

Government Oversight Committee  
(Joint Legislative Committee on Program Evaluation  
and Government Accountability)

**Meeting Summary  
February 23, 2005**

**CALL TO ORDER**

The Co-chair, Representative Dugay, called the meeting to order at approximately 3:20 p.m. in the Utilities and Energy Committee Room.

**ROLL CALL**

Senators: Sen. Gagnon, Sen. Courtney, Sen. Dow  
Absent: Sen. Mitchell, Sen. Perry, Sen. Raye (joined meeting in progress)

Representatives: Rep. Dugay, Rep. Canavan, Rep. Collins, Rep. Crosthwaite, Rep. Trahan  
Absent: Rep. O'Brien

Legislative Officers: Beth Ashcroft, Director, Office of Program Evaluation and Government Accountability

**SUMMARY OF FEBRUARY 14<sup>TH</sup> MEETING**

The Committee did not request any changes.

**REPORT FROM OPEGA DIRECTOR**

Director Ashcroft briefed the Committee on the status of the Office start up activities. In regards to the open positions, she reported that to date she had received 71 applications for the Principal Analyst position and 127 for the Administrative Secretary position. Director Ashcroft also informed the Committee that she had decided to re-advertise the Principal Analyst position in one more round of Sunday papers as well as posting it nationally on the NLPES listserv and website. She noted that while she had received a number of applicants with strong skills and experience, her pool of those strong candidates was not as large as she wanted to draw from.

In regards to office space, Director Ashcroft told the Committee that she and the Executive Director had met with the general contractor that would be renovating the office space. It was hoped that construction would begin before the end of the week although the contractor had several other jobs that were also starting up.

Director Ashcroft also explained to the Committee why the Committee meetings were still not being advertised on the website or listed on the notice boards despite her providing notice to the Legislative Information Office as they had requested. Questions from the Committee were answered. Director Ashcroft will plan to provide special notice to the media and get the meetings listed on the weekly Legislative Calendar produced by the Clerk's office. A means to get the meetings posted on the website will also be explored.

## **OLD BUSINESS**

The Committee revisited the topic of finalizing an evaluation selection process.

Director Ashcroft reported on her efforts to survey other states regarding what evaluation selection processes and criteria they used. She summarized the results noting that most of the 11 states responding indicated they did not have a formal selection process or criteria. What was clear, however, was that the topics selected for evaluations were driven by the Legislature's interest as expressed by the members of the governing body, through discussions with Legislative leadership or through discussions with Joint Standing Committees. Director Ashcroft also mentioned that a number of the states seemed to have a large part of their work plan driven by statutory requirements or resolutions coming from the Legislature or out of the appropriations process.

Discussion ensued among the Committee as to how to educate the Joint Standing Committee's about OPEGA's activities or involve them in the selection process.

- Rep. Canavan suggested the OPEGA Committee should meet with the other Committees.
- Rep. Trahan suggested a letter be sent to the Chairs of the Joint Standing Committees just to let them know that the Government Oversight Committee was up and running.
- Sen. Gagnon suggested waiting to make contact and meet with the Joint Standing Committees until OPEGA had some educational materials pulled together about OPEGA's role, processes, policies, etc. that could be provided to those Committees.
- Another suggestion was made that perhaps presentations could be made to each of the Standing Committees at one of their meetings. It was noted that any presentations made should probably include the Director, the Co-chairs and the Minority Leads of the OPEGA Committee so as to reinforce the bi-partisan nature of the Committee.
- The Committee decided to revisit communication efforts with the Joint Standing Committees once roles, processes and policies had become more defined.

Sen. Gagnon expressed concern over the idea that over time OPEGA's work might ultimately end up being driven by statutory requirements thus limiting the Committee's flexibility to direct OPEGA's efforts. He requested that this topic be added as a future agenda item. Rep. Trahan seconded the concern and suggested that perhaps some sort of

screening process through the Legislative Council might be appropriate in trying to avoid having a lot of statutory evaluation requirements established.

The Committee reviewed the revised flowchart and narrative of the proposed Evaluation Selection process. Director Ashcroft indicated that she considered this to be an accurate representation of what the Committee's actual decision making process would likely be. There was considerable discussion among the Committee members regarding the pros and cons of the two-thirds vote required in the current proposed process in order to initiate a Rapid Response investigation.

- Rep. Crosthwaite noted that the legislation he had proposed (L.D. 245) did not specifically require a two-thirds vote but that he was not opposed to this idea.
- Sen. Courtney and Sen. Dow expressed general concerns about requiring a two-thirds vote. Sen. Courtney was concerned that it might effectively prevent a needed investigation from being commenced and questioned whether a simple majority in conjunction with some other criteria would be adequate.
- Rep. Dugay noted that the Committee would ultimately be constrained by the amount of resources that OPEGA had available at any particular point in a year.

**Motion:** To accept the Evaluation Selection Process as currently presented, including the Rapid Response process as described, as part of Committee policies and procedures. (Motion by Rep. Crosthwaite, seconded by Rep. Trahan, unanimous following friendly amendment.)

**Discussion:** Rep. Collins requested that Sen. Dow more fully describe his concerns about a two-thirds vote. Sen. Dow responded that in general he was opposed to two-thirds votes but did recognize that in this instance it might be necessary to prevent pressure being put on OPEGA to do so many Rapid Response investigations that the items on the Annual Plan were never completed. Sen. Courtney questioned whether the two-thirds would need to be of the total Committee or only of members present when the vote was taken.

**Motion:** That a friendly amendment be made to the current motion to clarify that a vote on a Rapid Response investigation requires a quorum be present and that the two-thirds requirement applies to the total number members present and those who vote within the timeframes set in the Committee Rules. (Motion by Rep. Trahan, seconded by Rep. Collins, unanimous)

**Motion:** That OPEGA's Annual Plan be based on a fiscal year rather than a calendar year. (Motion made by Sen. Gagnon, seconded by Rep. Crosthwaite, unanimous)

## NEW BUSINESS

### Evaluation Selection Criteria

The Committee reviewed the Potential Evaluation Selection Criteria proposed by Director Ashcroft. The Director described how each criteria might be used to identify potential topics for evaluation and where in the Evaluation Selection Process these criteria would be used. She noted that the OPEGA Office would use the criteria established by the Committee to perform a more formal biennial analysis which would result in the topics that the Director would offer to the Committee for consideration. The criteria would also be used more informally by the Committee in guiding its decisions on what to put in the “On Deck” category and what priority should be given to those items in the “On Deck” category. The Director suggested that probably no more than 10 criteria should ultimately be used and gave her suggestions for which would be the top 10 criteria to consider for the coming biennium.

- Rep. Crosthwaite mentioned that he currently has a sunset bill proposed that might eventually mean that the “Years Established” criteria would no longer be relevant.
- Rep. Dugay inquired as to whether all of the criteria would be weighted equally. The Director indicated that she would attach a weighting to each criteria that may vary between criteria. Rep. Dugay requested that the Director develop the suggested weightings and present them at the next Committee meeting for a vote.
- Sen. Gagnon inquired as to whether these same criteria would also drive the “scoping” done by the OPEGA Office when the Committee requested more information on a topic. Director Ashcroft indicated that some of the “scoping” information may be related to the criteria but it would largely depend on what additional information the Committee needed in order to make a decision about what to do with the suggested topic.
- The Committee decided to revisit the Evaluation Selection Criteria at the next meeting once the Director had slimmed down the list and added weightings.

### OPEGA Budget

Director Ashcroft presented the proposed OPEGA budget in a format that detailed the specific expense categories she anticipated needing money for and the estimated dollars she anticipated for each category. The Director discussed with the Committee her desired use of the budgeted Personal Services dollars in terms of the make up of the positions for the Office.

**Motion:** That the OPEGA Budget be accepted as proposed by Director Ashcroft. (Motion made by Sen. Gagnon, move to table made by Sen. Gagnon after discussion, seconded by Rep. Trahan, unanimous)

**Discussion:** Sen. Raye questioned apparent inconsistencies in salaries for the remainder of fiscal year 2005 versus fiscal year 2006. Director Ashcroft agreed that it appeared the formulas in the Excel spreadsheet she developed were not

consistent from one fiscal year to the next and thought it was likely due to payroll overheads. She requested that she be allowed to present the Committee with corrected documents at the next meeting.

### **SCHEDULE NEXT COMMITTEE MEETING**

The next Committee meeting is scheduled for Monday, February 28, 2005 at 3:00 pm in the Labor Committee Room.

There was a discussion as to the agenda items for the next meeting. Other than the Evaluation Criteria and the Budget, the Director also mentioned that the Committee had not yet adopted a Mission Statement. She also offered to provide an informational session for the Committee members on what they could expect from OPEGA evaluations.

Director Ashcroft mentioned that she would also eventually be looking for guidance from the Committee on the preferred content and style of OPEGA reports. Rep. Trahan suggested that the Director bring the sample reports from other states to the next meeting for Committee members to review.

Rep. Collins indicated that he would be interested in a summary of what topic areas had been the focus of evaluations in other states.

### **ADJOURNMENT**

The meeting was adjourned at 5:10 p.m.