

Governance and Organizational Structure

January 18, 2017

Background and Purpose

On July 19, 2016, the Nebraska Children's Commission ("Commission") met for a full day strategic planning session about the future work and direction of the Commission. During the discussion, the Commission decided to reconvene the Structure Taskforce in order to update the Governance and Organizational Structure recommendations originally approved in November 2014. In addition to a review of the past recommendations, the Structure Taskforce had several actions steps tasked to it in the 2016 Strategic Plan. They included:

- Create a process for subgroup accountability for creating and delivering recommendations and work products;
- Policy and procedure for Commission testimony at legislative hearings;
- Create a communications plan to enhance Commission visibility in the community, within the three branches of government, and other stakeholders;
- Create a communications plan to enhance the relationship between the Commission and its many subgroups;
- Examine status of current subgroups and determine if the structure is the most efficient, or if some groups can be moved to inactive status or combined with other groups;
- Recommendations to the legislature about the continued work and mandates of statutory committees to improve their function.

In addition to the above elements, this document contains information on:

- A process for integrating recommendations of internal workgroups and committees into a shared vision framework and strategic focus
- Policies for making legislative recommendations
- Governance procedures (meeting schedule, decision-making procedures, terms of leadership, conflict of interest procedures)
- Expectations of members
- Policies for orienting new members and engaging existing members

The sub-committee has discussed a variety of topics relating to governance and organizational structure. This includes a crosswalk examination the various groups addressing child welfare and juvenile justice issues throughout the state. Continuous efforts should be made to increase communication and collaboration between the three main State Commissions: the Nebraska Children's Commission, the

Governor's Commission for the Protection of Children, and the Supreme Court Commission on Children in the Courts. Collaboration between these groups aims to reduce the duplication of efforts and increase the efficiency of the work done to improve the lives of Nebraska children.

Feedback from Commission members was solicited at meetings as well as via email. It is recommended that a meaningful discussion of structural or procedural-type issues should be revisited once every 2 years to correspond with new or re-appointments made to the Commission.

Commission Member Engagement & Expectations

As members serve on the Commission as active participants, it is important that expectations are set forth. This includes making clear what members can expect from the Commission to help in doing his/her work as well as what kind of commitment each Commission member is making and what the typical member responsibilities are to the group. Below is a description of the role a Commission member holds.

Members will be expected to attend Commission meetings

Attendance at regularly scheduled meetings is a vital part of a Commission member's role. Therefore, after missing two consecutive meetings the Chair and the member will discuss the attendance issue. The Chair and the member will come to a resolution, including possible resignation, if member is unable to meet attendance expectations. It is expected that a member will notify Commission staff of an anticipated absence as soon as the member becomes aware of the need to be absent from a meeting.

Members will be expected to serve on a Workgroup, Committee, or Taskforce

The Commission structure includes a number of formal statutorily created and informal Commission created Workgroups, Committees and Taskforces (hereafter referred to as "subgroups"). Commission Members shall serve on at least one subgroup. Commission members are expected to actively participate in subgroup meetings, as applicable.

Members will be prepared to discuss topics and participate in decision-making

To help facilitate preparation for the meetings, material to be reviewed at the meeting, including but not limited to presentation handouts and subgroup reports will be provided to Commission Members 5 business days in advance of the formal meeting. Material may be shared via email, Commission website, or a content sharing platform such as Google Docs. Staff will coordinate the details of providing the materials with presenters, subgroups, and Commission Members. In the event information is not available from presenters, subgroups, and/or Commission members for distribution to the Commission 5 business days prior to the full Commission meeting, these materials will be forwarded to Commission members as soon as possible but shall not delay the sending of other Commission meeting items within the specified time.

On-boarding process for new Members

An on-boarding process shall be created for new Commission Members. This process should include an overview of expectations, review of the Commission member profile list, and subject matter education to create a body of shared knowledge and trust between Members. Specifics of an orientation process can further be specified by the Executive Committee and coordinated with staff.

A part of new member orientation, tied in with an all Commission member information session, should include the Commission annual retreat. Getting to know one another and building trust among Commission members should be goals of the retreat.

Informing & engaging Commission members by participating in a retreat

It is recommended that the Commission hold a well-planned retreat annually that would orient new members, build trust among all members, and provide a learning opportunity for all to assist in preparing to be fully informed before making more formal recommendations. By picking a weighty topic that the Commission must tackle, such as considering the establishment of a new division within the department or the establishment of a new state agency to provide all child welfare programs and services (Neb. Rev. Stat. §43-4202(1)), a retreat can facilitate the education of members so various options can be thoroughly considered.

Nebraska Children's Commission Vision Statement

Forming a vision statement for the Children's Commission was discussed as one element to further engage commission Members and to recognize the importance of their contribution to the Commission's work.

The Commission chose this as their Vision Statement:

To improve the safety and well-being of all children and families in Nebraska.

Governance Procedures

Beginning January 1, 2017, the Commission will meet quarterly

Per Neb. Rev. Stat. §43-4202(4), the Commission must meet no less often than once every three months; Starting in calendar year 2017, the Commission will switch from holding formal bimonthly meetings to a schedule of quarterly meetings. Contact, education, and work of Commission Members through subgroups will be completed in between formal meetings. Regular information on the progress of the subgroups will be made available to Commission members via email, Commission website, or a content sharing platform to review in preparation for the quarterly meetings. Additional meetings may be scheduled on an as needed basis. The last portion of each Commission meeting shall be spent planning the agenda of the next meeting, as well as identifying needs for education and work in between the formal meeting times.

It is recognized that by going to quarterly meetings, each agenda will be “extra” substantive with possible weighty decisions to be made during the meetings. These meetings may be all day, but will adjourn by or before 3 p.m. to allow members time to travel. It becomes even more important that Members, subgroups, and presenters have all materials ready for Commission Member review prior to the meetings as the Commission moves to quarterly meetings.

All Members shall disclose their potential conflicts in a written statement.

Commission Members are appointed because they represent a stake holding body, have certain expertise, or because of the work they are engaged in. In order to achieve transparency and provide context for the statements, positions, and votes of each member, a brief written statement of conflict shall be provided to the Commission by each Member. The conflict of interest statement is not necessarily intended to prohibit Members from voting—refraining from a vote is at the discretion of each individual Member. The Conflict Disclosure Statement and Policy against Private Benefit form is included as [Appendix B](#).

A Commission Member profile list will be shared with Commission members via email, Commission website or content sharing platform. This list includes each member’s name, title, employer, position filled on the Commission, committees and/or workgroups served on, whether they serve as a chairperson of a committee and/or workgroup, and any other identifying information or associations that would lend to understanding of the expertise they bring to the table as well as the roles they represent—both as members and as employees of agencies they may be representing.

It is noted that in any work of the Commission, whether it is by the full Commission or by a subgroup, the intent is to hold full, robust discussions and deliberations where there is a free exchange of ideas. The more transparent Commission and subgroup members are in their roles, the better the discussion and decisions become. This also helps build trust.

If anyone—a Commission or subgroup member—feels that a chair or member of such is misusing their position in some way or does have a conflict that has not been discussed and/or disclosed, that person may inform the chairperson of the Commission to resolve the matter.

Identifying an Executive Committee & Terms

Since the existence of the Commission has gone past the original two years, it was thought that the Chairperson's term should be set to a time certain. The Executive Committee of the Commission should consist of 3 individuals: The Past-Chairperson, the Chairperson, and the Vice-Chairperson. The Past-Chairperson, the Chairperson, and the Vice-Chairperson would serve two years in each position. In agreeing to be Vice-Chairperson, one enters into a 6 year commitment. These Commission members are responsible for setting the agenda and working with staff to ensure the work of the Commission, Committees, and Workgroups progresses and priorities are established.

Because the Executive Director of the Foster Care Review Office assists in employing Commission staff (Neb. Rev. Stat. §43-4202 (5)) and “for administrative purposes, the offices of the staff of the commission shall be located in the Foster Care Review Office,” (Neb. Rev. Stat. §43-4202 (4)), the Executive Director of the Foster Care Review Office shall function in an advisory capacity and act as a resource to the Executive Committee. The Commission’s budget is under the Foster Care Review Office. Having the Foster Care Review Office Executive Director as a resource to the Executive Committee will help with clear management, understanding, and coordination of Commission activities.

Election of Chair and Vice-Chair shall occur in June of odd-numbered years. With many possible new appointments being made in even-numbered years, this gives members time to become oriented.

[Consent Agenda](#)

The Commission shall utilize a consent agenda. The consent agenda may include approving the agenda, approving minutes, receiving reports, and other items that do not need discussion. All materials on the consent agenda must be made available to the members for review prior to the meeting. Efforts should be made to distribute information at least 5 business days, but no less than 1 business day prior to the meeting. This will reduce the Commission meeting time spent on informational reports that can be reviewed in advance. During discussion of the consent agenda motion, a member may ask to pull an item from the consent agenda and put it on the regular agenda.

[Open Meetings Act](#)

The Nebraska Children’s Commission and all statutorily established subgroups are subject to the Nebraska Open Meetings Act as outlined in Neb. Rev. Stat. [§84-1407](#) to [§84-1414](#). When possible, the Commission will work to utilize videoconferencing to accommodate members and public who reside outside of the vicinity of the regular meeting locations. Members may be asked to assist in the videoconference arrangements in order to adhere to statutory requirements. Non-statutory subgroups are not subject to the Open Meetings Act, and thus, have more flexibility in their membership as well as the use of teleconferencing and other such resources.

[Process for Substantive Recommendations to and by the Commission](#)

[Work of Committees and Workgroups](#)

At the current time there are various levels or “tiers” to the Commission subgroup structure as noted in [Appendix A](#). While the Commission and Executive Committee Comprise the first tier, the second tier consists of subgroups set forth in statute as well as ad hoc Commission subgroups created to address priority issues. The third tier is comprised of informal subgroups that take on specific tasks and function on limited timelines.

Creation and Dissolution of Subgroups

In order to best utilize the resources of the Commission, the formation of any new subgroup outside of statutory mandates will require the approval of the Commission. Commission approval will also be required for any projects taken on by the subgroups that fall outside of the scope of its statutory requirements.

It should be practice that subgroups regularly evaluate their progress and inform the Commission if all assigned tasks have been completed, at which point the dissolution of the subgroup should be considered. The dissolution process will vary depending if the subgroup is mandated by statute or Commission created.

Regular meetings

As expectations shift to full Commission meetings every quarter, the work of the subgroups becomes more crucial. In order to achieve quality and timely work from internal subgroups, they shall meet during the months the full Commission is not meeting. On an annual basis, each subgroup should submit to the Commission a brief report on their priorities and a schedule of timelines for the year. Timelines should recognize agenda items, reports and other presentation materials that should be forwarded to the Executive Committee far enough in advance (at their specified direction) of the full Commission meetings to prepare both the agenda and the Commission Members for discussion.

Chairpersons

Chairs of all second tier subgroups shall be members of the Commission. A non-member may be a Co-Chair as long as the other Co-Chair is a member of the Commission. Every Co-Chair is expected to attend the full Commission meetings to help with the communication between the Commission and the subgroups and to clarify any information presented. Third tier subgroups are more informal and the Chair appointments for these groups are at the discretion of the second tier leadership.

Membership of Workgroups & Committees

The membership of second tier subgroups shall be approved by the full Commission. There may be members and there may be resources to the groups as subject matter experts in certain areas to be addressed. In all cases, regardless of the structural level, the composition of a subgroup should be balanced to ensure that no one agency/organization has an advantage.

- Unless approved by the Commission, there shall be no more than one stakeholder representing one agency/organization as members of a subgroup.

Integrating recommendations of internal Workgroups and Committees

Many subgroups of the Commission are designated in statute and as such, must go by any statutory obligations, while Commission made subgroups are formed to focus on specific areas. Much of the work

of the Commission is happening within its various subgroups. Updates and reports should be provided to the Commission on a regular basis, either through agenda presentations or informational reports, with any formal recommendations received no later than the last Commission meeting of the calendar year. All recommendations from the subgroups must be approved by a vote of the Commission prior to action being taken. The annual report will include all approved subcommittee recommendations from the calendar year.

Recommendations made by the full Commission

The Commission makes recommendations, either by or through the work of its subgroups, or takes on a subject itself without designating a subgroup. Whatever way the Commission makes such recommendations, it must be educated and informed of the issues, with open discussions from members, and a final decision made.

It is noted that there are topics, especially those that are complicated, where it may be more appropriate to disseminate education of the subject matter outside of meeting times with the decision-making discussions reserved for the full formal meeting of the Commission. The point being to utilize less time during the formal Commission meetings to get all of the members “on the same playing field” in terms of understanding a topic. Using time during a retreat to learn about a certain topic is an avenue to accomplish this. The use of recorded presentations, webinars, and other means of information sharing should also be considered when educating members.

As recommendations are put forth from the Commission, issues will be noted in meeting minutes, including any dissent.

Providing of Testimony at Legislative Hearings

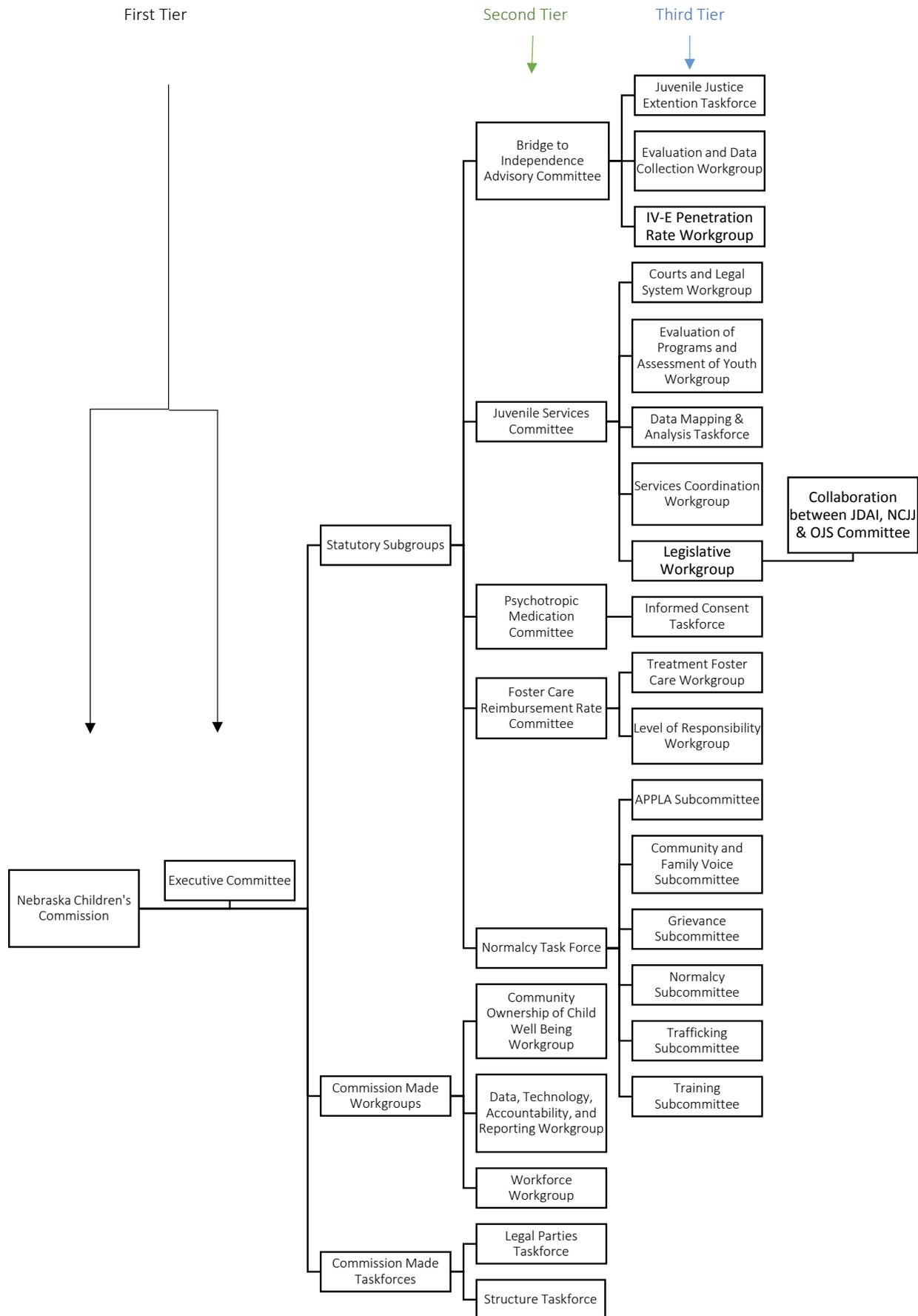
Given that the charge of the Commission is to provide insight and education to the Legislature, the Commission may, from time to time, provide testimony at legislative hearings. The Commission should not be limited to neutral testimony, but testimony provided under the umbrella of the Commission is required to obtain the approval of the Commission members. An exception may be made for members of the Executive Committee or the Executive Director of the Foster Care Review Office to testify without Commission approval on matters related to the administration of the Commission. Additionally, any relevant recommendations, research, reports, or other material previously approved by the Commission may be provided at a legislative hearing either through spoken or written testimony without additional approval of the Commission, provided such testimony is informative in nature and presented in a neutral capacity.

Other Items Discussed

Recognition that though the Commission is made up of voting and non-voting Members, it is crucial to get input from all Members.

The Commission is composed of a number of voting Members as well as non-voting Members. Recognizing the importance of the insight of non-voting Members, decision-making is a process whereby all Members' opinions are heard during meetings.

Nebraska Children's Commission and Subgroup Structure



Nebraska Children's Commission

Conflict Disclosure Statement and Policy against Private Benefit

Purpose:

1. To ensure that the Nebraska Children's Commission is governed exclusively for the purposes of achieving its vision statement ("To improve the safety and well-being of all children and families in Nebraska"),
2. To achieve transparency, and
3. To provide context for the statements, positions, and votes of each member.

Policy:

1. No member of the Commission or any member of a committee of the Commission created pursuant to Neb. Rev. Stat. §43-4203 shall have any private financial interest, profit, or benefit from any work of such Commission and/or committee.
2. Each member of the Commission shall provide a brief, written statement of conflict, as per the Structure Workgroup Memo.

Procedure:

1. **Who is covered by the Policy against Private Benefits?**
 - a. Members of the Commission, whether ex officio or voting members, pursuant to Neb. Rev. Stat. §43-4202 (6), and members of any Committee created pursuant to Neb. Rev. Stat. §43-4203.
2. **What is to be disclosed in the Conflict Disclosure Statement?**
 - a. Any actual, potential, or perceived conflicts of interest. A member could have a conflict of interest if they are faced with taking an action or making a decision in the capacity of Commission member which could result in a financial benefit or detriment to the member or an outcome that is likely to be directly adverse or favorable to the interest of the member's employer.
3. **When should I file a Conflict Disclosure Statement?**
 - a. Each member should file a Conflict Disclosure Statement annually. Members should file an updated Conflict Disclosure Statement when the member experiences a significant change in circumstances that would render the information in the member's statement inaccurate or incomplete.

4. Who will collect and retain my conflict of interest statement?

- a. The Conflict of Interest Statement will be collected by Commission staff and retained, either in paper or electronic form, at the Commission's administrative office.

5. Can my conflict of interest statement be disclosed to someone outside of the Commission?

- a. Yes, your conflict disclosure statement is a public record and can be disclosed according to the provisions in the Nebraska Public Records Law.

6. Can this statement prevent me from voting?

- a. This statement is not necessarily intended to prohibit any member from voting. Refraining from a vote is at the individual discretion of each member. Members should consider any actual, potential, or perceived conflict and the statutory prohibition against private benefit in arriving at their decision.

7. Can this statement prevent me from participating in a discussion?

- a. No, this statement is not intended to prohibit any member from engaging in discussion in any way. This statement will provide transparency and context for participation in discussions.

8. What should I do if I believe a member has not disclosed all conflicts of interest, or has a private financial interest, profit, or benefit from the work of the Commission or a Committee?

- a. You should inform the Commission Chairperson to resolve the matter.

Nebraska Children's Commission
Conflict Disclosure Statement

1. Member Name: _____

2. Member Position on Commission: _____

3. Voting Status

I am a voting member of the Nebraska Children's Commission

I am an ex-officio member of the Nebraska Children's Commission

4. I am currently an officer, partner, employee, Board member, trustee, or committee member (please indicate which) of the following organizations (use additional sheets if necessary):

| Organization | Role |
|--------------|------|
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5. Please describe any additional potential conflicts of interest below (use additional sheets if necessary):

I have received and carefully read the Conflict Disclosure Statement and Policy against Private Benefit of the Nebraska Children’s Commission. By signing this Conflict Disclosure Statement, I hereby affirm that I understand and agree to comply with the Conflict of Interest Policy. I affirm that I have made a complete and accurate disclosure of any actual, potential, or perceived conflicts of interest. I also agree to file an updated conflict of interest statement if I experience a change in circumstances that renders the information contained in this statement incomplete or inaccurate. I further understand and affirm that I shall not have any private financial interest, profit or benefit from the Nebraska Children’s Commission or any of its Committees.

Commission Member Signature

Date