

## Governance and Organizational Structure

October 9, 2019

### Mission Statement

The Nebraska Children's Commission works as a high-level leadership body with membership from the legislative, executive, and judicial branches along with system stakeholders to improve the safety and well-being of all children and families in Nebraska.

### Commission Structure

The Commission is a high-level leadership body with membership including gubernatorial appointments, State Court Administrator appointments, and ex-officio positions. The Commission serves as an umbrella for statutory committees and Commission created workgroups. These groups are referred to in this document as "second tier groups." Second tier groups may create smaller groups, which are referred to as "third tier groups."

### Commission Member Engagement & Expectations

#### **Members are expected to attend Commission meetings**

Commission member attendance is essential. Commission members are expected to attend each meeting. Members should contact Commission staff as soon as possible if they are unable to attend a meeting.

The Commission requires a majority of voting members to be present in order to conduct business as per the Nebraska Open Meetings Act. If a voting Commission member misses two or more consecutive meetings, the Chair will contact the member to discuss attendance. The Chair and member will come to a resolution to ensure attendance, including resignation if the member is unable to regularly attend.

#### **Members are ~~required~~ encouraged to serve on a second or third tier group.**

Commission members are ~~required~~ encouraged to actively participate in at least one second or third tier group. Commission members are highly encouraged, but not required, to serve in chair positions.

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

Meeting materials will be provided to Commission members five business days in advance of the meeting. Commission members should thoroughly review the materials in preparation to discuss or take action on the materials. Commission members are encouraged to communicate thoughts or feedback on the materials to the Executive Committee or Commission staff in advance of the meeting.

#### **New members will participate in orientation**

New Commission members will ~~meet with the Executive Committee and staff to~~ become familiar with the goals and history of the Commission and identify opportunities for participation in subgroups by participating in a formal or informal orientation with ~~the~~ Executive Committee and or staff.

### Governance Procedures

#### **The Commission will meet quarterly.**

The Commission will meet at least quarterly with additional meetings at the discretion of the Chairperson. 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 to review in preparation for the quarterly meetings. 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. These meetings may be all day, but will adjourn by or before 3 p.m. to allow members time to travel.

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

Commission members are required to fill out a conflict of interest statement. Members should update their statement whenever any relevant information changes. The conflict of interest statement is not intended to prohibit Members from voting—refraining from a vote is at the discretion of each individual Member.

**Members will complete a profile to be shared with the Commission.**

A Commission Member profile list will be maintained by Commission staff and shared with Commission members. 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.

**Commission members are prohibited from personal benefit from the work of the Commission or any Committee.**

As per [Neb. Rev. Stat. §43-4202\(6\)](#) and [43-4203\(9\)](#) 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.

**Executive Committee, Powers, -& Terms**

Option A: The Executive Committee of the Commission consists of 3 individuals: The ~~Past-Chairperson, the~~ Chairperson, ~~and~~ the Vice-Chairperson ~~and a Legacy Member. A Legacy Member is a member who has served one term (two years) or more for the Nebraska Children's Commission prior to being appointed to the Executive Committee.~~ The ~~Past-Chairperson, the~~ Chairperson, ~~and~~ the Vice-Chairperson, ~~and the Legacy Member~~ will serve two years ~~as the Executive Committee. in each position. In agreeing to be Vice-Chairperson, one enters into a 6 year commitment.~~

Option B: The Executive Committee of the Commission consists of two co-chair members. At least one member must have served one prior term on the Nebraska Children's Commission prior to appointment. The co-chair position is a two year commitment.

These Commission ~~delegates the Executive Committee members are responsible for to~~ setting the agenda and working with staff to ensure the work of the Commission, Committees, and Workgroups progresses and priorities are established. ~~The Executive Committee may appoint interim chair positions for second tier groups, and may remove/suspend members of second tier groups for misconduct. The Executive Committee may testify and approve testimony and action consistent with previously approved Commission or Committee work.~~

Nonvoting and Voting members may serve on the Executive Committee except the Inspector General of Child Welfare, the Executive Director of the Foster Care Review Office, the Director of Children and Family Services, Administrative Office of the Courts and Probation Juvenile Division and a Contracted Child Welfare Lead Agency representative. These entities would be considered a direct conflict of interest for executive leadership of the Nebraska Children's Commission.

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~~ the Executive Committee shall occur in June of odd-numbered years ~~and may occur by secret ballot. (Total number of votes for each nominee must be recorded in the meeting minutes).~~

## 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 statutory 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. 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

Statutory Committees may create subgroups to work on statutory mandates as long as the membership does not constitute a quorum of the Committee. The Committee must provide clear expectations to the subgroup, including goals, timeline, and expected work products.

The Commission must approve the formation of new subgroups outside of the Committee's statutory mandates.

Subgroups will evaluate their progress on an annual basis and inform the Commission if all assigned tasks have been completed, at which point the dissolution of the subgroup will be considered. The dissolution process will vary depending if the subgroup is statutory or Commission created.

### Scope of Subgroups

Commission approval is required for any projects taken on by the subgroups that fall outside of the scope of its statutory requirements.

### Chairpersons

~~At least one Chair of each~~ second tier subgroups ~~shall~~ must be a members of the Commission. ~~If the Commission member Chair requests a co-chair, the Commission shall identify and appoint an appropriate co-chair.~~ If a Commission member chair requests a co-chair between Commission meetings, the Executive Committee may appoint an interim co-chair, and the appointment shall be put before the Commission at the next opportunity. Third tier subgroups are more informal and the Chair appointments for these groups are at the discretion of the second tier leadership.

Chairpersons of second and third tier subgroups will serve the remainder of their membership term. The Executive Committee may appoint interim chairs between Commission meetings.

### Membership of Workgroups & Committees

The membership of statutory groups shall be approved by the Commission. Membership may include voting members and non-voting resource members. 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 there is a need identified by the Commission, there should be no more than one member representing one agency/organization as members of a subgroup.

Unless otherwise provided for in statute, each second tier group will have two year term limits for members. Members may request reappointment at the end of their membership term. Beginning January 16, 2018 and on a rolling basis, the terms of a member of any second tier group who has served for two years or more will come to an end with the option to request reappointment, unless otherwise provided for in statute. If a membership term expires between Commission meetings, the membership will continue until the member is reappointed or replaced.

The Executive Committee of the Nebraska Children’s Commission may remove or suspend members of second tier groups at its discretion. Grounds for removal may include: missing two consecutive meetings or one half of the meetings held in a year; exhibiting controlling or monopolizing behaviors at a meeting; a change in member’s employment or role; allegations of or actual conflict of interest or use of the group for personal benefit; undertaking actions or behavior inconsistent with the purposes and objectives of the Nebraska Children’s Commission; and/or displaying disrespect to a chairperson, member, staff person, presenter, or participant at a meeting. Prior to removal or suspension, a member of the Executive Committee will contact the member as an attempt to reach a solution.

### Commission Recommendations

#### **Integrating recommendations of internal Workgroups and Committees**

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. Recommendations will be integrated into the annual report, with a link to the full report provided in the annual report.

#### **Testimony at ~~Legislative Hearings~~Public Hearings**

The Commission may provide testimony ~~to the Legislature~~at public hearings on child welfare and juvenile justice related ~~legislative~~ bills, ~~legislative resolutions, proposed regulation changes and other public hearings~~ in proponent, opponent, and neutral capacities. The Commission may only testify in the proponent or opponent capacities if testimony is approved, either through approval of the written testimony, or approval of a related recommendation or report. An exception will be made for members of the Executive Committee, ~~the Policy Analyst~~, 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.

Members of the Commission may not testify on behalf of the Commission without prior approval from the Commission. Individuals may testify in public hearings in their capacity as stakeholders of the child welfare and juvenile justice systems and reference their membership in the context of their interest to the public hearing, however must distinguish their testimony does not reflect the position of the Commission.

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.

Commission Staff

In consultation with the Executive Committee of the Commission, priorities for projects are determined by statutory requirements and available resources. The staff consist of two employees who are responsible for the day to day operations of the Commission and second tier statutory groups.