

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

**Meeting Summary
September, 12, 2005**

CALL TO ORDER

The Co-chair, Sen. Gagnon, called the meeting to order at approximately 9:50 a.m. in the Labor Committee Room.

ATTENDANCE

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

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

Legislative Officers and Staff: Beth Ashcroft, Director
Diana Stiles Friou, Principal Analyst
Wendy Cherubini, Analyst
Scott Farwell, Analyst
Jennifer Reichenbach, Analyst
Susan Reynolds, Analyst
Lorna Pelkey, Administrative Secretary

SUMMARY OF August 8th MEETING

The Committee did not request any changes to the August 8th meeting summary.

REPORT FROM OPEGA DIRECTOR

Introduction of New Staff Members

Members of the Government Oversight Committee introduced themselves to the new OPEGA staff members. Director Ashcroft then introduced the new staff to the Committee, reviewing their profiles and their primary areas of expertise. She stated how fortunate OPEGA is to have the diversity encompassed by the new staff members. Sen. Gagnon officially welcomed the four new analysts. The Director described the two-day orientation and training program the staff has recently completed and indicated that all staff has been assigned to reviews.

OPEGA Progress Report

Director Ashcroft reviewed the Progress Update of August, 2005 with Committee members. She pointed out that this document should answer questions that the Committee might have related to OPEGA's progress on the office start-up, the status of reviews in progress, those reviews identified in the annual plan, and progress in communications.

OPEGA Status Report

The Director briefly reviewed the status of the annual work plan as of September 8, 2005. She provided Committee members with a chart which listed the following:

- Review Topics
- Topic Source
- Responsible Department
- Current Status
- Estimated Hours
- Hours Spent
- When Report Expected
- Breakdown of Total Available Project Hours
- Breakdown of Total Projects by Status

Sen. Mitchell asked for a further description of the status of the Rapid Response project since almost half of the allotted hours have already been spent on the review. She questioned whether the report on that review would really be ready for release during the second quarter. Director Ashcroft stated that the second quarter encompasses October through December.

Rep. DuGay suggested adding a section in the status report which clearly showed OPEGA's hours in reserve. Director Ashcroft agreed to include this in the next status report.

The Director briefly updated the Committee on the four reviews in progress. She pointed out that since the last Committee meeting, OPEGA had also initiated the Title IV Adoption Assistance Review. She reminded the Committee that she could answer questions on the status of the reviews but could not discuss any findings.

The reviews currently in progress are:

- MECMS Stabilization Reporting
- State-wide Information Services Planning & Management
- Guardian Ad Litem for Children
- DHHS Adoption Assistance Eligibility

Sen. Mitchell asked about the hours allotted to the IS review. She feels 200 hours may not be enough to complete the review as that project is very large and probably time consuming. Director Ashcroft responded that the 200 hours did not include the time of Jefferson Wells, the contractor, whose estimated hours are 700. Both Sen. Mitchell and Director Ashcroft agreed the total hours should be shown and will be included in the next status report.

Rep. DuGay suggested adding a column to the status report listing staff members who are assigned to each review. Rep. Canavan stated she feels it is important that OPEGA staff be allowed to do their job without any interference and not be hounded, which might occur if staff names are listed with the assignments. Rep. DuGay also asked how the Committee might participate in the review as members have much expertise in certain areas. A discussion ensued among Committee members regarding Committee participation in reviews.

Sen. Gagnon feels Committee members should not be involved in the review process because the results must not be politicized or have the perception of being politicized. Director Ashcroft mentioned that there is a crucial point when the Committee should be involved and that is in the beginning when the topic scope is being discussed. Sen. Mitchell said she feels it is critical in the beginning for the Committee to suggest people for OPEGA to contact because Committee members know a lot of people and know the expertise of those folks. She stated that it is important that OPEGA partner with the GOC.

Rep. Trahan indicated that he has been contacted by people regarding the reviews in progress and he refers them to Director Ashcroft's office. He is confident that the Director will not shade the project's end result and will know the right balance. Sen. Mitchell replied that she would refer the Committee to folks who are experts and would tell the truth, not people who are complainers and/or angry.

Sen. Raye asked the Director if the Guardian Ad Litem's scope covers whether or not the GAL's recommendations are followed through by DHHS caseworkers or if DHHS caseworkers overrule the GALs at times. Director Ashcroft replied that OPEGA would be looking at how GALs come to their recommendations and the degree to which the recommendations are carried out. Sen. Raye added that OPEGA needs to get at that piece of the procedure if we are to obtain a full picture.

Rep. DuGay said that there are a lot of GALs who aren't being utilized. He thinks OPEGA should look at the ones the courts are not using to get a snapshot of the whole universe.

Rep. O'Brien added that OPEGA might look at male vs. female GALs and their various rulings on women and children.

Sen. Gagnon remarked that these reviews are not an inquisition, OPEGA's goal is helping the agencies improve services. We need to adhere to our original philosophies and manage our expectations. If the review in question raises more questions, another review can be established. Rep. Trahan stated that he agreed with the Senator and feels that the mere existence of OPEGA helps improve government. Rep. DuGay remarked that he wanted the GOC to be a **real** oversight committee unlike some committees in the past.

Director Ashcroft took note of the Committee's comments on being able to provide suggestions as to areas a review should explore. She told Committee members that they should feel free to provide those suggestions and she would take them into consideration. However, she wanted to go on record as noting that the Committee would not be dictating the work done on a review as this would potentially compromise OPEGA's objectivity.

Website Additions

Director Ashcroft updated the Committee on the OPEGA website indicating that three scope statements were posted at this time and that two staff members would be trained shortly so that OPEGA can be responsible for maintaining its own website.

UNFINISHED BUSINESS

Committee Voting Processes and Procedures

Director Ashcroft reviewed the GOC's voting processes and procedures. She indicated that the two original voting procedures have been combined into one procedure as discussed at the last Committee meeting. Sen. Mitchell referred to procedure #8 and said that in the other Committees, members can obtain permission from the presiding officer to vote absentee without coming into the office providing they have a very legitimate reason for being absent. She suggested that the Government Oversight Committee mirror the other committees and amend procedure #8 to reflect this. Sen. Gagnon stated he wants to mirror the joint rules and the Committee members present unanimously agreed with Sen. Mitchell's suggestion.

Policy Re: Handling of Confidential Information

Director Ashcroft reviewed the OPEGA draft policy regarding the handling of confidential information. She described the following:

- Process by which OPEGA receives confidential information from the various agencies
- The limiting of staff assigned to the review to that task which involves confidential information
- How OPEGA handles confidential data

Sen. Gagnon asked if staff members would be acknowledging in writing their understanding of the procedures to be used in accessing and maintaining confidential information. He wants a paper trail that would make it easier to track the source of any leaking or slipping of information. He also suggested that if a slip does occur, the situation should be brought to the Director's attention immediately. Rep. Trahan reiterated Sen. Gagnon's remarks and said that when he wrote the OPEGA statute, he was very careful and comprehensive with the wording. If some individuals don't like OPEGA's reports, they most certainly will attack OPEGA's credibility, especially the director. Also, if the Committee trusts in the process and the structure, the members will defend OPEGA to the hilt.

Rep. O'Brien mentioned that stress in the agencies involved in the review might cause their staff to talk about things.

Sen. Gagnon asked for a motion to accept the draft confidentiality policy as an official OPEGA process.

Motion: That the Government Oversight Committee accept the confidentiality policy as an official OPEGA process. (Motion by Sen. Raye, second by Rep. Trahan.)

Motion: That the above motion be tabled for voting at the next GOC meeting. (Motion by Sen. Raye, second by Rep. Trahan. Motion to table – PASSED; vote unanimous.)

Process for Receiving OPEGA Reports

Director Ashcroft initiated a discussion regarding how the Committee would receive OPEGA reports by presenting a draft process. During discussion, the following concerns were raised:

- Whether special invitations need to be issued to the Joint Standing Committees to receive OPEGA's report
- Timeframe for issuing the final report to the GOC members, the Governor, and the responsible management
- Whether the Committee should hold a public hearing before voting to endorse, not endorse, or endorse in part
- Timeframe for issuing report to the public
- Possibly issuing report to the Committee and the public simultaneously
- Procedure for Agencies to receive the draft report in order for them to review and comment

Some Committee members feel the statute is confusing regarding the disposition of OPEGA's final report. Director Ashcroft stated she would add this concern to her running list of possible changes to the statute.

How to Provide Members with Information Ahead of Time

The Director mentioned that Sen. Courtney previously asked if Committee members could be provided materials in advance of the Committee meeting. She asked the members present how crucial they feel this is and what might be the best avenue to provide the materials. Sen. Gagnon asked to defer this agenda item since Sen. Courtney is absent.

NEW BUSINESS

Director Ashcroft led a discussion of OPEGA's review process utilizing two handouts from the Policies and Procedures manual. One described the process by phase and the second provided a description of project selection and review processes effective August 2005.

Rep. DuGay asked where and when the public had input into the annual plan. Sen. Gagnon answered that this would occur through the Committee. Director Ashcroft stated that the public could get information to OPEGA and although OPEGA will consider the information, it won't necessarily change the direction of its report. Sen. Gagnon indicated that even the best report might miss something. If the Committee is convinced of a flaw, they can choose not to endorse the report or to endorse it in part. Rep. DuGay said he just wants to be sure the process is a real review process. Rep. Trahan added that he feels the Committee cannot come into the process in the middle as that would sabotage the independent nature of the work. Rep. Canavan stated that even though a Committee member may find something in the report to criticize and bring it to the remaining member's attention, the GOC must have confidence in the staff.

A short discussion evolved related to the handling of complaints or allegations coming into the OPEGA Office. The Director is looking for a standard procedure to handle this situation. Sen. Gagnon suggested putting this item on an agenda for a future meeting.

NEXT MEETING

The next meeting of the Government Oversight Committee is scheduled for Monday, October 24th at 9:30 a.m. in Room 220 of the Cross Building.

ADJOURNMENT

The meeting adjourned at 12:00 p.m.