

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

**Meeting Summary
October 24, 2005**

CALL TO ORDER

The Co-chair, Sen. Mitchell, called the meeting to order at approximately 9:45 a.m. in the Labor Committee Room.

ATTENDANCE

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

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

Legislative Officers: Beth Ashcroft, Director
And Staff: Wendy Cherubini, Analyst
Scott Farwell, Analyst

Sen. Mitchell called the meeting to order and welcomed everyone as the new Senate Chair of the Government Oversight Committee. She mentioned that Sen. Bartlett, who is replacing Sen. Gagnon, could not make the meeting today, noting that Reps. Trahan and Collins had also called to say they would be unable to attend.

Sen. Mitchell asked if it would be acceptable to move the GOC meeting time to 10:00 a.m. since it is inconvenient for people to get here by 9:30. She intends for the meetings to begin promptly at 10:00 a.m., whether or not a quorum is present, so business can begin.

After receiving general agreement from the members, the next two meetings were scheduled for Monday, November 28th at 10:00 a.m. and Monday, December 19th at 10:00 a.m.

SUMMARY OF SEPTEMBER 12th MEETING

Director Ashcroft noted that the meeting summary had previously been e-mailed to Committee members and she had received no comments or changes. The Director briefly reviewed the topics covered at the last meeting.

The Meeting Summary was accepted as presented.

Sen. Mitchell noted that she appreciated getting the summary ahead of time and would like members to receive other materials ahead of the meeting day as well.

REPORT FROM OPEGA DIRECTOR

1. Notebooks

Director Ashcroft said that the notebooks have been rearranged – handouts from each meeting are now maintained in the OPEGA office in individual member files. Section 8 includes standard documents that apply to the committee, e.g. statute, GOC mission. Section 7 has OPEGA office materials, e.g. processes and procedures related to the OPEGA office and scoping statements.

Sen. Mitchell asked that the Committee's appreciation of the work done on the notebooks be expressed to the Administrative Secretary.

2. NLPES Conference

Director Ashcroft reported on the staff's attendance at the fall National Legislative Program Evaluation Society conference in Harrisburg, PA. This was an opportunity to meet peers from all across the country, ask other states how they do things and attend educational sessions.

3. Teammate Purchase Proposal

Director Ashcroft noted the handout on the Teammate software system and indicated she would be seeking the Committee's approval to purchase the software. The Director mentioned that the benefits of the system include:

- Productivity savings on projects of 20% or more;
- Consistency in adhering to documentation standards; and
- A central database of all findings that can be used for tracking and reporting purposes. She also noted that this findings database may be made available to the GOC and the public via the web.

The Director is proposing to bring forward unencumbered funds from 2005 for the software and hardware necessary to support the system. Payback is projected in less than one year – these are productivity savings, not hard dollar savings.

Rep. O'Brien asked how much money is remaining in OPEGA's budget for FY 2004 and 2005.

Director Ashcroft said that she had not yet verified those figures for 2004 but she believes \$320,000 in unencumbered funds remain for FY 2005.

The Director will bring a full proposal back to the Committee at the next meeting. In addition, she will have OPEGA's budget information available. A discussion ensued with the Director answering questions from the Committee. The Committee requested that the Director research what other products are available and compare prices.

4. Project Status Review

Dir. Ashcroft updated the Committee on the status of OPEGA's Annual Plan. She noted that OPEGA had initiated the review of Economic Development Programs and was in the

Preliminary Research Phase. The Director also updated the Committee on the status of the reviews currently In Progress, directing the Committee's attention to the written summary.

Director Ashcroft acknowledged that estimated budget hours were being exceeded on the Adoption Assistance Review and would likely be exceeded on the GAL review if the budget stayed at 400 hours. She indicated that she intended to increase the budgeted hours on GAL to 700 as there were many different stakeholders to incorporate into this review. The Committee agreed this would be appropriate.

Rep. DuGay and other Committee members expressed concerns about the status of OPEGA's Annual Plan. Those included:

- Whether OPEGA would have enough time for all planned projects;
- Whether OPEGA would not have time available for other projects that come up; and
- How OPEGA determined which projects should be started when and what role the Committee had in determining the priority of timing of projects.

The Director acknowledged that budget hours might be under-estimated for the projects on the Annual Plan. Since this is OPEGA's first year, there was no past experience to draw from. She was basing her estimates on her past internal auditing experience in Business and can already see that the allowances she made for the government environment were probably not adequate. However, she also reminded the committee that the Annual Plan was flexible and that even if available time got short, the Committee could choose to drop a planned project and replace it with another one they were more interested in.

Sen. Courtney and Sen. Raye also expressed concerns that OPEGA was sharing its recommendations with the agency under review before they had been reported to the Committee, especially if the agency began to take action on OPEGA's recommendations and the Committee didn't agree the actions were necessary or appropriate.

A lengthy discussion ensued regarding the Committee's role versus OPEGA's role as intended by the Statute. The Director assured the Committee that sharing findings and recommendations with the agency under review was a typical practice for these types of reviews and was envisioned by the Statute. She reminded the Committee that OPEGA was established as an independent legislative office to maintain objectivity. She also explained the different types of findings OPEGA may have and how some of them will require management action rather than legislative action. She believes an approach which helps ensure positive change is made where appropriate ultimately provides greater value from the work being done.

Sen. Mitchell noted that this was new ground for everyone and encouraged the Committee to continue to work through the process with OPEGA's first reports and address specific concerns as they arise. The Committee agreed.

GOC Executive Session

The GOC moved into Executive Session at 1:40 p.m. to discuss confidential findings from the MECMS Review that may require legislative action.

Motion: That the Committee go into Executive Session under 1 M.R.S.A. §405(6)(F) to discuss draft findings and recommendations related to the legislature to be included in the report for the MECMS Stabilization Reporting review which are confidential under 3 M.R.S.A. §997(5). (Motion by Rep. DuGay, seconded by Sen. Raye - PASSED; vote unanimous.)

The GOC came out of Executive Session at 2:28 p.m.

UNFINISHED BUSINESS

Committee Voting Process and Procedures

Director Ashcroft explained that at a previous meeting the question was raised about whether call in votes for absent members of the Committee could be accepted with the permission of the Presiding Officers. The Director had researched the question and found that it was an accepted practice for call in votes to be made with the approval of the Presiding Officers, but was not included in written rules. Sen. Mitchell said that she would like to see a written policy in the GOC's voting procedures to that effect. Rep. Canavan asked if there are any rules requiring an agency to act on OPEGA recommendations. Beth explained that OPEGA will do follow-up status reports to Governor and the Joint Standing Committees of Jurisdiction, and that there is nothing in the statute but it is in OPEGA Policies and Procedures.

Motion: That Committee voting procedures be amended to include a provision for accepting call in votes from absentee members with approval from Committee chairs. (Motion by Sen. Courtney, seconded by Sen. Raye. PASSED; vote unanimous)

Confidential Information

Director Ashcroft again reviewed the confidentiality policy with changes made based on the last meeting. She noted that OPEGA is currently following the policy. A brief discussion ensued.

Motion: That the Confidentiality Policy be accepted as written. (Motion by Sen. Dow, seconded by Rep. DuGay. PASSED; vote unanimous.)

OPEGA Report Release Process

Director Ashcroft reviewed the drafted process with the Committee. A lengthy discussion followed regarding the process and the opportunity for public comment. The Director envisions a process where the report is presented to the Committee first without public comment, and then the Committee decides whether to hold a public meeting/hearing, and then a meeting to vote on endorsement of the report. A possible total of 3 meetings for each report, depending on what the Committee feels is necessary before deciding whether to endorse the report.

How to provide members with information ahead of time

A brief discussion ensued, and it was determined that OPEGA would e-mail information prior to the GOC meetings for now, until a secure website could be established. Any member who

does not have e-mail or would rather receive information by regular mail may make that request to OPEGA.

NEW BUSINESS

Presentation by State Auditor

State Auditor Neria Douglass was introduced and briefed the Committee on the responsibilities of the State Department of Audit. She also reviewed with the GOC a written summary she provided of the findings from the Single Audit for 2004 that was completed earlier this year. She noted that the written summary she provided had not been updated to reflect more recent actions taken by management to address those findings.

Auditor Douglass responded to various questions from the Committee including how State Audit and OPEGA would coordinate their work.

Handling of Complaints

This topic was moved to the next meeting.

ADJOURNMENT

The meeting was adjourned at 2:42 p.m.