

Susan Mandiberg: Well, welcome to the OPDC Governance Subcommittee meeting today, June 6th. This is just a working meeting. We're going to be discussing a number of different things. No decisions are going to be made. If people are attending, you can see that so far there are only two commissioners who are here at the meeting, and so hopefully some other commissioners will be able to join us. We needed to set a committee meeting before our commission meeting, which is happening next week, so the timing was a little tricky. But we will get done as much as we can and hopefully have a good discussion.

So, the first thing on the agenda is the Audit Committee Charter, and in the OPDC bylaws that were recently adopted, Article 6, Section 2 says the OPDC may approve an Audit Committee Charter and Audit Committee to assist OPDC auditors in their audit function. Any Audit Committee shall include one voting member of the commission. There are public meeting requirements that we also need to take into account as we draft a new Audit Committee Charter because the existing charter is not functional given the way the new OPDC is operating under the new bylaws. And Rob, I'm going to turn it over to you as the expert on Audit Committee s.

Rob Harris: Well, expert is a loose term. Thank you, Susan. I am the PDSC representative on the Audit Committee, so sort of diving into that over the past month or two; Eric has offered some materials as well to me. The current status right now is... And I had a meeting with John Hutzler last week about what was going on, and we had a good Q&A with each other. There are a couple things happening. They are redrafting, "they" meaning the Audit Committee members right now, the experts, not me specifically, is not doing the actual textual work, but they're redrafting the Audit Charter, updating it with some of the issues that you raised.

And John and I talked about a couple of issues specifically to be included in there. The current charter also doesn't include any way to remove members from the Charter Committee, and that's something that they need to be looking at because attendance has been an issue on that. The other issue that he and I talked about was assuring the independence of the Audit Committee, and there's a couple of issues with that. One of the issues is right now currently there are named executive team members to the Audit Committee. Some of the best practices, he indicates, the executive team members are not part of the Audit Committee because that sort of doesn't impair, but it affects the perceived at least independence of the Audit Committee findings. But conversely, it's really valuable to have executive team members on there for informational purposes and explaining certain things to the committee when they have questions.

So, I think that's going to be left alone, and I think right now, Eric can correct me if I'm wrong, it's either the executive director or their delegate, and the CFO, I think, are the two executive team members that are named members of the Audit Committee. So, they still only are in a minority. It's not like they can outvote the

other committee members. They're going to have their draft of the new charter done before the 24th. The 24th is when the Audit Committee meets next. So, they will have that available to us, at least those of us on the committee, and Eric or I can make sure that's forwarded to the entire membership of this Governance Committee.

Susan Mandiberg: I think that's a good idea.

Rob Harris: Yeah, so we can forward that to everyone for input here as well. And Eric, I don't know how much you're talking to John about helping with the redraft of that, or if there's someone on your team that's helping with that or not.

Susan Mandiberg: Can I interrupt and ask a question?

Rob Harris: Sure.

Susan Mandiberg: My sense is that we're the ones who draft the charter, and hopefully the Audit Committee will like and agree with what we do. And I don't have a problem at all having them do a draft to propose to us, but my sense is that it's our job to come up with a draft to propose to the commission.

Rob Harris: Well, I think an alternative way to look at that is let these professional auditors who have the experience doing this at least do the first draft with our input and our questions about it, and then we could go from there.

Susan Mandiberg: That works for me, as long as we're the ones who are finalizing what [Distortion 00:06:14] propose to the commission as a whole.

Rob Harris: I think that, excuse me, looking at obviously the full commission has to approve the charter, right? So, how the charter gets done, I guess, is a mechanical thing as to who gets started, but I am not an expert. I'm not an auditor; I have not been on an Audit Committee previously. I know business stuff. I can read spreadsheets. I understand what the function of an auditor is. But looking through this Audit Charter originally, I thought, gosh, I don't know if I should be doing the first draft of this, you know? I mean...

Susan Mandiberg: I think we're on the same page. I don't mind them doing a first draft. I don't want them doing the final draft that gets sent to...

[Crosstalk 00:06:52]

Rob Harris: Yeah, so I think maybe the way to do this is to express to the Audit Committee, you can go ahead and propose a draft charter...

[Crosstalk 00:06:59]

Susan Mandiberg: Exactly.

Rob Harris: So, maybe it's more of an understanding of how this is going to proceed with the Audit Committee. It's not going to go straight from the Audit Committee to the commission. It's got to go through this Governance Subcommittee. I think that makes sense, Susan.

Susan Mandiberg: That makes me comfortable. Part of the reason for that is that I think that some of the things that have to be in the charter are not things that are related to accounting expertise. I've looked at the public meeting requirements, and I believe that if we want this Audit Committee to operate the way the commission discussed at the time that we were redoing the bylaws, we have to make sure that the charter includes some things and does not include other things. So, I'm happy to discuss my sense of that right now, or I'm happy to wait until after you've finished your comments.

Rob Harris: No, go ahead. It's fine.

Susan Mandiberg: So, my recollection, and both of you can correct me if you think I don't remember accurately, is that we did not think that meetings of the Audit Committee should be public meetings that had to be noticed and open to the public. And so if you look at the public meeting requirements – and obviously, Eric, weigh in if you think I'm not getting this the way you would get it – the requirements to hold formal public meetings apply to a governing body, and a governing body cannot meet in private even to deliberate toward a decision. So, that's it. The commission is a public body, and the Audit Committee would be a public body if it had two or more members who have the authority to make recommendations to the commission. So, that's in ORS 192.630 subsection 5. A gathering of the Audit Committee is a meeting if a quorum is required to make a decision or to deliberate toward a decision on any matter, and that's in 192.6307A. So, threading the needle around all that I think has to be done carefully. And when I looked at that, what I concluded – and again, here, Eric, maybe you've concluded something different – I think this means that the Audit Committee can make reports, but it cannot make recommendations or decisions.

Eric Deitrick: Yeah, I think that's right. I know I've had offline conversations, but just for this conversation, I have spoken with the chief internal auditor at DAS about this public meeting issue. And I also gathered from that person that these committees are not treated by other agencies as meetings subject to public meeting law, but the person I'd spoken with hadn't really thought through the whole quorum issue. I think the most important thing I took away from my conversation with that individual was

that the most important piece to auditing is independence, but it's not necessarily clear who they're reporting to.

For example, the way the auditor I spoke with talked about current practices in state government is the reports that they draft normally go to the administrative side of the office, who then informs the commission about receiving these reports, but that the Audit Committee and the internal audit function isn't necessarily a function that makes recommendations to the commission per se. They provide information that the agency as a whole has to determine how to best use. And so to your point, Susan, the auditor, the internal auditor could possibly be auditing the commission function with their compliance with best practices, as well as be auditing the administrative function of the agency. So, I like the way you phrased it. I think that's right. We need to clarify that they are providing reports and not recommendations.

Susan Mandiberg: Yeah, I think that's right. And the other thing I got out of it is the other thing that might make them a governing body is if a quorum is required for meetings. If no quorum is required, it's not technically a meeting. So, I get that from 192.6307A. Two other things... Another thing that came out is, and this is a question to you, Rob, is there anything that the Audit Committee has to vote on?

Rob Harris: Well, that's a good question.

Susan Mandiberg: Because if they do, that's, again, getting us into more dangerous territory.

Rob Harris: Let me talk to John a little bit more on some of these questions.

Susan Mandiberg: Okay. The other thing I saw in the existing charter is that it requires Robert's Rules of Order. That should be taken out. We don't even require that for the commission anymore. But yeah, those are the things that when I looked over the existing charter and then I looked over the public meeting laws, those were the things that... I think that if we confine them to making reports, I think we're going to be okay.

Rob Harris: Okay. That's because... Let me look here at these dates. The Audit Committee is going to be finalizing two I'll call reports, audits, audit reports, I guess, hopefully by the 24th of this month as well. The CAP implementation and the [Inaudible 00:14:30] reports are the two things that they've conducted audits on. I think he said they're just waiting for some... I think they had some questions from the exec team, and I think they were waiting on some answers to that. But those are almost finalized, from what John said. Eric probably knows the status on that as well.

Eric Deitrick: That's correct. That's correct.

Rob Harris: Yeah.

Susan Mandiberg: Are they making recommendations?

Rob Harris: Well, I'm going to call John up and say... Part of this is it's sort of, I guess, in a way, good timing because we have these two audit reports coming up and what do they do normally, I guess, and maybe that'll answer some of your questions, Susan. Are they making recommendations? Are they taking votes? Are they requiring forums right now? Sort of what's been their procedure? And I guess, are you saying that... Well, strike that. Let me talk to John Hutzler and find out sort of exactly what the process is, and then I can let this subcommittee know prior to our next meeting.

Susan Mandiberg: That would be great. I think the more we know about how they're operating, again, and it has nothing to do with their auditing expertise. It's a question of how they fit into the big picture.

Rob Harris: No, I understand your concerns on this and the need to make sure we have independent audits, but still be transparent where appropriate. Sure.

Eric Deitrick: And I also do think it matters who's the recipient of the auditor's work. Is it the executive director or is it the commission? Because if the recipient of the audits conducted by the internal audit function is the executive director, with recommendations to the executive director, I think that's a different analysis than if they're to the commission itself.

Susan Mandiberg: I agree.

Rob Harris: But isn't there, whether it's in our approved bylaws or whether it's statutory, Eric, isn't there something that says the Audit Committee shall report to the commission?

Susan Mandiberg: Our bylaws say OPDC may approve an Audit Committee Charter and Audit Committee to assist OPDC auditors in their audit function. Any audit committee shall include one voting member of the commission. So, our current bylaws don't say anything about who they report to.

Eric Deitrick: And I do think it goes to the conversation we had five months ago at this point, which is... Because I agree, Rob. I actually think it was in the budget note about reporting to the commission, but does the commission mean the agency or the commission?

Susan Mandiberg: Yeah, because now that we're all merged into one big amorphous blob, it's really hard to sort that out. But I think that if the Audit Committee Charter makes it clear that they're reporting to the executive director, that's a step in clarifying that. Eric, do you think that's a possible way to go?

Eric Deitrick: I do. I do. And Rob, I'll also follow up with Mr. Hutzler. Because I did share the administrative rules with each of you, but I didn't put it in the materials, and I probably should have. I think they're really helpful. And when I looked at the charter, I do think a lot of the... I think it's sections A, B, and C are aligned with best practices and what's required by the administrative rules. The questions I had related to membership and the process for appointment and who is... I agree. I think clearly the commission has to approve the charter and those are parts of the charter, but figuring out who drives those conversations. And that's something I think, at least from my perspective, I'd want to get clarity on.

Susan Mandiberg: From whom do you want to get clarity?

Eric Deitrick: From the current Audit Committee chair at least, and as well as the DAS internal audit, I'm going to use "expert" that I talked to before.

Susan Mandiberg: So, I want to be clear what you're saying. You want to get clarity about who drives which decisions?

Eric Deitrick: The decision on membership and the process for appointing those positions.

Susan Mandiberg: And removing.

Eric Deitrick: And removing.

Susan Mandiberg: I would like clarity on that too. And the way the Audit Committee is currently doing that is, in my opinion, a useful data point, but not an answer to how it should be done.

Rob Harris: I didn't particularly like the way they do the appointment process, and clearly they need a removal process. And looking through that whole thing, well, everyone can make recommendations and it goes here. And I do think that that needs to be drafted in a better way. Clear, more clear, precise way, for sure.

Susan Mandiberg: Yeah, I think so too. And if we want an effective and transparent Audit Committee without some kind of hidden agenda, how people are appointed and what information goes into that decision strikes me as being important. So, should we have a goal of presenting an Audit Committee Charter to the commission? Should we set a goal of either... Strikes me a goal of August might be appropriate.

Rob Harris: That's what I was going to suggest, August. Because if we get a first rough draft, I'll call it a rough draft or the committee draft to us in the next two weeks or so, and I'll talk to John after this, or maybe Eric, you should talk to John after this and express the issues that exist right now in the charter as well.

Eric Deitrick: Yeah.

Rob Harris: And then maybe we get a better draft in the next two to three weeks and that'll give us at least one, if not two meetings, formal meetings to talk about it. And maybe we can do some work. I can do some work on it also maybe in consultation with you, Susan.

Susan Mandiberg: Happy to help.

Rob Harris: All right. Clarify some of this and then get it approved by this subcommittee and hopefully presented in August.

Susan Mandiberg: I think that sounds good. Addie, you okay with that? Welcome, by the way.

Addie Smith: Yeah, sorry for being late. My last meeting really ran over. That sounds like a really smart plan to me.

Susan Mandiberg: Great.

Rob Harris: Eric, do you know if we're expecting any other audits besides these two that are pending or are going to come down the pipe here in the next couple of weeks? Are we expecting any other audits to be complete or presented before August?

Eric Deitrick: Those are the two that I'm aware of. I'm not aware of any others, but I don't want to foreclose it. But those are the two I'm aware of because we talked about it this week.

Rob Harris: Okay.

Susan Mandiberg: Okay. So, anything else to be said about the Audit Committee Charter?

Rob Harris: No, I think we have clarity on where we have to go here in the next 60 days.

Susan Mandiberg: I really appreciate the work you're putting in on this, Rob.

Rob Harris: No problem.

Susan Mandiberg: Yeah.

Rob Harris: Thank you.

Susan Mandiberg: Yeah. So, the next thing on the agenda is executive branch guidelines. So, for an executive director evaluation, again, our bylaws in Article 3, Section 1B3 say, "Voting commission members shall set biennial performance expectations for the executive

director and require a performance review at least every two years in September in the odd-numbered years based on those expectations. The performance review may include recommendations." We talked at the time, if I recall correctly, at the commission level, that even though the performance review would happen in the odd-numbered years, it was important to set and articulate the performance expectations right away or as soon as possible. So that by the time the first evaluation would come around, the director would have had at least a year and a half or almost a year to try to live up to them.

I think another reason for us to get the commission to approve some performance expectations as soon as possible is that starting in January, the governor gets to appoint and remove at will with no good cause limitations the executive director of OPDC. And I think that right now we get to do it, [Laughter] but for two years starting in January, the governor gets to do it. Then in 2027, it comes back to the commission. I think it would be in our favor to have performance expectations set that we have approved and put together before we transition to the executive branch. Does anybody else have a sense of that?

Addie Smith: I would just say based on the letter recently received from the governor's office, that this is very timely.

Susan Mandiberg: Yeah. As we do that, I think we need to be mindful of the kind of executive branch performance reviews that our executive director will be subject to starting in January, and Eric very helpfully [Laughter] included that in the materials for today's meetings. It has to be a 360 evaluation, and they set out a bunch of...five process steps. Process step one is one that I think we need to start discussing. It says that we need to create a contact list and it sets out the categories. So, direct reports and/or executive team members, that makes total sense. But the second one is parties of interest. And it says there should be 12 to 15 evaluators from the category of parties of interest. So, I think we need to think about who is in those categories. I mean, I think there's some obvious people [Laughter] or obvious roles. First of all, who is in those categories? And second of all, how we pick and choose the people in each category who would be on the team of evaluators, those strike me as potentially controversial decisions.

Rob Harris: That's an understatement.

[Laughter]

Addie Smith: I mean, I do think that there...perhaps sort of the specific individuals, but right, I don't think it'll be too hard to think of the categories.

Susan Mandiberg: Great. Let's start a list.



Addie Smith: Right. So, I think we want to think first, I'm assuming practitioners, right? And so I think we know that there are kind of categories of practitioners. We have our nonprofit executive directors, and then we have our consortium leads. And I think we would want an even balance from those two groups of folks, and maybe even including some of the contractors we currently have who are a little more ad hoc. So, picking up some of the emergency cases on an hourly rate. So, I think it's fair to say those three categories rise to the top very easily for me, unless people feel like I'm in left field.

Susan Mandiberg: Within those three though, we also have criminal and...

Addie Smith: Juvenile.

Susan Mandiberg: Juvenile.

Addie Smith: And civil commitment.

Susan Mandiberg: Civil commitment and guardianships, right?

Eric Deitrick: Yes.

Susan Mandiberg: Yeah.

Addie Smith: Yeah.

Susan Mandiberg: So, those are subcategories. So, criminal, juvenile, guardianships, and civil commitment.

Rob Harris: Quick question here. It looks like the up to 12 to 15 includes peers too on this.

Addie Smith: Mm-hmm. And I think there's...

Susan Mandiberg: Yes, it includes peers. So.

Rob Harris: Right.

Susan Mandiberg: What do we mean by peers?

Addie Smith: I assume other agency directors of similar...

Susan Mandiberg: I assume that too.

Addie Smith: And I know Jessica has identified some mentors that she's been working with that might be good for on that list in particular in terms of other agency heads.

Susan Mandiberg: And then the...

[Crosstalk 00:29:03]

Susan Mandiberg: Yeah, go ahead.

Addie Smith: No, no, you go ahead.

Susan Mandiberg: What about judges? Or judicial department administrators? For example, the people in the judicial department who use the commission's standards to determine who is indigent. I mean, is there anything we need to do about that? And the other thing that occurred to me to just throw out there is either legislators or legislative staff because what... And by the way, I just got from Jesse a list of things that she does.

Addie Smith: Yeah.

Susan Mandiberg: [Laughter] It's a long list, but I thought a good place to start would be with a list of what she does, and I'll make that available to everybody. But one of the things that she does is she testifies at the Legislature. She meets with or at least coordinates other people who meet with legislative staff. Is that appropriate for a 360 review?

Addie Smith: It could be. There are other sort of proxies for that. For example, like the lobbyist that might be able to provide thoughtful feedback about her skills in that arena and her ability to sort of maneuver. But I don't see why we couldn't also think about LFO staff, who I think we'd be very interested in knowing how she's doing as in addition to either LPRO staff, which is sort of the policy version of LFO or thinking about key committees and their legislative folks or legislative staff. I think we can sort of narrow it down, right, to probably like Pub Sub on the finance side, which is public safety funding and then also probably judiciary on the policy side and wanting to think about a representative that covers some of the bases there in some different form. But I think it's very important that that voice be a part of the evaluation as well. I think that's been an area of growth for the agency for a while.

Susan Mandiberg: I think so. I think that these 360 reviews are always very tricky because they provide an opportunity for people to ride their hobby horses., I mean, I've participated in them, and I've always thought it was like walking through a minefield. What do you all think about having some judiciary representation as an evaluator?

Rob Harris: As I think about this, I guess one of the questions I have is, are we evaluating the overall performance of the agency under her stewardship or are we evaluating how well she does in specific tasks or areas that she is tasked with having control over? I think you want probably both, I guess. And from the judiciary standpoint, I would

say that the agency's performance with appointments, like you said – appointments, screening, vetting, securing alternative counsel – that's really important, but it's less of a judge that they're working for than like a state court administrator, for instance.

Susan Mandiberg: Yeah, yeah, it's more administrators.

Addie Smith: I agree.

Susan Mandiberg: I agree to.

Rob Harris: And you might want to look at maybe one of the large... If you want to put two people on one of the larger and one of the smaller counties because there are different issues within different sizes of counties. Yeah, but I would say maybe a state court administrator at the local level that has been seeing how it... And maybe someone who's been doing it for some time, so they can sort of compare. It's not fair really because we're going through this crisis, so things are happening differently. So, maybe someone who's been there for a period.

Susan Mandiberg: But long term, theoretically, we're evaluating the executive director, so it has to be limited to...

Rob Harris: Yeah.

Susan Mandiberg: ...since this executive director has been there, which is not long term. All right. It would be wrong to paint her performance with the brush of the couple of directors who came before her.

Addie Smith: Mm-hmm.

Rob Harris: Sure.

Susan Mandiberg: Yeah. So, one more thing, when getting back to practitioners, we talked about nonprofit, consortium leads, emergency, criminal, juvenile, guardianship, civil commitment. Don't we also have to talk about lawyers versus investigators versus...?

Addie Smith: Great point.

Susan Mandiberg: Yeah.

Addie Smith: Absolutely. I think so. And I think there's sort of a matrix to be set up there, right? We can all think of sort of, just because it's top of my mind, a nonprofit director, where in getting that we're getting someone who's dealing with juvenile and civil commitment and criminal and investigators. So, I think there's a way that... Not that

that's sufficient for all voices and all those categories, but there's a way to set up a little bit of a matrix where we look at cross hatches in terms of making sure everything is covered in some way, albeit imperfectly, without having 18 folks recommended, but instead 4 to 6.

Susan Mandiberg: Right. And I don't know how it works in every county, obviously, but in some counties, the people who get the criminal appointments also get the civil commitment appointments.

Rob Harris: Yep. That's the way it works in our county.

Susan Mandiberg: Yeah, that's how it is in Multnomah County.

Addie Smith: Mm-hmm, right. And I'd really like just to highlight, even though it's obvious to all of us, being really considered about geographic distribution, county size, and those other puzzle pieces. I think we don't want an all valley and we don't want all big county. And we want at least one someone who's from a little, little system who maybe even has to have multiple county contracts, etc.

Susan Mandiberg: So, getting down to the question of how to pick individuals, which is the thornier question, [Laughter] obviously. I have no firm ideas, but I thought maybe we could throw out various ideas and then allow ourselves to let them percolate in our brains. But one of the things that occurred to me is that the trickiest of these categories in which to choose individuals is the practitioners category. I think other agency directors, we can probably choose that ourselves, legislative staff, I'm sure we can come up with that ourselves. Administrators, court administrators, we can come up with ourselves. But it seems to me that in choosing individual representatives of the practitioner – huge group – there's a lot of different perspectives in that group. We've heard many of them in public comments and we don't want to be accused of cherry picking the ones that'll give favorable or unfavorable evaluations, right?

Rob Harris: Okay...

[Crosstalk 00:37:23]

Addie Smith: Is there a way... Oh, go right ahead.

Rob Harris: So, now that you mentioned that I'm going to propose something that's a little bit different. But have you ever heard of sortition?

Susan Mandiberg: No.

Rob Harris: It's the process of choosing a governing body normally, and I think the ancient Greeks did it, but they would put all the qualified people's names, which are obviously all white male landowners, into a hat. And then they would just pull out five or seven of them and they were going to be the state legislators for the next X amount of years. So, theoretically, if you could find people... You'd have to have separate hats, like Addie says, you probably...

[Crosstalk 00:38:00]

Susan Mandiberg: Yeah.

Addie Smith: Yeah.

Rob Harris: ...small county, larger counties and just pick them out of that, and that's it. And then there's no issues.

Susan Mandiberg: I have a story about that.

Addie Smith: Actually...

Susan Mandiberg: One thing that I was involved in once, we used that approach. There was a limited resource and question was who was going to get that limited resource. It could be 5 people, and there were 20 people who wanted it. And so the person who was running the sortition, I had never heard that word before, said, "Okay, we [Inaudible 00:38:33] the names in the hat," and they chose someone who was legally blind...

[Crosstalk 00:38:37]

Rob Harris: [Laughter] Yeah.

Susan Mandiberg: ...out of the hat. Of course, that person was also somebody who wanted the resource. And the very first name that person picked out was that person's name.

[Laughter]

Rob Harris: Well, we'll have Eric pull the names out of the hat.

Addie Smith: Yeah, I think sort of buckets of people to make sure we've covered our bases. But then the only thing I would add, and I don't feel strongly about this, but I thought I would throw it out, is do we want sort of folks who are willing and interested, right? Do we want to put a call out that's like, "Would you like to participate in this?" Only because it would be unfortunate if... I can see the pros and cons of that. I don't have a strong feeling about it.

Susan Mandiberg: And it has to be somebody who has the time. So, as part of the guidelines, the evaluators have 10 working days from receiving the request to complete the evaluation. So, I think you're...

[Crosstalk 00:39:28]

Addie Smith: Right.

Susan Mandiberg: ...about that. The only other thing that I thought, which would be different from sortition, although I think I like the sortition idea better, is to... I'm not even going to say it because I like the sortition idea better.

[Laughter]

Susan Mandiberg: I'm going to defer to that. I think my idea, when I think about it more, is not a really good idea. It just sort of passes the problem on to other people. I don't want to do that. Okay, well, Eric, what else should we be chatting about on this issue?

Eric Deitrick: I do think that, well, you did get a list from Director Kampfe about a lot of the duties she has and what she does day to day. Also hearing from some of the people she has regular contact with to get a better sense of who her work primarily is with, as we consider who should go into the sortition as well as getting recommendations from some of the groups we work with regularly. They may have ideas too.

Susan Mandiberg: So, the other thing is that the guidelines that Eric shared starting on page three, there's a list of questions that we have to include in the evaluation, and there are a bunch of them. And it says at the beginning that small boards and commissions may choose to add additional questions that apply to their business. So, I think that we need to... And I don't think we can do it in this meeting because it's already 11:45, but I think that our homework, [Laughter] if you'd like to look at it that way, is that we need to look at this list of required questions and see if there are additional questions unique to OPDC that we want to add to the evaluation.

And if each of you – and I will also pass this on to our committee members who couldn't be with us today and explain what it is we're doing – if each of you, and I will do the same, could go through that and either say, "I think this covers the territory," or come up with other questions that you think might be useful to have evaluators think about. And send those to Eric, he can make them available to all of us. And I will also take my notes from what we've talked about today. I will take my notes from what we've done today and draft guidelines for who are going to be in this category of parties of interest. And at some point, we'll have to figure out whether all commission members or only some commission members participate in the evaluation, but we can save that for later. That's probably an easy decision. So, is everybody okay with proceeding in this way on this topic?

[Crosstalk 00:43:36]

Rob Harris: Yeah, I think so. I was just doing a quick little summary there. If we do LFO legislative contact person, a couple of other executive directors, one or two state court administrators, all of a sudden we're up to five, six people right there.

Susan Mandiberg: Right. Right.

Rob Harris: So, the investigator, another one, at least one there. I don't know if you want maybe a contract professional expert or something on there. It starts to go up really, really quick.

Susan Mandiberg: It does go up quick because we still have to add commissioners...

Rob Harris: Right.

Susan Mandiberg: ...and staff and direct reports.

Rob Harris: Yeah. But even under the peer or that group of 12 to 15, all of a sudden we're adding provider lawyers in there. It may be a lot, but maybe we need that many, I don't know.

Susan Mandiberg: Yeah. Well, it doesn't say that we can't exceed 15.

Rob Harris: Yeah.

Susan Mandiberg: I mean, it implies that we can't, but it doesn't say that. It may be once we look at this draft that I'm going to put together, and I will count out how many people that involves in this draft, it may be that we can make a case for the proposition that a commission that does what we do is... Or let me put it this way – what we do is complex enough that we need more than 15 people. If it comes down to that, I think we can make a case for that.

Rob Harris: Yeah. And I think that Addie's right too, pointing out that you might find a consortium director where they have both contracts for juvenile... I mean, we do in Washington County, both juvenile and adult.

Susan Mandiberg: So, that would be a bucket.

Rob Harris: Yeah. Right. It would be intersectionalism. That's good.

Susan Mandiberg: It would be intersectionalism. Right. So, the other thing on our agenda is commission best practices. And Eric, you're the one who's in charge of that.

Eric Deitrick: Thank you, Susan. So, I know we've got about 10 minutes left, and no decision needs to be made today. But I know we talked during onboarding that the state executive branch has these 15 best practices for state boards and commissions, and a self-assessment pursuant to these best practices is one of our legislative key performance measures. We are required, like all state agencies, as a part of our budgeting process to have key performance measures. We need to update those key performance measures. But right now, one of the five agency key performance measures is kind of focused on governance and the commission and whether the commission is complying with these 15 best practices.

Given that this is the Governance Subcommittee, it makes sense to me that this group take a lead on how we resolve the process for doing this self-assessment. We have to provide a report to the Legislature by October 1st of our key performance measures. And so to me, that means we need to complete this self-assessment probably in August or September to get that information packaged up with the rest of our KPMs to go to the Legislature by October 1st. I know it's a little tricky because it is a new commission, we're six months into this, and so it hasn't been around for a long time. But I think there's still going to be information to be gleaned from going through this process. I can think of several ways to approach it, but ultimately, I think it would be ideal if there were an action item before the full commission in September on how the commission believes it is complying with these 15 best practices.

Susan Mandiberg: Is this going to be something... I mean, I have come to see that it does not work very well with this commission to present a document and ask for a vote all at the same commission meeting. And so I think what you are saying is that that means we have to have a draft to the full commission in August.

Eric Deitrick: I think that's right. And then we can bring it back at the September meeting for final approval.

Susan Mandiberg: So, there are these 15, or 16 if you count others. I would suggest we don't include others. [Laughter] But maybe there are others that we would want to include because we think we're either doing so great or so badly that it needs to be called to their attention. But how do you propose that we go about – I haven't thought about this much at all, so I'm up to any suggestions – how do we go about having a draft of how we're doing on these 15 things by August?

Eric Deitrick: So, we could have a subcommittee meeting where this group walks through them one by one and discusses how we think we're doing and makes a decision. I could send out a survey with these 15 questions to the members of this group as a foundation to have that. Or I could do that for the full commission and then bring a summary back to this group as well. So, I think that's the kind of question is, do you



want to do any surveying before you have the conversation or just kind of jump into the conversation?

Addie Smith: I do. And I'm also interested to the extent that this is a possibility of doing two separate surveys or a survey with an indicator of staff versus board because I'd love to hear how the staff think they're doing as part of what we report or part of what we reflect on.

Susan Mandiberg: I completely agree. I was going to suggest it myself. I think that the survey to the commission does not have to be anonymous, but I think that the survey to the staff maybe does have to be anonymous so that people feel comfortable being candid.

Addie Smith: I agree. I mean, both can be anonymous, and that would be fine with me. But certainly the staff needs to be anonymous.

Susan Mandiberg: You look concerned, Eric. Is that a problem?

Eric Deitrick: No, no, not at all. I think that's great. I was just thinking in terms of the survey, should it be simple yes, no, or should we ask for narrative feedback?

Addie Smith: Could we also do a Likert scale? So, here's the statement – strongly agree, agree, not sure, disagree, strongly disagree, with an opportunity to comment so we can at least get a little more information.

Susan Mandiberg: I like that.

Addie Smith: Or something. I mean, you can use different terms under there, but sort of like a scale of five between we're knocking it out of the park, we're totally missing the mark, and something in the middle. [Laughter]

Eric Deitrick: I like that idea. Yeah.

Susan Mandiberg: I like those terms too. Or synonyms. They're better than agreeing or disagreeing, especially when you're not asking a question because these questions are stated as statements, not questions. Eric, can you take care of that?

Eric Deitrick: I can. No, that'll be my homework assignment from this evening.

Susan Mandiberg: Excellent.

[Laughter]

Susan Mandiberg: Rob, are you okay with this?

Rob Harris: Yeah, generally. Do you think it would be of any value on some of these to have a little bit of explanation? Like when you say, just pulling one out, what was it? Number four, let's say. The board reviews annual performance progress report. And then you say, "The agency historically does this," or you're scheduled to this...to remind people.

Eric Deitrick: Yeah, I think I need to do that because the annual performance progress report is actually the KPMs. And by going through this process, the commission itself will be helping me. Standard number four, which wouldn't be clear if I didn't provide any explanation.

Rob Harris: Right.

Susan Mandiberg: And maybe when you send it out, substitute the word commission for board.

Eric Deitrick: Yeah, I can do that.

Susan Mandiberg: Okay.

Rob Harris: Yeah, anyway, some explanation because otherwise, responders might be thinking of two different things when they're reading this.

Susan Mandiberg: Great idea, Rob. Yeah, great idea.

Addie Smith: I agree.

Susan Mandiberg: Anything else to be said on commission best practices? I'm going to write up just a brief summary of what we've discussed at this meeting, minutes-ish. I've been taking notes. And I'll ask Eric to send them out to everybody, including our committee members who weren't here, so everybody will be up to speed. Sorry to keep piling things onto you, Eric. I know that you're already just up to your eyebrows in work. But that'll be just automatic. You can just...

Eric Deitrick: No problem.

Susan Mandiberg: [Laughter] ...forward something.

Eric Deitrick: No, I'm looking forward to doing this in a proper way. We haven't, since I've been here, this KPM has just always hung out there. And I think it can be an effective tool to get good information, so I'm glad we're doing it.

Susan Mandiberg: Oh, I do too. Yeah. I think the more of this we do, I think the more confident we'll be that we're on the right track. Anybody have anything else for today? I don't.

Rob Harris: No.

Susan Mandiberg: I think we've gotten a lot done. I appreciate everybody being here. And the other thing we're going to try to do is, we talked about this before you came on I think, Addie, we're going to try to find a day of the week, week of the month, where we can set a standard meeting time for this committee, rather than try to put something together ad hoc every time.

Addie Smith: Sounds good.

Susan Mandiberg: Yeah. Is that what you do on the Legislative Committee? Have you done that?

Addie Smith: No. And because we're working with specific legislative deadlines, we're sort of doing the opposite, which is trying to schedule around the legislative deadline so that you're able to set the larger commission meetings up for success. But I think for a committee like this, that's a really smart idea.

Susan Mandiberg: Just a lot of work. People have to be able to plan.

Addie Smith: Yeah, absolutely.

Susan Mandiberg: Thank you, everybody.

Rob Harris: All right.

[Crosstalk 00:55:13]

Addie Smith: Thank you so much. Thanks for your leadership.

Susan Mandiberg: ...gorgeous.

[Laughter]

Susan Mandiberg: Bye-bye.