that we and staff were asked to respond to a survey about this particular best practices evaluation is new, and a real improvement over the way it was done in the past. In the past, staff filled this out, even though it was supposed to be the commission evaluating itself. So, the fact that we actually participated in the evaluation is an improvement over prior practices, and I'm glad to see that. So, what resulted from the survey is in that unfortunately 14-page memo that I made available... Have you had a chance to take a look at that, Rob? You're muted.

Robert Harris: Yeah, you mean the one that was in the materials here?

Susan Mandiberg: Yeah, the one that says key performance measures best practice survey. You might as well stay unmuted. There's only two of us.

Robert Harris: Yeah, I'll just give them my thumbs up when I...

Susan Mandiberg: We're just sort of discussing things, right?

Robert Harris: Yeah.

Susan Mandiberg: So, as a committee, I think we have a couple things we need to decide, although we can't formally decide anything since we don't have a quorum. So, we can have some input into what Kim reports. She can report... And I had a brief meeting with her and Eric last week to talk about how this has to work. She can just report statistics, and if she just reports statistics, she could choose to just report the commissioner responses, or she could report statistics based on the commissioner and staff responses both, or she could report statistics and also textual comments.

And one possibility that seemed to make some sense, at least to me, was that on the questions where the responses don't show that we're doing a wonderful job, where they're down toward the 50% area, we could add explanations about why we think we need improvement or why we think that the responses are as low as they are. And so in the memo that I made available, I made some attempt at explanations as I understood them, and also suggestions for what we might do to improve, the takeaways that we might do to improve. And we can certainly tweak that draft memo. Right now, the memo just comes to the Governance Subcommittee. I have to put together, or we have to put together

as a committee, a memo to give to the whole commission. So, we can jettison this memo, we can tweak this memo, we can do what we want. So, do you have any opinions about this?

Robert Harris: Well, I read the whole thing, and a couple of observations. I don't know if I have a firm opinion on a lot of this.

Susan Mandiberg: Okay.

Robert Harris: One observation is when we include commission's textual responses, with this limited number of people responding, people who do respond tend to get overweighted, I think.

Susan Mandiberg: The textual ones?

Robert Harris: Yeah. So, a strong opinion in a textual response. If you have a 100 people and 6 people say, "I really don't like the color of the front door," right? That's probably an issue. But when you have nine people and one person says, "I don't like the color of the front door," that might just be an outlier. But I also like, I mean, I do like to read the textual responses, and I think we're all pretty responsible in offering them with some thought. So, part of this, I'm just talking out loud a little bit, Susan. Because I do like them, but I worry that they get overweighted.

Susan Mandiberg: So, when we send this into DAS and LGO...legislative fiscal, we can give them our own textual responses. We don't have to send them the textual responses in the survey. So, the textual responses we send in with the report can be our, meaning the commission's, evaluation of what we see here. Right?

Robert Harris: Yeah.

Susan Mandiberg: So, that's a separate issue from sending in the textual responses to the survey.

Robert Harris: Got it.

Susan Mandiberg: And I agree with you that, I mean, I've looked at a lot of survey things with textual responses, and I absolutely agree with you that the squeaky wheels tend to get overemphasized in the textual responses. So, I think I would prefer either not including textual responses when it gets turned in, or including the commission's textual responses, explaining what we see in the numeric responses and what we are going to be doing to deal with it.

Robert Harris: So, would we then, after we get the data, are you saying potentially at a commission meeting, we'd say there's three questions we had some questions

or issues or responses to we think are important to talk about and contextualize these?

Susan Mandiberg: Yeah, maybe. I mean, I think one thing that's important to point out to DAS and the LFO is that we are evaluating a commission that has been in existence only since January.

Robert Harris: Yeah.

Susan Mandiberg: And that some of the responses, maybe especially staff responses, could be based on the behavior of the previous commission, since staff have been working with the previous commission, not just us. So, I think it's important to reemphasize that. I don't think we should be blamed for a lot of the errors of the previous commission because I think we tried to correct a lot of them. At least that's my sense. So, I think that's one important thing to point out. I think another important thing to point out is where we agree or what we think we need to do to improve. Now, maybe that's something that we should keep to ourselves, or maybe that's something we should include as a response. I don't know. Do you have an opinion?

Robert Harris: I think we should try and keep this particular report pretty data focused because that's the questions that we're asking people, for data. And I would keep it on data and analysis as much as possible. And you can do some interpretation of analysis, but maybe not forecasting or advising. That's my opinion on this particular one.

Susan Mandiberg: Okay. I'm throwing out suggestions just so I get some [Inaudible 00:27:11]. [Laughter]

Robert Harris: You're making me think, so I appreciate that.

Susan Mandiberg: It's just me, and I don't trust just me.

Robert Harris: No. I get it. I haven't thought about these questions.

Susan Mandiberg: There's supposed to be a committee.

Robert Harris: No, that's great. I appreciate the help in making me think a little bit here.

Susan Mandiberg: All right. So, this has to be in by October 1st. So, the September commission has to decide what to do, right?

Robert Harris: Mm-hmm.



Susan Mandiberg: And so, our job is to figure out what to communicate to them. They haven't seen this memo. This memo just went to our... Well, they can see it if they want to log on and get it, but this memo just went to our subcommittee. So, what to send to the whole commission for its meeting in two weeks? And again, I can throw out some suggestions. I mean, one suggestion would be to just send them this memo. One suggestion would be to send them the numeric responses and the textual responses. One would be to just send them the numerical responses. One would be to send them the numerical and textual responses with our...in other words, two people's suggestions. [Laughter] We have to make it clear that there wasn't a quorum with what, if any, textual comments to include when we submit the report. So, those are various ways to go. Oh, Jennifer. Hello.

Robert Harris: All right.

Susan Mandiberg: Nice to see you.

Jennifer Parrish-Taylor: I think I missed a comment. Just coming in. Sorry.

Susan Mandiberg: Yeah. So, we have been discussing the key performance measures, and I don't know if you've had a chance to look at... No, the memo. All right. We were just at the phase of trying to decide what to send the whole commission. There are numeric responses. There are textual responses. There are my observations that are in this memo that I sent to the subcommittee. And then there are observations that this committee and/or the whole commission could make. What has to be turned in to DAS and LFO is a report that includes numerics and can include textual responses. So, that's kind of a summary of what we've talked about for the last several minutes. Rob, do you have a sense of what we send to the whole commission about this?

Robert Harris: Yeah. Well, excuse me, I think that the work you put into this memo is very valuable for people, and you're not particularly making any conclusions. You're simply making observations and your takeaways. So, I think that's valuable information for the commission to have. So, I don't object. I wouldn't object to this whole thing going to the commission since we've seen it anyway on this Governance Subcommittee as has the public. So, I have no objection at all, frankly, to this memo going to the commission and then the commission taking the next step as to what goes to LFO from there.

Susan Mandiberg: I'm good with that. I did put a lot of time into this.

Robert Harris: That was very good. Thank you.

- Susan Mandiberg: Do we want to make any recommendations to the commission? And based on what you said before, I imagine one recommendation would be not to send in the textual comments that were made in the survey.
- Robert Harris: I would recommend to the commission, just my first reaction after reading this and based on some of your questions and observations, is to recommend that we send the data in, which is the numbers because I think that tells a story. And the textual responses and our personal observations not be made at least a formal part of this to the LFO. But obviously, it's available to them should they choose to look at it. But I think giving them textual responses overlays more information than this data. I really believe in data to help us move forward in a lot of ways, informed by experiences, personal experience as well, obviously. But for LFO purposes, they're looking at some data as to KPMs and where we're at on that stuff.
- Susan Mandiberg: And by data, you mean the results from both commissioners and staff?
- Robert Harris: Yes, I would give them both.
- Susan Mandiberg: Yeah, me too.
- Robert Harris: Because it tells two different stories, right? So, yes.
- Susan Mandiberg: But do you agree that one comment that should be sent in to DAS and LFO is reminding them that we're a new commission?
- Robert Harris: Well, yes, I think that is right because this is going to be pulled from their personal experiences with the commission, not for the past six months, but potentially for the past six years or so. Or at least probably the past two years, at least.
- Susan Mandiberg: Okay, so...
- [Crosstalk 00:33:20]
- Robert Harris: ...with our executive director, yeah.
- Susan Mandiberg: ...like that. And then, so that works for me. And Jennifer, I don't know if you're up to speed enough to weigh in on this.
- Jennifer Parrish-Taylor: No, I mean, I was just going to say, like, that's kind of typical information as part of a review. So, I think that makes sense to me. I think anything that is kind of best practices that are implemented in other kind of review processes, we should follow as well.

Susan Mandiberg: Okay, great. And by the way, once you have a chance to get home, [Laughter] I hope you had a great time away.

Jennifer Parrish-Taylor: I did. It was amazing. [Laughter] Now I'm just digging through my hundreds of emails.

Susan Mandiberg: Oh, I bet you are. And congratulations, by the way, again on...

Jennifer Parrish-Taylor: Thank you.

Susan Mandiberg: ...your wedding. Once you have a chance to take a deep breath, if you read this and want to make any suggestions or comments, send them to Mara, who you will have a chance to meet, and she's great, and she'll make them available to the rest of us.

Jennifer Parrish-Taylor: Perfect.

Susan Mandiberg: Okay. So, other than coming up with this to the commission, and what I'll do is I'll do this memo, and I'll add to it at the beginning that these are our recommendations for what to send.

Robert Harris: Yeah.

Susan Mandiberg: All right. That said, a lot of the information here, and I think this is what I tried to put in what I called takeaways, are things that we as a committee might want to start talking about in terms of self-improvement within...things that we can do to help ourselves as a commission improve. And so it may be that we should put a discussion about some of these takeaways, either now for our own use or on a future committee meeting. And given that Jennifer hasn't had a chance yet to really look at this, and that Addie had an emergency and couldn't be at the committee meeting today, what I'd like to suggest is that on a future subcommittee agenda, we put some of these takeaways for discussion. And if either of you have any additional takeaways to add, again, if you let Mara know what those are, I'll add them to the agenda for a future meeting. Does that work for both of you?

Robert Harris: Yeah.

Susan Mandiberg: Okay. Anything else either of you want to say about the key performance measures? Eric, is there anything you want to add in about the key performance measures?

Eric Deitrick: No, I'm glad we did it in a more thoughtful manner this time with respect to the surveying, and we have the commission meeting next week for the full commission to take a look at the results.

Susan Mandiberg: Right. We are going to end this committee meeting before 10 o'clock, or before 11 o'clock because we're on to new business. And the only piece of new business I have, other than what we just discussed in terms of future meetings, is there have been some suggestions about ways that we need to amend the bylaws that we adopted in I think it was February or March. And so at a future meeting, we might want to talk about potential updates to the bylaws. And a goal might be, and I think a goal should be, to have potential bylaw updates as an action item in the December commission meeting. So, yeah, Rob, you seem like you want to say something.

Robert Harris: Yeah, that's fine. And because we just adopted this pretty much wholesale brand new bylaws, I figured there'd be some changes or some requests to make some amendments after we wore it for a while. But I don't particularly want people making suggestions every two months.

Susan Mandiberg: Me neither. I think it should be a yearly review of the bylaws, right?

Robert Harris: Right. So, absent an emergency, if someone wants to look at a change in the bylaws, that's fine. Make it always in December or something. I think that's fine.

Susan Mandiberg: I agree. I think that's a good goal. What do you think, Jennifer?

Jennifer Parrish-Taylor: That makes sense to me. I think it's, yeah, if there's an emergency, sure, but this can't be something that every month we are tweaking.

Susan Mandiberg: I think it would make everybody crazy, not just us.

Robert Harris: Yeah.

Susan Mandiberg: That said, I will start compiling a list of suggestions that I am aware of. If either of you are aware of potential tweaks to the bylaws, again, please send them to Mara and she'll get them to me, and I'll let Addie know about it. And I guess we'll announce that at the commission meeting that if anybody else sees potential need for updates, they can let Mara know about it and we'll start working on that. Anybody else have any new business? Well, one thing about not having many people at the committee meeting means it goes faster. So, I'll see you all at the commission meeting. Thanks for coming. Bye-bye.

Robert Harris: Thank you all. Goodbye.