

MEMORANDUM



JOINT BUDGET COMMITTEE

TO Joint Budget Committee Members
FROM John Ziegler, JBC Staff (x4956)
DATE April 26, 2019
SUBJECT JBC Staff Director Appointment Process

As I have previously discussed with each of you individually, I am going to retire at the end of August 2019. This memorandum provides:

- An overview of the statutory responsibilities the JBC and the Executive Committee have in the process of appointing a director for the JBC staff.
- A discussion of the last process used for the search for candidates and selection of a staff director.
- A discussion of the open meetings requirements.
- A proposed timeline to have a staff director in place by September 1.

The goal of the memorandum is to provide the JBC a path to a smooth transition to the new Staff Director. The members of the JBC may wish to consult with the Executive Committee for the purpose of developing a strategy for identifying potential candidates for the staff director position and for conducting interviews.

Some items to consider:

- **The scope of the recruitment effort.** Does the JBC wish to focus on making a selection from existing JBC staff, from all non-partisan legislative staff, or should a wider search be conducted? Past legislative agency searches for directors have varied over the years. The past three JBC Staff Directors, which cover a period of approximately 42 years, were selected from JBC staff candidates. It is my recommendation that the JBC limit the search to the JBC staff at a minimum and all non-partisan legislative staff at a maximum. Colorado budgetary law and process requires knowledge very specific to Colorado. Existing JBC and legislative staff have already gained this knowledge. The selection of a candidate from within the existing staff also serves as an encouragement to continuing service to the General Assembly.
- **Necessary resources.** What level of resources, if any, will be required to assist the JBC? Depending on the breadth of the search, it may be necessary to determine the availability of funds. Such items to consider with regard to funding are: how much advertisement is required, whether nation-wide candidates would be reimbursed for expenses incurred traveling to Denver, etc. During the last search, the existing JBC staff, including the Staff Director and support 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? The last process took approximately six weeks based on an internal search. An external search may take longer.

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STATUTORY RESPONSIBILITIES:

Pursuant to Section 2-3-204 (1), C.R.S., the JBC is the oversight committee for the JBC staff and the JBC interviews persons applying for the position of staff director as to qualifications and abilities and makes a recommendation to the Executive Committee on the chosen candidate(s) to fill the position. Pursuant to Section 2-3-303 (3) (d), C.R.S., the Executive Committee has a statutory duty to appoint the JBC staff director after receiving the recommendation(s) from the JBC. Attachment A provides the language in the specific statutory provisions.

LAST PROCESS (2002):

The last selection process for a JBC staff director occurred in July through September of 2002. The following process was used:

- In early July, the Staff Director notified the JBC members of his retirement.
- On July 24, four of the five JBC members met to discuss the process. They agreed to have the Staff Director send an email to the Joint Budget Committee staff, the Legislative Council staff, the State Auditor staff, and Legal Services staff asking for interested parties to respond by August 7. Additionally, the Staff Director was instructed to accept any resumes from applicants outside the Legislative agencies if contacted. The JBC decided they would meet on August 15 to review the resumes and hold interviews on August 24. The Staff Director was instructed to contact the two JBC members who were not present for the meeting and determine if they were in agreement with the process and they indicated they were in agreement. Attachment B provides the current job description for the JBC Staff Director.
- On August 8, the support staff copied and mailed 6 resumes that been received to all the JBC members.
- On August 14, the Staff Director spoke with the Chair of the JBC who decided that, since there were only 6 applicants, the JBC would interview all 6 candidates so a meeting was not held on August 15.
- On August 24, the JBC met, interviewed the candidates, and selected a candidate to recommend to the Executive Committee.
- The Executive Committee met in September, interviewed the recommended candidate, and appointed the candidate as Director of the JBC staff.

OPEN MEETINGS REQUIREMENT:

Since the 2002 selection process of the JBC Staff Director, it has been determined 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. It is the opinion of OLLS, however, that if personal interviews are conducted with an applicant for a director position, those interviews are subject to Section 24-6-402 (3)(b)(I), C.R.S., of the Open Meetings Law unless the candidate requests that the interview be held in executive session. If so requested, the interview can be held in executive session.

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PROPOSED TRANSITION TIMELINE:

Attachment C includes an outline of a proposed transition timeline assuming an internal search. The timeline will be adjusted as necessary based on the decisions the JBC makes regarding the process.

Attachment A - Statutes Specific to JBC Director

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.

2-3-303. Functions - report - definitions. (3) (d) The executive committee shall appoint legislative service agency directors, other than the state auditor, after receiving recommendations thereon from the respective committees.

Attachment B - Job Description for Joint Budget Committee Staff Director

Statutes charge the Joint Budget Committee with analyzing the management, operations, programs, and fiscal needs of the departments of state government (Sections 2-3-201 through 2-3-209, C.R.S.). The State Constitution requires a balanced budget (Article X, Section 16). The Committee holds hearings and reviews the executive budget requests for each state agency and institution.

The Joint Budget Committee has a non-partisan staff of thirteen analysts, two support staff, and one staff director.

The staff assists the Joint Budget Committee in carrying out the following statutory duties:

- to study the management, operations, programs, and fiscal needs of the departments of Colorado state government;
- to hold hearings and to review the budget requests of the departments;
- to make estimates of revenue from existing and proposed taxes;
- 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.

In addition to assisting the Joint Budget Committee in preparing the Long Bill and any supplemental appropriations bills, the JBC analysts prepare analyses and amendments and staff the Appropriations Committees in the House and the Senate.

The staff director:

- manages the day-to-day operations of the JBC staff, including supervising a staff of 13 analysts and two support staff; assigns work program responsibilities among staff, provides formal training, and evaluates staff performance
- establishes and maintains the JBC schedule including activities during the interim
- provides support and information to the JBC and other members of the Legislature related to state budget matters
- manages and provides leadership in the review of the operations and programs of Colorado state government agencies and entities
- ensures that the Long Appropriation Bill and supplemental appropriation bills are prepared and introduced within established legislative deadlines

Qualifications include:

- excellent understanding of the legislative process
- a knowledge of budgets of all state departments of Colorado state government and familiarity with unique issues within those budgets
- ability to deal tactfully and respectfully with members of the General Assembly, the Governor's Office, the press, lobbyists, other legislative staff, and members of the public, and to maintain confidentiality in those dealings
- excellent analytical skills
- excellent oral and written communication skills
- extensive knowledge and understanding of the State of Colorado's revenue and spending limits

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Attachment C - 2019 JBC Staff Director Proposed Transition Timeline (Assumes Internal Legislative Staff Search)

June 20 – Joint Budget Committee (JBC) Discusses Transition Process at its June Meeting

June 24 – June 27 – JBC Staff Director sends email soliciting resumes

July 15 – July 19 – Resume submittals are due back to JBC staff Director; are compiled and forwarded to JBC members for review

July 22 – July 26 – Candidates are selected by JBC members and scheduled for interviews

July 29 – August 2 – Candidates are interviewed by the JBC; finalists are chosen and recommended to the Executive Committee

August – September – Finalists are interviewed by the Executive Committee and the JBC Staff Director is appointed by the Executive Committee

Notes: 1) An external search may require additional time for posting, collection of resumes, review of resumes, and interview process. Additional time could be gained by starting earlier than June 20 or having the JBC process finish later than August 2.

2) CSG West Meeting is July 16 – 20.

3) NCSL Meeting is August 5 – 9.