

# The Vermont Statutes Online

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## **Title 3 Appendix : Executive Orders**

### **Chapter 003 : Executive**

(Cite as: **3 App. V.S.A. ch. 3, § 85**)

#### **Executive Order No. 3-85 (No. 06-17) [Creation of the Agency of Digital Services]**

WHEREAS, the Governor, pursuant to 3 V.S.A. Section 2001, may make such changes in the organization of the executive branch or in the assignment of functions among its units as he considers necessary for efficient administration; and

WHEREAS, it is desirable to reorganize the departments and divisions of government by better coordinating certain activities and to improve the coordination and effectiveness of services to the public; and

WHEREAS, the Department of Information and Innovation and various State agencies purchase information technology (IT) products and services, administer IT programs and provide IT services; and

WHEREAS, the existing structure of centralized IT and decentralized IT operating in parallel has made it difficult to (i) share data; (ii) capture comprehensive IT usage metrics, including spending; (iii) develop a comprehensive strategy for funding, procurement and use of IT; (iv) ensure results based accountability; and (v) collaborate on statewide best practices; and

WHEREAS, many states have restructured information technology governance in order to increase efficiency, broaden transparency and enable more strategic use of IT; and

WHEREAS, restructuring IT governance presents an opportunity to better align business functions and IT through:

- (1) Improved coordination of technology procurements;
- (2) Improved project management practices and standards;
- (3) Improved communication among State agency and department technology resources;

(4) Improved IT governance;

(5) Utilization of technology skills and resources across departments for the benefit of all agencies and departments;

(6) A comprehensive understanding of IT spending;

(7) Support of results based accountability;

(8) Realignment of IT resources with State priorities; and

WHEREAS, this restructuring offers benefits to State employees through greater opportunities for professional development within State government; and

WHEREAS, the State could improve and more efficiently deliver services to the public through the creation of the Agency of Digital Services.

NOW, THEREFORE, by virtue of the authority vested in me by 3 V.S.A. Chapter 41 as Governor, I, Philip B. Scott, do hereby create an Agency of Digital Services. The Agency of Digital Services shall be the successor to, and the continuation of, the Department of Information and Innovation.

1. All duties, obligations, responsibilities and authority, including all contracts, grant agreements, service level agreements and MOUs of the Department of Information and Innovation are hereby transferred to the Agency of Digital Services and shall continue in force and effect without any interruption in their functions.

2. All financial assets and liabilities of the Department of Information and Innovation are hereby transferred to the Agency of Digital Services and shall be accounted for in the Internal Services Fund, known as the Communications and Information Technology Fund.

3. The position of the Commissioner of the Department of Information and Innovation is abolished and all the duties, responsibilities and authority of the Commissioner are hereby transferred to the Secretary and Chief Information Officer of the Agency of Digital Services.

4. All other authorized positions and equipment of the Department of Information and Innovation are transferred to the Agency of Digital Services.

5. Effective April 17, 2017, the Agency of Digital Services shall be headed by the Secretary and Chief Information Officer (together, the "CIO") appointed by the Governor with the advice and consent of the Senate.

6. Effective April 17, 2017, the CIO of the Agency of Digital Services may appoint a Chief Financial Officer who shall be exempt from the classified service.

7. Effective April 17, 2017, the Agency of Digital Services shall consist of five divisions: (A) the Security Division which shall be headed by the Chief Information Security Officer appointed by the CIO of the Agency of Digital Services, with the approval of the

Governor; (B) the Enterprise Architecture Division which shall be headed by the Chief Technology Officer appointed by the CIO of the Agency of Digital Services, with the approval of the Governor; (C) the Data Management Division which shall be headed by the Chief Data Officer appointed by the CIO of the Agency of Digital Services, with the approval of the Governor; (D) the Division of Enterprise Project Management; and (E) the Division of Shared Services. The Division of Enterprise Project Management and the Division of Shared Services shall each be headed by a Director appointed by the CIO of the Agency of Digital Services, with the approval of the Governor. The Chief Information Security Officer, the Chief Technology Officer, the Chief Data Officer and the Directors shall be exempt from the classified service.

8. Effective April 17, 2017, all existing department and agency technology leaders, including, but not limited to, chief information officers and directors of information technology (“technology leaders”), and their professional IT personnel in the Executive Branch agencies and departments, shall report directly to the CIO of the Agency of Digital Services.

9. The Commissioner of the Department of Human Resources and the CIO of the Agency of Digital Services, in consultation with agency and department heads, shall identify technology leaders. The Commissioner of the Department of Human Resources and the CIO of the Agency of Digital Services shall define the position duties and identify and determine appropriate classifications for all State personnel who perform information security activities, as that term is defined in 3 V.S.A. § 2222(9) and information technology activities, as that term is defined in 3 V.S.A. 2222(10). All technology leaders shall be exempt from the classified service.

10. Beginning April 17, 2017, on an agency-by-agency and department-by-department basis, all positions and incumbents identified by the Commissioner of Human Resources and the CIO of the Agency of Digital Services as set forth above, shall transfer to the Agency of Digital Services. Technology leaders and professional IT personnel shall remain in their current physical locations.

11. Beginning April 17, 2017, on an agency-by-agency and department-by-department basis, all appropriations associated with the positions transferred pursuant to paragraph 10 above, shall transfer from the affected agencies and departments to the Agency of Digital Services.

12. Beginning April 17, 2017, on an agency-by-agency and department-by-department basis, all the functions, equipment, supplies and inventory associated with the positions transferred pursuant to paragraph 10 above, shall transfer from the affected agencies and departments to the Agency of Digital Services. All agency and department contracts for goods and services shall remain with the respective agencies and departments.

13. The CIO of the Agency of Digital Services shall further study the effectiveness, priority and delivery of IT services and shall report to the Governor any additional

recommendation for restructuring and/or statutory changes by November 17, 2017.

This Executive Order shall be submitted to the General Assembly pursuant to 3 V.S.A. § 2002 and shall take effect on April 17, 2017, unless disapproved by the General Assembly pursuant to 3 V.S.A. § 2002(b).

Dated January 15, 2017.