

H.016 (An Act Related to Boards and Commissions)

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Testimony: January 23, 2019

BACKGROUND

With the exception of legislation passed in Act 2 of 2018 (Special Session), the Secretary of State's Office has no statutory mandates or requirements in relation to board and commissions, their appointees or their terms. As a result, there are no existing functions or processes within the Office or its divisions that can be easily augmented or adapted to meet this mandate. Likewise, there are no specific personnel to whom the inventory and maintenance requirements set forth in [3 V.S.A. § 116a](#) can be readily assigned.

Participation in the Meetings of the Sunset Advisory Commission

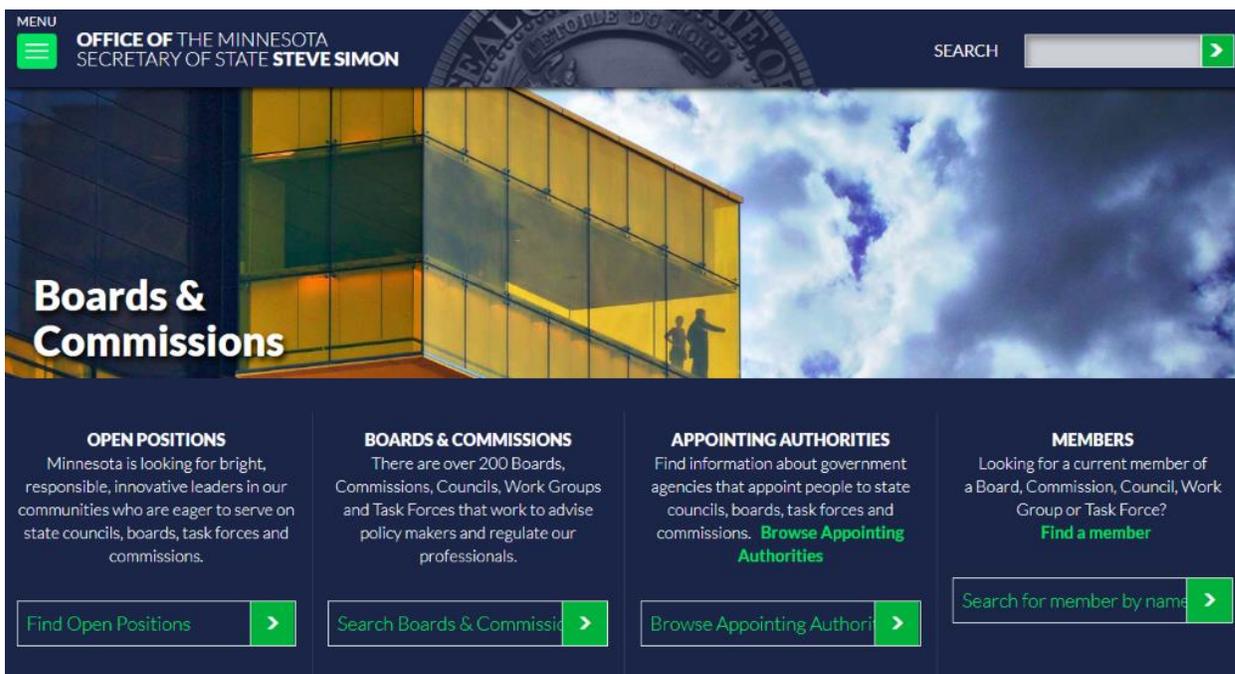
In November and December 2018, our Office actively participated in the meetings of the Sunset Advisory Commission. Our initial recommendation for satisfactorily meeting the inventory requirement in 3 V.S.A. § 116a with no new or additional resources was to: (1) expand an existing portal that the Vermont State Archives and Records Administration created for the Governor's Office that would allow Boards and Commissions to appropriately report and track their appointees and terms; and (2) make this information available and published through the state's open data portal.

However, following testimony by the Governor's Office on why this would not be feasible – and also after learning about the challenges both appointing authorities and boards and commissions have in managing the appointment process and having accurate and reliable appointee information – the magnitude of the requirement set forth in [3 V.S.A. § 116a](#) was better understood by our Office and also the members of the Sunset Advisory Commission. It was also clear that creating and maintaining an inventory that was accurate and reliable will be extremely difficult, if not impossible, with current resources.

RECOMMENDATION OF THE SECRETARY OF STATE'S OFFICE

As our Office became cognizant of broader concerns regarding the administration of the appointment process that the Commission and the General Assembly are hoping to address with

[3 V.S.A. § 116a](#), we identified the State of Minnesota, specifically the Minnesota Secretary of State's Office, has having not only an inventory of Minnesota boards and commissions available through its website, but also appointees, terms, and vacancies. The website, shown below, is fairly comprehensive.



(See: <https://www.sos.state.mn.us/boards-commissions>).

Given its long history of serving as the administrator of state boards and commissions and the appointment process, the State of Minnesota is a viable model for the State of Vermont and this recommendation was initially made to the Commission at its November 27, 2018 hearing. Following the hearing, our Office reached out to the Minnesota Office of the Secretary of State to better understand how they resource their program as well as what technologies they use.

After receiving information from Minnesota Office of the Secretary of State, our Office feels confident that the State of Vermont can implement a similar program with just a few additional resources, specifically two permanent full-time employees. In doing so, the requirements of [3 V.S.A. § 116a](#) would be met and the broader concerns regarding the administration of the appointment process that came out during the Commission's work would be met as well. Our December 11, 2018 final recommendation to the Commission is attached.

3 V.S.A. § 116a (Maintenance of inventory of State boards and commissions)

Tanya Marshall, State Archivist & Chief Records Officer
Vermont State Archives & Records Administration, Office of the Secretary of State

For Discussion on December 11, 2018

RECOMMENDATION OF THE SECRETARY OF STATE'S OFFICE

The Vermont Office of the Secretary of State welcomes the opportunity to continue working with the Commission to identify requirements and recommend legislation regarding state boards and commissions. In addition to [3 V.S.A. § 116a](#), which requires our Office to publish an inventory of boards and committees, their appointees and their terms, our Office has become cognizant of broader concerns regarding the administration of the appointment process that the Commission and the General Assembly may also be hoping to address.

Given its long history of serving as the administrator of state boards and commissions and the appointment process, the State of Minnesota may be a viable model for the State of Vermont and this recommendation was made to the Commission at its November 27, 2018 hearing. Following the hearing, our Office reached out to the Minnesota Office of the Secretary of State to better understand how they resource their program as well as what technologies they use.

After receiving information from Minnesota Office of the Secretary of State, our Office feels confident the State of Vermont can implement a similar program with just a few additional resources. In doing so the requirements of 3 V.S.A. § 116a would be met and the broader concerns regarding the administration of the appointment process would be met as well.

MINNESOTA BOARDS AND COMMISSIONS PORTAL

The Minnesota Office of the Secretary of State is comprised of three divisions: Elections, Business Services and Uniform Commercial Code (UCC). Programs of their Office include notary and Apostille services; safe at home address confidentiality; and boards and commissions, which manages the application and appointee reporting process for state boards and commissions. In accordance with the Minnesota Open Appointments Act of 1978, as amended, the appointment process within the State of Minnesota has been simplified with the Secretary of

State serving as an administrator in publishing information about the functions of state boards and commissions, their vacancies, and their appointees.

While the State of Vermont does not have an Act like the State of Minnesota, the appointee information required to be compiled and reported by the Minnesota Office of the Secretary of State is comparable to the information required to be compiled and reported by the Vermont Office of the Secretary of State pursuant to 3 V.S.A. § 116a. The Minnesota Secretary of State's Office also organizes and reports appointee information on its website in manner similar to how our Office would organize and report appointee information. Furthermore, both Offices uses the same database and web technologies.

The [Minnesota Boards and Commissions portal](#), which also routes applications to appointing authorities, was built in-house by the Minnesota Office of the Secretary of State using existing technical and human resources. By developing and maintaining its own system with a custom public-facing website, the Minnesota Office of Secretary of State has an agile and cost-effective approach for readily meeting its current statutory reporting functions, adapting the system for new requirements, and responding to requests from the public as well as the boards and commissions. Changes, even if minor, can be easily incorporated in a timely and efficient manner.

Prior to implementing the current system and online portal, appointee data collection and reporting was done manually and “very time consuming,” according to Minnesota Deputy Secretary of State Jake Spano in a November 28, 2018 email. However, since implementing the system and making more information available online through an interactive portal, one full-time employee (FTE), classified as a customer service specialist principal with an annual salary of \$52,947.90 in 2017, and an in-house information technology (IT) team carry out the Secretary of State's duties of the Minnesota Open Appointments Act.

Presently, the customer service specialist principal spends approximately 50% of her time supporting the day-to-day administrative functions of the Act. In addition, 10% of the in-house information technology (IT) team's time is allocated annually to provide ongoing maintenance to the system and portal. The Minnesota Office of the Secretary of State has more than 15

information systems and information technology (IT) employees to support the needs of the Office at large, of which a few are drawn upon to support the Minnesota Boards and Commissions portal:

- Information Systems Supervisor (\$119,647.52) – 1 FTE
- Information Systems Analysis Unit Supervisor (\$108,525.60) – 1 FTE
- Information Technology Specialist 5 (\$96,230.08 - \$104,217.60) – 2 FTE
- Information Technology Specialist 4 (\$84,640.14 - \$98,855.06) – 7 FTE
- Information Technology Specialist 3 (\$75,350.11 - \$83,946.10) – 4 FTE
- Information Technology Specialist 2 (\$67,397.93) – 1 FTE¹

In his November 28, 2018 email, Minnesota Deputy Secretary of State Spano also provided the following breakdown of the technical resources used to develop and implement their current system and online portal.

Minnesota Boards and Commissions Portal	
System	Relational database that uses structured query language (SQL) for reporting functions, including publishing certain information online
Website Platform	Umbraco
Timeline	18 months
Total Hours	2,200 hours
In-House Personnel	<p>In addition to other administrative and IT personnel who contributed to planning and development of the system and online portal, the following specific resources were used:</p> <ul style="list-style-type: none"> • IT Manager (1 FTE) – 20% of time for 18 months • Coder (1 FTE) – 50% of time for 18 months • Web Designer (1 FTE) – 15% for 12 months

¹ Positions and salaries are from Minnesota’s Open Data Portal and are for the year 2017.

VERMONT BOARDS AND COMMISSIONS PORTAL

If the impetus for 3 V.S.A. § 116a is to provide accurate and reliable information about state boards and commissions, their appointees and their terms – among, perhaps, information about the boards and commissions themselves and their vacancies – the State of Vermont needs (1) clearer legislation about what constitutes a board and commission along with succinct reporting requirements; and (2) an administrative function to be established and properly resourced within a state agency, department or office. The latter, in particular, is a significant need that cannot be ignored; having an effective appointment process is necessary for maintaining an accurate and up-to-date inventory.

Although the Vermont Office of the Secretary of State does not have any existing functions or processes that can be easily augmented or adapted to meet the requirements in 3 V.S.A. § 116a and the number of employees within our Office, particularly in terms of information technology, *significantly* pales in comparison to those in the Minnesota, we feel we can meet this mandate and the broader concerns regarding the administration of the appointment process with the appropriate legislation and resources, specifically:

- Legislation comparable to [Minn. Stat. 15.0599 \(2018\) REGISTRATION OF MULTIMEMBER AGENCIES](#) and [Minn. Stat. 15.0597 \(2018\) APPOINTMENTS TO MULTIMEMBER AGENCIES](#); and
- A minimum of two additional full-time employees, one for program administration and another for portal development, maintenance and expansion².

If supported through legislation and properly resourced, our Office is confident the State of Vermont will be successful in providing transparency around its boards and commissions and their appointees while significantly improving the appointment process at the same time. We also believe that simplifying the process and adding an enterprise or statewide portal, like Minnesota's, will ultimately provide greater administrative efficiencies and cost-savings.

² Neither resource exists within the Office at this time, including a developer for the Office's databases.