



Sen. Jeanette White, Co-Chair
Rep. John Gannon, Co-Chair
Sen. Brian Collamore
Rep. Robert LaClair
Matthew Krauss
Susan Zeller

STATE OF VERMONT
SUNSET ADVISORY COMMISSION

MINUTES OF DECEMBER 11, 2018 MEETING

Ethan Allen Room, Vermont State House; 10:00 AM – 2:20 PM

See 12/11/18 [Agenda](#) and [Meeting Record](#)

Members present: All

I. Otto Trautz, Interested Party.

- Described his history of tracking boards and commissions.
- Review of his updated 2018 spreadsheet:
 - Grey shading in first column on the left shows where changes that differ from 2017 spreadsheet, based on changes in the law.
 - Recommends that SAC update their existing spreadsheet.
 - Approx. 700 total board and commission members.
 - Green shading shows where per diem language is not great and could use updating.
- Cautions that entities like “working groups” frequently are enacted to do a discrete duty, but the enabling law fails to provide for their repeal on a date certain.
- Cautions against having a running list in statute because it will likely fail to be continuously and accurately updated.
- SAC discussed the list of PRA exemptions that Leg. Council is required to track.
- Does not think defining them will make a difference.
- Recommends continuing to update a spreadsheet with all details available (as in the current spreadsheet), because failure to continue to do so means the data will be lost. Tracking all available data does not mean that all that data must be in a public inventory.

II. SAC Roundtable Discussion. *O. Trautz, Hayden Dublois, T. Marshall*

- ***Definitions: Of entities and for the inventory***
 - *Co-Chair White* does not think it makes a difference to Leg. to attempt to define the different terms that should be used for these entities.

- *H. Dublois* recommends having a more inclusive definition than what is currently provided in 3 V.S.A. § 116a, because the current definition is unclear as to whether they are “State” entities.
 - *Comm’r Zeller* questions what would happen if the Leg. named one in conflict with defined terms.
 - *T. Marshall* suggests perhaps using MN’s definition in order to clarify what needs to be tracked in an inventory.
 - MN also requires their entities to register with the Sec. of State.
 - *Co-Chair White* raises the issue that what is tracked in inventory is “created by the State,” meaning the Leg., that would capture municipal entities such as development review boards.
 - *H. Dublois* cautions against using “with statewide jurisdiction” because there are groups focused on a regional issue.
 - *Co-Chair Gannon* raises that some of these regional issues impact Vermonters statewide.
 - *BAW*: Perhaps created by law that do not relate to regional, county, or municipal governance.
 - *T. Marshall* raises the structure of the Natural Resources Board and its environmental district commissions.
 - *Co-Chair Gannon* raises potential that it be funded by the State.
 - *Comm’r Zeller* suggests administratively attached to the Ex. Branch.
 - *Co-Chair White* suggests using the NM definition.
 - Doesn’t think the inventory should include purely legislative committees (such as GAC).
 - *SAC* confirms that they want the inventory to address State boards with statewide functions.
 - *Co-Chair Gannon* recommends using ME’s model, which excludes those with members appointed exclusively by regional, county, or municipal entities.
 - *H. Dublois* suggests including those created by both State and federal law, as well as those created by compact among the states to serve a regional function.
 - *SAC* confirms it does not want to include in the inventory
 - *SAC* confirms it will not attempt to provide a definition of what is a “board,” “commission,” etc.
 - **SAC [potential definition]**: Board, commission, council, or similar entity created by State law, by federal law with State appointees, or by EO; which is established as or attached to an Ex. Branch entity; which has statewide jurisdiction or carries out a State function; and which excludes those entities that comprise members appointed exclusively by regional, county, or municipal entities.
- **Maintenance of the Inventory.**
 - *T. Marshall* references the MN statutes. See [handout](#). MN has a website devoted to boards and commissions and has 15 IT specialists to support maintenance of the inventory.

- No start-up costs; everything was in-house, but they have a larger staff than VT Sec. of State.
 - 10% of MN Sec. of State funding goes to MN IT.
 - Registration function in MN are important and helpful. Boards and commissions must register on the site, and includes appointment info.
 - 2,020 hours spent. Much of it on coding, followed by web design.
 - Searchable data can be uploaded into reports, such as to show how many appointees serve on different boards, number of women, etc.
 - People are able to apply for positions directly online; there is an apply button that will go directly to the board.
 - *Comm'r Krauss* suggested that MN may be able to provide the coding.
 - *T. Marshall* advised that while MN might be willing to give the VT Sec. of State the coding, the VT Sec. of State's office currently does not have the staff to support it. For ex., *T. Marshall* lost nine positions in the last 10 years. She will be recommending that VT Sec. of State be provided with a program administrator, as well as to address the technical component potential in building it out, such as to upload minutes, etc.
- **Inventory Info**
 - *H. Dublois*: Name, term, enabling law (with hyperlink), brief description of board, office of appointing authority (with hyperlink to office website), name of position (chair vs. reg. member, etc.), who they are representing (ex.: political party), contact info (such as board administrator or chair).
 - Does not necessarily support the MN requirement to create an account to apply for an open board position.
 - Gov's office also sometimes receives paper applications, so provide the functionality to upload that info.
 - *Co-Chair White*: Add normal meeting location and time.
 - *Comm'r Collamore*: Add per diem info.
 - *Comm'r Krauss* raises concern about Vermonters who struggle to complete applications.
 - *T. Marshall* advises that MN requires their Sec. of State to manage the application process, including providing assistance to applicants.
 - *Co-Chair Gannon* emphasizes the capability of the MN site to advertise open positions.
 - *T. Marshall* raises that the MN application info for persons ultimately appointed generates the inventory info.
 - *Co-Chair White* wonders whether the site providing that Senate consent is required might be an application deterrent.
 - *H. Dublois* advises that factor does not normally seem to be an issue for the Governor's applicants; also points out that a link to the enabling law would provide that info.
 - *Comm'r Zeller* suggests the platform could provide a check to show those requiring Senate consent.

- **Inventory Resources**
 - *Comm'r Collamore* questions whether two positions in the Sec. of State's office would suffice.
 - *T. Marshall* advises that two positions would likely work. Thinks an admin services coordinator, pay grade 2, high 30s to low 40s; and a web developer, pay grade 26.
 - *Comm'r Zeller*: 2 FTEs?
 - *T. Marshall*: 2 FTEs who would likely be devoted to this issue in different aspects throughout the duration of inventory maintenance
 - *Comm'r Krauss* suggests starting with one FTE.
 - *T. Marshall* respectfully disagrees. They have analyzed their existing resources. If the SAC wants someone to maintain an Excel spreadsheet online, that is a different maintenance requirement than a full-on inventory portal like MN.
 - *H. Dublois* emphasizes he is not taking a position on the FTE issue, but advises that the Governor's current administration of boards and commissions requires administrative resources. Also notes the big picture of system efficiencies.
 - *Co-Chair Gannon* points out that a web portal like the MN model would reduce costs for the Administration (re: their current administration of board appointments).
 - *Comm'r Zeller* points out that the portal would also free up Administration staff time to do other things.
 - SAC discusses that part of their charge is to recommend any changes to the info the Sec. of State provides inventory, and that the structure of the inventory is related to that.
 - *T. Marshall* advises that the inventory portal could be built out to show prior appointees, etc.

[Working Lunch]

III. Review spreadsheet showing SAC decisions and resulting draft legislation.

BetsyAnn Wrask. SAC discussed revisions to bill draft and finalized prior tentative decisions.

IV. Inventory IT platform; *John Quinn, Secretary of Digital Services.*

- ADS is happy to help any State entity, but the Sec. of State's Office has its own IT staff.
- MN's website does not appear to be a lot of work.
- ADS would bill the Sec. of State's office for the work ADS performs.

V. Commissioner Krauss; recommendations for SAC action.

- *Performance.* SAC should continue to focus on performance.
- *Citizens.* SAC should incorporate in its review process citizens who are impacted by the work of the boards and commissions.

- For ex., require each board and commission to provide a certain number of the persons they have served, and ask those citizens to provide in-person or written testimony on the performance of the board.
- *Comm'r Zeller*: Some boards may already have client surveys that could provide this info. Other boards may have clients/consumers that cannot be revealed due to confidentiality requirements.
- *Meeting limitations*. Statute limits SAC to five paid meetings per year. Requests that this number be increased, or to provide more flexibility (ex., a total number before the end of the Commission's work)
- *Legislative appointments*. Suggests a deadline by which House and Senate must make their appointments (in response to a lag time in making those appointments).
- *Co-Chair White*:
 - Limits on meetings: Most temporary boards have a meeting limit. It would also be difficult for SAC to meet more than five/year, b/c it would be very difficult for legislative members to meet during session.
- *Co-Chair Gannon*: Legislative appointments: We only heard from one person who expressed concern re: legislative appointments. Before making a recommendation in legislation, SAC should discuss this issue with the Speaker and Committee on Committees.
- *Comm'r Krauss* is willing to see if further testimony indicates there are issues with legislative appointments.

Next Steps:

- Update draft legislation with today's changes. Gannon and LaClair as cosponsors. Send to all SAC members for their approval.