

Council on Efficient Government
September 29, 2006, Meeting Minutes

The Council on Efficient Government (“Council”) conducted its inaugural meeting in Room 148 of the Betty Easley Center in Tallahassee, Florida. See attached Exhibit 1 for public meeting notice.

Members in attendance: Tom Lewis, Jr., William Johnson, Terry L. Rhodes, David Clarke, Lucy Hadi (arrived 9:23), Ernest Spinner, and James Zingale (by phone).

Introductions

Chairperson Tom Lewis, Jr., called the meeting to order at 9:00 a.m. The Council members introduced themselves to one another. The Chair introduced Ron Baker and Fred Springer, staff support for the Council.

History and Overview

Mr. Baker began with a PowerPoint presentation, a copy of which is attached as Exhibit 2. Mr. Baker discussed the gate review process used by the Center for Efficient Government under old executive orders, the number of outsourcing projects undertaken during Governor Bush’s administration and associated savings, and past legislative actions taken to codify the Governor’s initiative into law.

At the Chair’s request, Mr. Baker moved from the podium to a seat with a microphone, so all in the audience could hear his presentation.

The Chair provided background highlighting some of the thinking that led Governor Bush to create the initiative to help improve the efficiency and effectiveness of the way state agencies contracted for services. The Chair pointed out that due to some large scale projects that did not go as smoothly as they could have, the initial focus was on the way agencies conducted procurements for outsourcing projects, as well as handled the related personnel issues.

Ms. Hadi arrived and introduced herself to the other Council members. Mr. Zingale announced his presence on the phone and introduced himself.

The Chair noted that the Council review process provides a sense of accountability and transparency into the agency decision making process for high dollar issues.

Mr. Springer briefly explained how the procurement process in Florida is largely decentralized and how the gate review process was an effort to centralize some of the state’s procurement process where it made sense, and to move toward viewing the total procurement process in a more business like manner. He referred to the State organizational chart included on the third sheet behind tab 8 in the members’ notebooks.

Mr. Springer reviewed the statutorily mandated duties outlined on slide 7 of the presentation.

The Chair asked Mr. Springer if it was correct, that based on the dollar thresholds in the law; that for projects under a million dollars, the Council would be expected to have limited involvement; for projects ranging in value from one million to ten million dollars, the Council would be expected to review the business cases and provide some type of comment to the sponsoring agency; and for projects whose value exceeds ten million dollars, the Council would be expected to review the business cases, provide comment to the sponsoring agency and issue an advisory report to the Governor, Speaker of the House of Representatives, President of the Senate and the sponsoring agency's agency head.

Mr. Springer replied that it was correct.

Mr. Springer went over the statutorily-required elements of a business case and noted that the questions on the business case form in the members' briefing books (tab 5) covered required elements.

The Chair asked if the Council could add to or subtract from the list of questions in the business case form.

Mr. Springer answered that the Council could add to, but not subtract from, since the form included the statutorily-required elements. Mr. Springer encouraged the members to look over the form and provide their input at the next meeting for any changes they would like to make.

With reference to slide 9 of the presentation, Mr. Springer discussed a complex project review model developed by the United Kingdom's Office of Government Commerce (OGC). He referred Council members to a handout, a copy of which is attached as Exhibit 3, which outlines the OGC review phases and key areas to probe at each phase. Mr. Springer encouraged the members to review the handout and discuss at the next meeting in December. He explained that the Council is free to adopt whatever it determines in the way of best practices, but the OGC model provides a good, existing, example.

Mr. Spinner asked whether any of the legislative members or staff are aware of the UK model.

Mr. Springer stated that some staff may be aware of portions, particularly those focused on technology, since OGC has also promulgated the IT Information Library (ITIL), which Florida is following.

Mr. Spinner suggested that someone from the Office reach out to the UK to find out about any early failures, to ask what worked and what didn't work so well.

Action step:

The Council agreed that Office staff should research OGC experience and present their findings at the next meeting.

With reference to slide 10, Mr. Springer discussed what the next 180 days will look like. He reviewed the workload projections developed from polling the agencies about their on-going and upcoming work (tab 6 in members' notebooks).

The Chair noted that the Council was forward looking, intending to deal primarily with new projects and only take up re-bids of old projects if requested by the Governor, agency head or Legislature. He noted that there may be a difference of opinion over this issue, and that it may be a topic of discussion in the spring with the Legislature.

Ms. Rhodes asked if the department was moving forward with rulemaking to clarify the definition of outsourcing.

Mr. Springer replied not at this time. He explained that the idea had been discussed shortly after the law became effective, but some doubted the department's authority to promulgate rules on this issue; so, for now, the statutory definition would be the only one.

The Chair stated that this was another issue that would be discussed with the Legislature in the spring.

The Chair noted that one area of concern from the agencies was how to treat staff augmentation. Would this be considered outsourcing? The Chair stated that he did not think it is, but the Council may need to address the issue at the next meeting.

The Chair discussed the timing of the submittal of required annual report to the Legislature and should it be done on a calendar or fiscal year.

Ms. Hadi suggested that the report be done on a fiscal year with an update before the legislative session.

Action taken:

The Council agreed that the annual report would be done on a fiscal year basis with an update done before the start of the legislative session.

The Chair asked if there are any deadlines when it comes to an advisory report relating to a particular project.

Mr. Springer replied that there is not, but that the Council advisory report will be on the critical path of agency procurement schedules, so the agencies' will have an interest in avoiding delay.

Ms. Hadi asked if the Council's schedule lined up with the Department of Health's need concerning the review of the business case for the A.G. Holley Hospital.

The Chair called for a break at 10:15, and the meeting resumed at 10:30.

“Sunshine” Law and Ethics Issues

The Chair indicated that later in the meeting the Council would address the topic of whether and how to receive public input at future meetings. The Chair also indicated that future meetings would be recorded.

Tom Duffy, an attorney in the Department of Management Services General Counsel’s Office, addressed the Council concerning the Government in the Sunshine Law and Ethics issues.

Mr. Duffy stated that there are four things about the sunshine law to remember:

- Documents received or created by the Council are public records and the public has a right to access to them (except for notes not shared with others);
- Official actions must be done at Council meetings (cannot be done by phone or memo);
- Two or more members cannot discuss Council issues unless done so at a public meeting and
- The public must be given notice of and opportunity to attend all meetings.

Mr. Spinner asked whether one member could call another member to discuss issues or questions they had.

Mr. Duffy replied no they couldn’t.

The Chair stated that the department would have someone from the General Counsel’s office assigned as attorney to the Council. Mr. Duffy stated that he was available to answer any questions the Council may have and gave the phone number to the general counsel’s office (850-487-1842).

Ms. Hadi asked if individual members could discuss issues with staff.

Mr. Duffy replied yes they could.

Mr. Duffy told the Council members that the code of ethics applied to the private sector members, as well as the public sector members and that this means that they can not solicit gifts of any kind, cannot accept anything from a lobbyist or firms that hired a lobbyist and would have to report any gifts received.

The Chair told the members not to get scared, some of this is still being worked out by the legislature, it sounds like a lot but staff will be available to help navigate.

Ms. Hadi stated that the easiest thing to do was not to accept anything.

Ms. Rhodes asked about how would the Council deal with conversations with lobbyists

The Chair stated this would be a good time to decide on the Council’s policy on two issues:

1). Will lobbyist or other members of the public be allowed to speak at the Council's meetings and

2). Will lobbyist be allowed to talk to individual Council members outside of the public meetings?

The Chair noted that there is a "cone of silence" period, during which the law prohibits contacts, but outside that period Council members needed to decide whether they would allow contacts.

Mr. Springer explained that the "cone of silence" period started when a matter was formally advertised for bid, and ended when an agency announced its intended award. During this time, contacts with anyone other than the agency's designated point of contact, identified in the bid documents, are prohibited.

The Chair explained that in his experience on other similar councils, members individually decided how to handle the issue. Some people chose not to be contacted at all; some chose to be contacted only during a public meeting; and some allowed contacts outside public meetings but at each meeting summarily disclosed all such contacts.

The Chair announced that once the Council hears a project he will not discuss it with anyone outside of a public meeting.

Mr. Spinner stated his choice not to be contacted outside Council meetings.

Mr. Clarke also indicated that he did wish to be contacted.

The Chair stated that written communication would be allowed, because it would be a public record.

The Chair raised the next issue: whether to allow public input, and if so in what form. Ms. Rhodes and Mr. Clarke expressed their desire to allow it. Ms. Hadi indicated that the Council should hear not only comments on specific business cases, but also general public comments.

Action taken:

A thirty minute public comment period will be allowed at the end of the Council's public meetings. Speakers will need to fill out and submit speaker cards.

Council Mission and Goals

Ms. Rhodes asked her fellow members if they would want the staff to report to them on the status/success of projects the Council has reviewed.

The Chair stated due to the annual reporting requirements staff will need to keep up with what's happening on all of the projects seen by the Council.

Ms. Rhodes asked how individual concerns would be reported in the advisory reports.

The Chair replied that the Council can include whatever its wishes in the reports, and that it is his intent that the reports reflect the input of all members.

The Chair asked the Council whether they wanted to adopt a formal Mission & Goals document, similar to the example included behind tab 7 in the notebook. The necessity of this work was questioned, given that the legislation clearly spells out the Council's purpose and tasks. Mr. Clarke expressed his preference not to go beyond the statute, and all agreed.

Next Steps/Future Meetings

Mr. Baker explained the current draft organizational chart for the staff that would support the Council, a copy of which is attached as Exhibit 4.

Given the projected workload for this year, Ms. Hadi suggested that some positions not be filled and funding converted to be used to contract for a particular expertise on specific projects.

Mr. Spinner remarked that the Council should not be viewed by agencies as just another process they need to check off before proceeding with business as usual. The focus has to be on improving and impacting the efficiency and effectiveness of operations. He expressed concern that the report, because of its advisory nature, would lack real impact.

The Chair replied that the report would be meaningful and be put to productive use by others in the process, such as Legislative staff.

Mr. Spinner stated that we should hold back on filling all of the FTEs and focus on efficiencies not just outsourcing, be proactive.

The Chair explained where he was with process of selecting an Executive Director. Efforts began in May, and he has narrowed down a large number of applicants to a few finalists. The Chair stated that he hoped to have someone on board by the next meeting, noting the political cycle and the need to make sure the out of state candidates understood what that means.

The Council set the next meeting for 9:00 a.m. on Friday, December 8, 2006.

The meeting adjourned at 11:45 a.m.

Attachments:

Exhibit 1	Notice of Public Meeting (4 pages)
Exhibit 2.....	PowerPoint Presentation (6 pages [11 slides])
Exhibit 3.....	Overview of UK OGC Review Process (11 pages)
Exhibit 4.....	Proposed Organization Charts (2 pages)