

Minutes
EXECUTIVE SUBCOMMITTEE
Legislative Audit Commission
October 2, 2020

Members Present:

Senator Mark W. Koran, Chair
Senator Michelle Benson
Senator Matt D. Klein

Representative Rick Hansen, Vice Chair
Representative Tina Liebling
Representative Nels Pierson

Senator Mark W. Koran, Chair, called the Legislative Audit Commission (LAC) Executive Subcommittee meeting to order at 1:00 p.m. Due to the COVID-19 pandemic and the stay-at-home and social distancing guidelines in place for the state of Minnesota, this meeting was held using the Zoom conferencing web application.

Senator Koran explained that the purpose of the meeting was a working session to lay out a work plan and timetable for completing performance reviews of the Legislative Auditor and Deputy Legislative Auditors. He said that the goal was to have the reviews completed by the November 15 deadline, which aligns with Mr. Nobles' appointment date as Legislative Auditor.

Representative Rick Hansen requested that Tom Bottern, Director of Senate Counsel, Research, and Analysis, and Patrick McCormack, Director of House Research, explain to the members how their performance reviews are handled. Mr. Bottern said that having a formal written review policy (such as the one the Legislative Audit Commission developed for the Legislative Auditor) is relatively new territory. He said that the Senate's practices have varied throughout the years. But most recently, Mr. Bottern said, his review was prepared by the Chiefs of Staff in each caucus, with input from his own self assessment and input from others with whom he works closely.

Mr. McCormack said that he thought having the Commission work backwards from November 15 was a good idea. He said it would be wise for the Commission to start with having Mr. Nobles prepare a self-assessment essay, making sure that Mr. Nobles knows in advance the information the members want in the essay. Mr. McCormack noted that the policy also requires observations and feedback from Mr. Nobles' staff. He said this can be a time consuming process, but one or two members can be designated to meet with the senior staff at OLA to gather some feedback.

Mr. Nobles mentioned that OLA is the only legislative office that must comply with the Government Data Practices Act, so he asked what legal protections the other legislative offices have in place to offer confidentiality to OLA employees who offer feedback on his performance. Mr. McCormack said that the House applies confidentiality to all personnel matters, and that only a summary of performance information is given to leadership. Mr. Bottern agreed that was how it is handled in the Senate as well. Mr. McCormack added that he and Mr. Bottern are available to assist the subcommittee in the process, but that they could not take part in the actual performance review of Mr. Nobles.

Representative Hansen said that a third-party entity should facilitate the interviews with OLA staff, rather than have the members' legislative assistants handle the information. Mr. McCormack suggested that one option would be to reach out to the new LCC Director, Michelle Weber, who will start on October 15. Mr. McCormack said that the LCC Director would be the right person to handle the project and to create the paper trail for the process. He added that he and Mr. Bottern would assist in that.

Representative Liebling asked about a one-page interview guide for the members who will be interviewing the OLA staff so that they ask consistent questions. Mr. Bottern said that he agreed with

Representative Liebling on that point and that he and Mr. McCormack could take on that task along with the new LCC Director.

There was discussion on how to keep the review of the deputy as not public. Mr. Nobles said that since all employees are appointed by himself, he does not feel it is fair for a personnel review of any OLA employee other than himself to be made public. It was decided that the process created by the policy made it clear that the deputy review could remain private.

Senator Klein provided a motion to direct Mr. Nobles to conduct a performance review of Deputy Legislative Auditor Judy Randall by October 16; the motion carried.

Senator Klein provided a second motion to direct Mr. Nobles to conduct a self-assessment by October 9 and to direct Mr. Bottern and Mr. McCormack to engage the new LCC Director Michelle Weber to help facilitate the required meetings in order to complete the performance review of Legislative Auditor Jim Nobles. The motion carried.

Senator Koran said that he and Representative Hansen will canvas all LAC members to find two willing volunteers to conduct the interviews of OLA staff. Representative Hansen said that if no volunteers come forward that he and Senator Koran will handle the interviews.

Senator Koran said that he feels it is beneficial to have this formal review process in place as guidance for those who follow after. With no other comments, Senator Koran adjourned the meeting at 1:58 p.m.

Senator Mark W. Koran, Chair
Executive Subcommittee

Shelly Gilb, Recording Secretary