

Executive Council Meeting Report

Meeting of May 1, 2019

A. The Breakfast Meeting—Circuit Court Edition

Council meetings are generally preceded by an offsite breakfast that starts at 8 a.m. The Councilors and Governor take turns choosing the host. The host makes a presentation to the Governor and Council and then the Governor and Council have a brief, informal meeting to prepare for the formal meeting that begins at 10 a.m. The breakfasts are open to the public who are invited to join us. There is usually time to mingle informally.

Councilor Debora Pignatelli hosted us at the New Hampshire Circuit Court Administrative Headquarters. Chief Administrative Judge David King provided an overview of the Circuit Court System. The Circuit Court system has changed dramatically in stages since the early 1980's. Since 2011, the Circuit Courts represent a combination of what were once the District Court (criminal, juvenile cases, landlord/tenant, small claims), the Probate Court and the Family Division (divorces, child custody matters). By combining these judicial functions, the Circuit Court was able to reduce its management structure from 52 to about 20 clerks of court. The Court also staffs a centralized Information and Electronic Filing Center. There are 27 full time judges, 13 marital masters and 29 part time judges in the system. They collectively handle about 123,000 cases opened each year. By contrast, the workload for the Superior Court is about 16,000 cases opened each year. The Supreme Court has about 750 cases filed each year. In many areas of practice, the parties in Circuit Court are unrepresented by lawyers. For example, in Domestic Violence matters, about 90% of the parties do not have a lawyer.

The Circuit Court staffs a call center that is used by the Circuit and Superior Courts. In the first quarter of 2019, the call center received about 75,000 calls. Unfortunately, to save costs, the Circuit Court adopted a part time employee staffing approach which reduces or eliminates the cost of benefits. This also results in huge turnover problems in these call center positions that require a good deal of expertise and an appropriate temperament.

Also worth mentioning is the Circuit Court's alternative dispute resolution program that handles about 5500 cases a year and their piloting of an innovative Online Dispute Resolution Program that may save trips to a physical court house, missed work and daycare problems.

B. SPECIAL NOTICE REGARDING NORTHERN PASS.

This is not an Executive Council matter, but many people are interested in the litigation of the Northern Pass application to permit a 192 mile transmission line to run through the state from Canada to Deerfield. The parties will present oral argument to the New Hampshire Supreme Court on Wednesday, May 15th, beginning at 10 a.m. The Court's hearings are live streamed. You may listen at:
<https://www.courts.state.nh.us/videos/supreme/index.htm>

C. Agenda Items of Interest

The Late Appearing and then Withdrawn Education Vendor Item

The Council received notice of a late item from Commissioner Frank Edelblut and the NH Department of Education requesting the approval of a last minute contract award to the Big Picture Company in the amount of \$199,985.00 to provide training and consulting services for school turnaround programs. The late nature of the item made it impossible to have the item posted on our web site and available for public comment. The materials we were provided also appeared to show that the contract was to be awarded pursuant to a formal RFP process but that the Commissioner had chosen to award the contract to the vendor that scored 4th out of six applicants. In other words, the Commissioner intended to skip over the best three scoring vendors. We asked the Department and the Commissioner why this was and the Commissioner gave a vague justification that his chosen vendor worked better with the school ages at issue. Of course, this should have been a part of the scoring rubric, if it was true.

Eventually, the Commissioner withdrew the item and the Council did not vote. After the fact, I learned that the Big Picture Company has worked closely with Commissioner Edelblut on his "learn everywhere initiative." This is a program that circumvents local school boards and ignores years of work on extended learning opportunities (ELO) programs that already exist in most school districts. The controversy about the Commissioner's efforts are described here:
<https://www.nhpr.org/post/hearing-learn-everywhere-draws-crowd-and-controversy>

SNAP Program Bonus

The Council approved the receipt of a \$921,615 high performance bonus from the federal government for the good work of the program workers in the New Hampshire Department of Health and Human Services.

Plug-in Vehicles

The Council approved a \$25,000 contract to allow the Department of Business and Economic Affairs to retain Plug-In America to develop a strategic plan for plug-in car infrastructure in the state using a federal grant.

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Jaffrey Water System

The Council approved a \$2.8 million revolving loan with the town of Jaffrey to finance water system improvements.

D. Nominations and Confirmations

The following individuals were nominated by Governor Sununu to serve on State Boards and Commissions:

Athletic Trainers Governing Board, Scott L. Kidder, Andover, NH
Board of Registration of Funeral Directors and Embalmers, Susan J. Hopkins, Salem NH
Board of Licensing for Alcohol and Other Drug Use Professionals, Kimberly A. Haney, Belmont, NH
Board of Dental Examiners, Ellen M. Legg, Portsmouth, NH
Board of Nursing, Jeanne F. Donohoe, Keene, NH; and Gene E. Harkless, Alton, NH
Board of Psychologists, James B. Halla, Dunbarton, NH
Community Development Finance Authority, Clayton R. Mitchell, Newmarket, NH and Mary Ann Kristiansen, Roxbury, NH
Executive Director, Office of Professional Licensure and Certification, David L. Grosso, New Boston, NH
Higher Education Commission, Kevin M. O'Shea, Concord, NH
Juvenile Parole Board, Susan C. Kelly, Manchester, NH
Lottery Commission, Debra M. Douglas, Bow, NH
Medical Review Subcommittee, Ralph D. Beasley, Grantham, NH
New Hampshire School Building Authority, John M. Potucek, Derry, NH
Oil Fund Disbursement Board, Thomas Klemm, Jr. Pelham, NH
State Committee on Aging, Harry H. Viens, Center Harbor, NH; Pamela D. Jolivet, Hopkinton, NH; Daniel Marcek, Brookline, NH; Kenneth A. Berlin, Manchester, NH; Kathy J. Baldridge, Bedford, NH; John J. Kenney, Rochester, NH; Mary Cartherine Rawls, Croydon, NH
State Conservation Committee, Scott DuBlois, Columbia, NH
State Radiation Advisory Committee, Richard A. Fralick, Durham, NH
State Veterans Council, Roger A. Sevigny, Dover, NH

The following individuals were confirmed by the Executive Council to serve on State Boards and Commissions:

Acting Director of the Division of Travel and Tourism Development, BEA, Amy O. Bassett, Hopkinton, NH
Board of Chiropractic Examiners, Lawrence A. Patten, Hollis, NH
Board of Nursing, Melissa M. Tuttle, Hooksett, NH
Commissioner, Department of Information Technology, Denis C. Goulet, Manchester, NH

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Community Development Finance Authority, Benjamin Gaetjens-Oleson,
Lancaster, NH

Compensation Appeals Board, Donna M. Daneke, Manchester, NH

Dental Hygienists Committee, Myra J. Nikitas, Nashua, NH

Director of Waste Management, DES, Michael J. Wimsatt, Concord, NH

Fish and Game Commission, Frederick T. Bird, Lee, NH and Paul W. DeBow,
Plymouth, NH

Judicial Retirement Plan Board of Trustees, Crystal A. Dionne, Candia, NH

Lakes Management Advisory Committee, Bruce K. Temple, Claremont, NH and Lisa
M. Morin, Laconia, NH

University System of NH Board of Trustees, George S. Hansel, Keene, NH

Volunteer NH Board of Directors, Jenifer A. Eber, Deering, NH

E. Spotlight

\$15 an Hour

At my request, the state's agencies began reporting the lowest rates of compensation paid by state vendors to their employees on the contracts in question. No compensation amounts were reported for this meeting.

F. Next Meeting

Our next regularly scheduled Executive Council meeting will occur on May 15, 2019 beginning at 10 a.m. The agenda for the meeting will be posted by the Secretary of State on the Executive Council web page late on the preceding Friday afternoon.

<http://sos.nh.gov/GC2.aspx>

Councilor Prescott will host the Council breakfast at the Veteran's Home in Tilton. The public is welcome to attend. The breakfast begins at 8 a.m.

G. Items of Interest to District Two, by Region

Region 1-Monadnock Region

[#68](#) Authorized to exercise a renewal option with Antioch University New England, Keene, NH (originally approved by G&C on 6-21-17, item #136), to continue to provide the services of an evaluator for the State Systemic Improvement Plan, and the State Personnel Development Grant, by increasing the price by \$199,194 from \$199,194 to \$398,388 and by extending the end date from June 30, 2019 to June 30, 2021. Effective July 1, 2019 or upon G&C approval, whichever is later. **100% Federal Funds. VOTE: Unanimous**

Region 2-Merrimack County

[#67](#) Authorized the Bureau of Student Support to enter into a contract with NH Coalition for Citizens with Disabilities d/b/a Parent Information Center, to support NH's Pyramid Model implementation, scale-up and sustainability efforts with the goal of improving social-emotional outcomes of young children, in

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an amount not to exceed \$216,995.76. Effective July 1, 2019 through June 30, 2020. **100% Federal Funds. VOTE: Unanimous**

Region 3-Strafford County

Bureau of Elderly and Adult Services

#10 Authorized to enter into a **retroactive sole source** agreement with the University of NH, Durham, NH, to provide the evaluation, assessment, technical assistance, and coordination of services necessary to advance the state's No Wrong Door system known as ServiceLink, in an amount not to exceed \$1,042,199; and to build capacity for outcome measures and analysis for the continuous improvement of the system creating a foundation to transform NH's access system for Long Term Services and Supports. Effective January 1, 2019 through August 31, 2020. **100% Federal Funds. VOTE: Unanimous**

#22 Authorized the Bureau of Materials & Research to enter into a **sole source** Cooperative Project Agreement with the University of NH Sponsored Programs Administration, Durham, NH, for a cooperative observation and evaluation of a natural instream structures to replace conventional armoring solutions, for a fee not to exceed \$99,970. Effective upon G&C approval through April 30, 2022. **100% Federal Funds.** (2) Further Authorized to enter into a **sole source** Cooperative Project Agreement with the University of NH Sponsored Programs Administration, Durham, NH, for a cooperative investigation to understand the hydraulic consequences of embedded culverts, for a fee not to exceed \$74,552. Effective upon G&C approval through April 30, 2021. **100% Federal Funds. VOTE: Unanimous**