

MEMORANDUM



JOINT BUDGET COMMITTEE

TO Members of the Executive Committee and the Joint Budget Committee
FROM Carolyn Kampman, JBC Staff Director (303-809-1985)
DATE April 26, 2023
SUBJECT JBC Staff Director Appointment Process

As I have discussed with each of you before you received this document, I plan to retire from state service before the next budget cycle begins on November 1. This memorandum provides information concerning:

- Joint Budget Committee (JBC) and Executive Committee responsibilities related to appointing the JBC Staff Director
- Items to consider related to the scope of the recruitment effort
- Most recent process used for appointing the JBC Staff Director
- Relevant open meeting requirements
- Timelines to consider for the JBC Staff Director transition

This memorandum is intended to assist the JBC and the Executive Committee in supporting a timely and effective transition for the new JBC Staff Director.

STATUTORY RESPONSIBILITIES

The JBC is the oversight committee for the JBC staff. The JBC is responsible for interviewing individuals applying for the position of Staff Director and making related recommendations to the Executive Committee. The Executive Committee is responsible for appointing the JBC Staff Director after receiving the JBC's recommendations. *Attachment A* provides relevant statutory provisions.

SCOPE OF RECRUITMENT EFFORT

The scope of the recruitment effort will affect the timeline and resources required.

- **The scope of the recruitment effort.** Does the JBC want to focus on making a selection from existing JBC staff or from all non-partisan legislative staff, or conduct a wider search? Based on our records, all JBC Staff Directors other than the first Director in 1959 served on the JBC staff prior to their appointment. Most recently, staff in all four non-partisan legislative service agencies were invited to apply for the position. The services expected of the JBC Staff Director require a thorough knowledge of budgetary law and processes specific to Colorado. Those services can best be provided by a person with substantial experience working for the Colorado General Assembly. The selection of a candidate from existing legislative staff also encourages individuals to consider a long-term career with the General Assembly.
- **Necessary resources.** What resources will be required to support the recruitment effort? Depending on the breadth of the search, it may be necessary to utilize office resources to cover expenses required for a broad search (e.g., advertisement, reimbursement of travel and lodging expenses for candidates who would need to travel to Denver). During the last two transition processes, the JBC Staff Director and administrative staff provided the necessary assistance to schedule and arrange the meetings and interviews.
- **Timing and scheduling.** How much time is necessary for the JBC to solicit candidates and conduct interviews? An external search would likely require more time than an internal search.

APRIL 26, 2023

MOST RECENT SELECTION PROCESS

The 2019 selection process for the JBC Staff Director began with JBC discussions in June and concluded with the Executive Committee's appointment in September.

- The JBC Staff Director notified the JBC members of his retirement in mid-April and notified the Executive Committee members in early May.
- During the JBC's June 19 meeting, the JBC discussed the transition process. Based on the JBC's direction, on June 26 the JBC Staff Director sent an email to staff employed by the Joint Budget Committee, the Legislative Council, the Office of the State Auditor, and the Office of Legislative Legal Services, asking interested candidates to submit an application by July 17. *Attachment B* provides a current job description for the JBC Staff Director.
- Four applications were submitted and distributed to the JBC on July 18. The JBC Staff Director was instructed to schedule interviews with all four candidates.
- On July 26, the JBC met, interviewed the candidates, and selected one candidate to recommend to the Executive Committee.
- The Chair of the Executive Committee asked the JBC Staff Director to forward all materials related to the JBC Staff Director search. The Executive Committee scheduled interviews with all four candidates.
- The existing JBC Staff Director retired on August 30, as planned.
- The Executive Committee interviewed all four candidates on September 5, and appointed the candidate recommended by the JBC.

OPEN MEETINGS REQUIREMENT

The Office of Legislative Legal Services (OLLS) has advised our office that some of the meetings at which a legislative agency staff director search is discussed should be held as an open meeting. As an example, meetings of a general nature, such as a meeting to discuss recruitment strategy or a meeting in which a general plan is developed and discussed, should be open to the public. However, it is the opinion of OLLS that if personal interviews are conducted with applicants for a director position, those interviews are not subject to Section 24-6-402 (3)(b)(I), C.R.S., of the Open Meetings Law and can be held in executive session so long as the candidate requests that the interview be held in executive session.

TRANSITION TIMELINE

Staff recommends that the Committees establish a timeline that results in the Executive Committee appointing the new Director in July. This would allow the JBC staff to fully utilize the interim to reallocate budget assignments and learn new assignments, hire at least two new budget and policy analysts and an administrative assistant, and implement an internship program. This would also allow for an overlap between the current and new Director, supporting an effective transition process. *Attachment C* includes two potential transition timelines that: (a) assume an internal search; and (b) assume that the Executive Committee would conduct interviews on July 13, when the Committee is scheduled to conduct performance evaluations with existing non-partisan agency directors. Please note that these options assume a retirement date effective September 29, but I am open to delaying that as late as October 27.

ATTACHMENT A STATUTES CONCERNING THE JBC STAFF DIRECTOR

LEGISLATIVE SERVICE AGENCIES – JOINT BUDGET COMMITTEE

2-3-204. Staff director, assistants, and consultants. (1) The committee shall interview persons applying for the position of *staff director* as to qualifications and ability and shall make recommendations thereon to the executive committee, which shall appoint the *staff director* as provided in section 2-3-303 (3). The *staff director* shall be responsible to the committee for the collection and assembling of all data and the preparation of reports and recommendations. The *staff director* shall also be responsible for preparing for consideration by the committee analyses of all requests for funds. With the approval of the committee, the *staff director* may appoint such additional professional, technical, clerical, or other employees necessary to perform the functions assigned to the committee. The *staff director* and such additional personnel shall be appointed without reference to affiliation and solely on the basis of ability to perform the duties of the position. They shall be employees of the general assembly and shall not be subject to the state personnel system laws. The committee shall establish appropriate qualifications and compensation for all positions. With the consent of the committee, the chairperson may contract for professional services by private consultants as needed.

(2) Repealed.

(3) The *staff director* shall appoint additional staff as necessary to provide the evidence-based analysis required by section 2-3-210 (3)(c). Upon request, joint budget committee staff shall also assist legislators in incorporating evidence-based assessments into legislation.

2-3-205. Expenses - vouchers. All expenses incurred by the committee, including salaries and expenses of employees, shall be paid upon vouchers signed by the chairman, or, in his absence or unavailability, the vice-chairman, or by the *staff director* upon instruction by the chairman in each instance, and drawn on funds appropriated generally for legislative expenses and allocated to the committee.

LEGISLATIVE SERVICE AGENCIES – LEGISLATIVE COUNCIL/EXECUTIVE COMMITTEE

2-3-303. Functions - report - definitions. (3)(a) In addition to the powers and duties specified in subsection (2) of this section, the executive committee of the legislative council shall annually approve a salary pay range to be used in setting the salaries of the *legislative service agency directors*.

(b) The legislative audit committee, the joint budget committee, the legislative council, and the committee on legal services shall each submit an annual report to the executive committee evaluating the performance of the *legislative service agency director* under such committee's supervision.

(c) Upon review of the reports received pursuant to paragraph (b) of this subsection (3), the executive committee shall evaluate the performance of *legislative service agency directors* and determine the salaries to be paid thereto.

(d) The executive committee shall appoint *legislative service agency directors*, other than the state auditor, after receiving recommendations thereon from the respective committees.

(f) The executive committee shall annually approve salary pay ranges to be used in determining the salaries of the staffs of legislative service agencies. *Legislative service agency directors* shall determine the

salaries to be paid to their respective staffs in accordance with such pay ranges; except that employees of the office of the state auditor who are within the state personnel system shall be paid in accordance with article 50 of title 24, C.R.S. Each *legislative service agency director* shall file a report annually with the executive committee setting forth the salaries paid to their respective staffs.

(g) Any senator or representative or any legislative committee may provide the executive committee or any *legislative service agency director* with information or recommendations concerning pay ranges or performance evaluations for *legislative service agency directors* or the staffs of legislative service agencies.

(h) As used in this subsection (3), unless the context otherwise requires:

(I) “Legislative service agencies” means the office of the state auditor, the joint budget committee staff, the legislative council staff, and the office of legislative legal services.

(II) “Legislative service agency director” means the state auditor, the *staff director of the joint budget committee*, the director of research of the legislative council, and the director of the office of legislative legal services.

ATTACHMENT B

JOB DESCRIPTION FOR JBC STAFF DIRECTOR

The Joint Budget Committee (JBC) staff is one of the non-partisan service agencies of the Colorado General Assembly. The JBC staff assist the JBC members in carrying out the following statutory duties [Sections 2-3-203 and 2-3-210, C.R.S.]:

- to study the management, operations, programs, and fiscal needs of the state agencies and institutions;
- to consider, as one of many factors, any available evidence-based information when determining the appropriate level of funding of a program or practice;
- to hold hearings and to review the budget requests of each state agency and institution and to make appropriation recommendations to the Appropriations Committees;
- to make estimates of revenue from existing and proposed taxes; and
- to study and from time to time review the State's fund structure, financial condition, fiscal organization, and its budgeting, accounting, reporting, personnel, and purchasing procedures.

The JBC Staff Director is appointed by the Executive Committee, and is statutorily responsible to the JBC for preparing for its consideration analyses of all requests for funds, and preparing related reports and recommendations. With the approval of the JBC, the Staff Director may appoint additional employees necessary to perform the functions assigned to the JBC. [Section 2-3-204, C.R.S.]

To carry out these statutory duties, the JBC Staff Director:

- Manages the day-to-day operations of the JBC staff, including recruiting, hiring, training, and supervising a staff of 16 budget and policy analysts and three administrative staff;
- Provides leadership in the JBC staff review of the operations and programs of Colorado state government agencies and recommendations related to agency budget requests;
- Reports to the Executive Committee as necessary to keep them apprised of JBC activities and budget issues;
- Provides support and information to the JBC, the Executive Committee, and other legislators related to state budget matters;
- Ensures that the annual general appropriation bill (the "Long Bill") and supplemental appropriation bills are prepared and introduced within established legislative deadlines;
- Advises the JBC and other legislators concerning statewide budgetary issues such as:
 - Summarizing annual budget requests submitted by the Governor, Judicial agencies, and other statewide elected officials;
 - Providing comparisons of available General Fund revenues and obligations; and
 - Making recommendations related to state revenue and spending limitations and state reserve requirements.
- Establishes and communicates the JBC schedule and facilitates JBC trips during the legislative interim;

APRIL 26, 2023

- Manages the JBC office budget and facilities; and
- To facilitate the work of the JBC and the JBC staff, builds and maintains relationships with staff in executive and judicial budget offices, the Office of State Planning and Budgeting, the State Controller's Office, and other legislative agencies.

Qualifications include:

- A thorough understanding of Colorado's legislative and budget processes, and revenue and spending limits;
- Excellent analytical, and oral and written communication skills;
- Familiarity with the programs, services, and budgets for a variety of state agencies;
- Planning and organizational skills conducive to managing schedules, documents, and work flow processes; and
- An ability to deal tactfully and respectfully with legislators, other legislative staff, the Governor's staff, journalists, lobbyists, and members of the public.

ATTACHMENT C TRANSITION TIMELINE

POTENTIALLY RELEVANT DATES

- June 20: The JBC is scheduled to meet to hear presentations of the quarterly economic forecasts and address any general business.
- July 13: The Executive Committee is scheduled to conduct performance reviews for four existing non-partisan agency staff directors.
- August 1-4: CSG West Annual Meeting (Universal City, CA)
- August 14-16: NCSL Legislative Summit (Indianapolis, IN)

Potential Schedule #1:

Assumes internal search; uses existing scheduled JBC and Executive Committee meetings for interviews

May ??:

JBC meeting to plan selection process and review position description and qualifications

Monday, May 15:

JBC Staff Director solicits applications from non-partisan legislative staff agencies (applications due Friday, June 2)

Friday, June 2:

JBC Staff Director distributes to the JBC all applications submitted by June 2

Monday, June 5 – Friday, June 9:

JBC reviews applications and selects candidates to be scheduled for interviews; JBC Staff Director schedules interviews

Tuesday, June 20:

JBC interviews candidates as to qualifications and ability, and makes recommendations to the Executive Committee

Thursday, July 13:

Executive Committee interviews one or more candidates recommended by the JBC and appoints the JBC Staff Director

July 14 – September 29:

Overlap between current and new Staff Director to ensure timely and effective transition of staff budget assignments and Director responsibilities related to: hiring and training at least two budget and analysts and one administrative assistant; preparing the JBC briefing and hearing schedule; and authorizing office expenses

APRIL 26, 2023

Potential Schedule #2:

Assumes internal search; uses separate JBC meeting and existing Executive Committee meeting for interviews

**Changes from Schedule #1*

May ??:

JBC meeting to plan selection process and review position description and qualifications

***Monday, May 22:**

JBC Staff Director solicits applications from non-partisan legislative staff agencies (applications due Friday, June 9)

***Friday, June 9:**

JBC Staff Director distributes to the JBC all applications submitted by June 9

***Monday, June 12 – Friday, June 16:**

JBC reviews applications and selects candidates to be scheduled for interviews; JBC Staff Director schedules interviews

***Week of June 26:**

JBC interviews candidates as to qualifications and ability, and makes recommendations to the Executive Committee

Thursday, July 13:

Executive Committee interviews one or more candidates recommended by the JBC and appoints the JBC Staff Director

July 14 – September 29:

Overlap between current and new Staff Director to ensure timely and effective transition of staff budget assignments and Director responsibilities related to: hiring and training at least two budget and analysts and one administrative assistant; preparing the JBC briefing and hearing schedule; and authorizing office expenses