Another Government Success Story

Citizen Volunteers on New Jersey State Boards and Commissions

John Weingart

January 2004
Author’s Note and Acknowledgments

My first impressions of New Jersey’s boards and commissions came in the 1970s when I was a new staff member in the Department of Environmental Protection (DEP) and encountered the Tidelands Resource Council. Invariably described as “obscure but powerful” on the rare occasions it received any press attention, this group could literally overrule the will of the governor. It often had to wait a month or two to do so, however, because a quorum of its members wasn’t always available.

Since then, I have seen state boards and commissions from a variety of perspectives. While in the DEP, I helped to staff several of them, and sometimes represented the department’s commissioner on other boards on which he or she was an ex officio member. Later, I left DEP to serve for four years as the executive director of the Low-Level Radioactive Waste Disposal Facility Siting Board. My latest view comes from having been nominated and confirmed as a member of the Delaware and Raritan Canal Commission in 2002, and subsequently appointed to be its chair.

Since 2000, I have been associate director of the Eagleton Institute of Politics at Rutgers University where this study was conducted. While the recommendations and opinions expressed in this report are mine, I received valuable information, advice, and encouragement from many others. This includes the following people knowledgeable about the ways of Trenton, most of whom have been part of the appointment process in the executive branch or legislature and/or members of a state board or commission: Nancy Becker, James Biesiada, Fred Butler, Tara Dowdell, Greg Edwards, Candace Howard, Shawn Laurenti, Lori O’Mara-Van Driesen, Michael Scheiring, Judy Shaw, Jon Shure, Kathy Stanwick, Becky Taylor, Jake Toporek, and John Tumulty.

This report is also better than it would otherwise have been as a result of input from many of my colleagues at Eagleton, including: Lucy Baruch, Michael Hagen, Kathy Kleeman, Patrick Murray, Don Linky, Linda Phillips, Ingrid Reed, Debbie Walsh, and Cliff Zukin. I also had help from a number of fine student assistants: Avram Fechter, Jennifer Iskevich, Chris Monahan and Megan Willoughby.

Finally, I am most grateful to the Fund For New Jersey, and in particular its director, Mark Murphy, and chair, Len Lieberman, for generously providing a grant to Eagleton which made this project possible.

John Weingart
# Table of Contents

**Introduction** .................................................. 1  
Study Methodology ............................................. 2  
Study Summary .................................................. 3  

**Chapter One: Serving on a State Board or Commission** ........................................... 5  
Getting Appointed ............................................. 6  
  Senatorial Courtesy .......................................... 7  
  The Appointment Process as Experienced by Appointees  ........................................ 8  
  The Impact of the Appointment Process on Government ........................................... 9  
Getting Reappointed ............................................ 10  
Why Do Members Serve? .......................................... 11  
Time Commitment .............................................. 12  
  Subcommittees .................................................. 13  
  Other Board Expectations ................................... 13  
  Employers’ Tolerance .......................................... 13  
  Board Attendance ............................................ 13  
Compensation .................................................... 14  
Public Information about Boards and Commissions .................................................. 14  
Role and Attitudes of Board Staff .............................................. 16  

**Chapter Two: Ethical Issues** ........................................... 19  
  Financial Disclosure .......................................... 19  
  Ethics and Other Training .................................... 22  
  Openness of Board Meetings ................................ 22  

**Chapter Three: The Value of Boards and Commissions** ........................................... 25  
  Value to Members ............................................. 26  
  Members’ Attitudes Toward Government .............................................. 27  
  Value of Boards to Board Staff .............................................. 29  

**Chapter Four: Conclusions and Recommendations** ........................................... 31  
  General Conclusions .......................................... 31  
  Recommendations ............................................. 31  

**Appendix: List of New Jersey Boards and Commissions** ........................................... 37  

**Annotated Bibliography** ........................................... 47  

**Endnotes** .................................................. 51  

**About the Author** ............................................. 55
INTRODUCTION

Imagine a process that would reconnect citizens with government by enabling perhaps 5000 New Jersey residents to regularly contribute their expertise to help set the government’s policies and procedures. This would not be a series of public hearings where government officials explain why most of the public’s comments can’t be accommodated within the current proposal, but rather a more sustained and potentially effective form of public participation. It would be a way for people who come from a wide range of professions, communities and backgrounds to regularly meet with the government officials working on a topic of particular interest to them. They would have access to all the information they needed, and perhaps even a small budget. At least to some extent, the bureaucracy would not be able to take action without their agreement.

These people would volunteer their time and be organized into 400-500 committees each focused on an area of public policy and structured so that the members could bring their particular interests and concerns to the specific part of the government where they are, or should be, addressed. Not only would these 5000 committee members become involved in government, but as they spoke with their friends, co-workers and neighbors, additional people would learn more about their government and perhaps feel a bit closer to it.

Of course, such a proposal is easy to write off as an unworkable dream. It is too big, too idealistic, too likely to step on the toes of entrenched powers, too difficult to implement. People certainly complain about feeling excluded from government, but could you imagine thousands of them really giving their time to such an enterprise? And, even if they were willing, would the government ever agree to open itself to such a level of scrutiny and participation?

Only one factor prevents the idea from being quickly dismissed: New Jersey’s network of citizen boards, commissions, councils, and committees is already fully in place. It is so established that we take it for granted. For the most part, we neither consider these bodies to be a part of government nor a part of the criteria used to define and enhance the meaning of citizenship. We don’t brag about their virtues and endeavor to fix their faults. We don’t examine them. We simply don’t pay much attention to them.

These boards and commissions, however, may be a constructive response to the perceived distance between the governed and the government which seems to frame so much of the public’s attitude and opinions. Whether this antipathy is considered distrust, cynicism, hostility, apathy or ignorance, the public’s perception is a serious problem that can affect the extent to which the government is able, willing and prepared to make plans and decisions about a vast array of complex domestic and international safety, scientific, economic, and social issues. This perception can affect the extent to which the governed are open to accepting and supporting those decisions, whether it be by heeding public health, safety or environmental warnings, voluntarily following regulatory laws and limitations, or encouraging politicians to push for new or expanded programs and the levels of taxation necessary to finance them.

Over the last third of a century, beginning with the National Environmental Policy Act of 1970, there have been increasing efforts to involve the public in governmental decision-making. As a result of requirements in a wide variety of subsequent federal and state statutes, some form of public participation is now mandated in most government programs.

These requirements, however, have done little to give the public greater confidence in government. Through hundreds of thousands of hearings and millions of letters submitted within prescribed comment periods, the public has expressed concerns, suggestions and sentiment that have no doubt led to changes in decisions by agencies at every level of government. Still, many people, including some of those who participate, feel that by the time an agency holds a public hearing, it is usually already committed to a particular path or limited set of options, so that little of the public input is heeded or valued. When their
suggestions are not adopted, the participating public feels ignored and skeptical, at best, of the agency’s interest in their involvement.

While many analysts point to the need to reconnect people with government, the public hearings and other similar one-shot forums that have become intrinsic to the work of most agencies don’t seem to achieve this goal. While some government agencies deserve criticism for having only paid lip service to public participation, many others have gone to great lengths to try to incorporate opportunities for meaningful public involvement in their work. Yet, even when an agency wins the confidence of the public with which it interacts, it is almost always praised as a rare good actor in the otherwise disappointing drama of government. Perhaps citizen boards and commissions are a way to create better, more meaningful public participation and thereby bring more people closer to government.

The Eagleton Institute of Politics has undertaken this study to call attention to New Jersey’s extensive use of public boards and commissions and to examine their efficacy in lessening the distance between government and the governed. This study also explores whether service on a board or commission changes a member’s impressions of government, and suggests changes that could increase the value of these citizen groups.

**STUDY METHODOLOGY**

This study, supported by a grant from the Fund For New Jersey, is based largely on a survey of members and staff directors of state boards and commissions in New Jersey. It also relies upon other data including an analysis of the duration of the State Senate confirmation process in a typical year, and a review of the membership rosters for all boards and commissions to determine the number of seats that were filled and up-to-date compared with the number that were vacant or held by people in expired terms. In addition, the study is informed by comments from, and conversations with, many past and present board members, as well as the author’s experiences in New Jersey state government as a department staff member and official, executive director of a state board, and, more recently, member and chair of a state commission.

Each of the groups considered in this study is called a “commission,” “board,” “council,” or “committee,” but if there ever was a distinction among these words in New Jersey, it has long been lost. When creating the groups, the legislature uses the terms interchangeably. Knowing that a “commission” has been created instead of a “council” or “committee” imparts no information about the group’s power, size or operations.

It would be desirable to begin this report by placing New Jersey’s use of volunteer boards and commissions in a historic and national context, but very little research in this area has been conducted. While this study does not provide the missing comparative historical or national data, we hope the information provided here can be of use both in governance in New Jersey and in helping to frame additional examination here and in other states.

Current information about New Jersey’s boards and commission is also in short supply. There are no publicly available lists of the panel members and chairs, staff directors, or mailing or e-mail addresses. This creates public policy problems that are addressed throughout the report, especially in the recommendations found in Chapter Four. It also affected the design for this study.

To begin with, determining the number of state boards and commissions, and the number of seats on them for citizen appointees, requires some degree of judgement. Staff of the governor’s Appointments Office made available a list it maintains of 435 active boards and commissions with a total of about 5000 seats. Several seats on each, however, are usually reserved by legislation for specific cabinet officials or legislators, so the figure of 5000 could be said to overstate the number of seats to which interested citizens can be appointed. On the other hand, during the course of conducting this study, numerous boards and commissions not on the list of 435 were encountered which would add to the total number of citizen seats. On balance, 5000 seems like a good estimate.

Additional information was provided by the governor’s Appointments Office which included membership rosters for the 435 groups with the name of the current members and an indication of when their terms expire and which seats are vacant. While this information was extremely valuable, other data was unavailable. Neither the governor’s office nor any other part of state government, for example, has a directory of contact
information for the boards and commissions. This presented a challenge once the decision was made to survey members and staff directors about their experience serving on, or working with, these groups.

We decided to focus the study on 400 of the 435 boards and commissions, deliberately neglecting those with particularly unusual provisions. This included the New Jersey state colleges and universities, and bodies such as the Board of Public Utilities and Casino Control Commission for which membership is considered a full-time job with a commensurate salary.

During the fall of 2002, we contacted the commissioners’ offices in each of the 16 cabinet agencies. Although few, if any, knew of all the boards and commissions assigned to it, their responses eventually enabled us to identify the name and address of the government employees responsible for staffing 261 (65%) of the 400 state boards and commissions included in this study. We then sent each staff director a package with a supply of questionnaires and cover letters, and asked if they would distribute them to their citizen members. The letter requested that the commission members complete the forms anonymously and return them directly to Eagleton.

The 261 boards contacted have a total of 3054 members. Eagleton has no way of knowing whether all were distributed, but 691 questionnaires, 23% of the total mailed, were completed and returned. A separate questionnaire prepared for the staff directors themselves was returned by 83 (31%) of the 261 recipients.

There are two types of bias that may be reflected in the questionnaire results. First, it is possible that the members contacted serve on boards that are somewhat more active than those for which staff contacts and addresses were more difficult to find. Second, it is possible that the members and staff directors who took the 10-15 minutes to complete the questionnaire had stronger feelings than their colleagues. In particular, since people tend to grab opportunities to complain more readily than chances to express more positive feelings, one might expect the percentage of criticism and negative experience reported by the sample to be potentially larger than would have been the case if every board member had been queried.

**STUDY SUMMARY**

This study attempts to determine the process by which people get to be members of state boards, and the level of time commitment such service requires. We examine the processes by which members are considered for appointment and reappointment. In addition, we consider issues concerning personal ethics, including requirements for financial disclosure. We look at the perceptions, both of members and staff directors, of the value of this form of citizen public service, and we explore whether the members feel the experience has changed their attitudes about government. Finally, we consider changes that might increase the benefits of New Jersey’s boards and commissions to potential future members, and to the governance and well-being of the state.

This project was begun with the hypothesis that the potential of state boards and commissions was being undermined by a lack of attention afforded them by the government, particularly the governor’s office, regardless of which party was in power. The results of the survey support this view, but also reveal much greater than anticipated enthusiasm by the participants for the opportunity to perform this type of public service.

The members consider boards and commissions to be extremely useful and their time as volunteer members to be very well spent. They are glad to participate and would recommend this form of civic engagement to others. Their positive feelings are supported by the staff directors, almost all of whom feel that the boards provide a function that neither can nor should be absorbed by the most relevant state agency.

The problems and opportunities for improvement identified are significant, but fortunately appear to be solvable with little if any cost – financial or political. Most of what they require is attention, focus and leadership.

The highest priority for change should be finding ways to speed up the nomination and confirmation process for board vacancies. A second priority should be expanding the creation and use of websites about board membership and activities. Attention to both these area would be of tremendous benefit to individuals looking for opportunities to provide public service as a board or commission member, to people interested in following the work of particular boards and commissions, and to the groups themselves. As a third priority,
systems should be put in place to ensure that greater attention and courtesy is extended to potential, confirmed and departing members.

This report is not a criticism of any individuals or administration. While the study was begun when Donald T. DiFrancesco was Acting Governor, it identifies problems that have existed for decades through Democratic and Republican administrations. Nor does it recommend that particular boards be abolished, created or changed. Rather, it is an attempt to examine the totality of citizen involvement in New Jersey’s state boards and commissions and to recognize that the whole is now greater than the sum of its parts.

The two major conclusions of this study are, first, that this overlooked part of government successfully provides important public benefits, and, second, that changes can be adopted that would further increase the value of these boards to the general public while also improving the experience of volunteering to serve on them.

The report is organized in four chapters followed by an appendix, an annotated bibliography, and a series of endnotes. Chapter One focuses on the experience of being on a board from the perspective of the members. Chapter Two examines the financial disclosure required of members of certain boards, the extent to which members receive appropriate training in ethical questions they may face when serving on a board, and whether boards are able to strike the right balance between conducting their business in the open and still being able to informally exchange ideas and discuss options. Chapter Three looks at the attitude of board members both toward their term of service and toward government in general, and explores whether serving on a board changes their opinions. Attitudes of board staff are also examined. Chapter Four, where some readers may prefer to begin, contains the study’s conclusions and recommendations.
CHAPTER ONE
SERVING ON A STATE BOARD OR COMMISSION

It is very difficult to determine how many citizen boards, commissions, councils and committees have been formed by New Jersey State government. With a wide variety of origins, structures and overseers, some are created through an informal memo from a department commissioner or program director, while others emerge with fanfare from protracted legislative debate. Some are vital parts of the government that thrive through many years and multiple gubernatorial administrations. Others meet only a few times and either decide they have accomplished their mission or dissolve as their sponsoring agency, members, or both lose interest.

This study is focused on 435 currently active groups that were created by state legislation and, therefore, can be considered a formally constituted part of New Jersey State government. (See Appendix.) Excluded are the many other governmental groups – perhaps another 400 to 500 – formed by New Jersey governors, department commissioners and agency heads through executive orders and other less formal means. These groups too can expand the ways in which citizens meaningfully participate in the formation and oversight of state policy.

While the boards and commissions addressed by this study were all created by legislation, some were initiated by a governor, some by legislators and some as the result of federal requirements. Some commissions have the power to shape or block government action, while others are only advisory. Some have been around for decades and others are new. Some meet regularly and have a full-time staff, while others meet sporadically, supported by staffs with multiple other assignments. Some are very active, while others are moribund. A few receive significant public attention, but most usually labor in obscurity.

Each of the laws creating these groups stipulates how the members are to be selected. Most require that members be nominated by the governor with the advice and consent of the State Senate, but some grant the governor and/or the Senate president and Assembly speaker authority to make direct appointments for at least some of the seats. The rationale for the difference in appointment processes is not always obvious. For example, the governor can directly appoint the members of the Fire Safety Commission, but his or her choices for the Advisory Council on Carnival Amusement Ride Safety must be confirmed by the Senate.

There are also some boards that, though created by state legislation, delegate the selection of members to others. The members of agricultural commodity councils, to take an unusual example, are nominated by industry associations and approved by the State Board of Agriculture. Thus, the New Jersey White Potato Association selects candidates to be considered for the New Jersey White Potato Industry Advisory Council. One other specification in the laws creating boards is that each one is assigned to a specific cabinet-level state department. Usually, however, the legislature and governor want the new citizen group to have some independence, so the phrase “in but not of” has evolved in many statutes to describe the somewhat ambiguous connection between these bodies and their “host” departments. In practice, the relationships vary widely depending on the functions and powers of the board, and the interests and personalities of the relevant department commissioner, staff directors, and board members.

The boards, commissions, councils and committees that have been established by legislation cover a wide range of topics from “A” to at least “Y” if not “Z” – from the Advisory Council on Adolescent Pregnancy and the Banking Advisory Board to the World Language Instruction Committee and the Youth Advisory Council.

It is easy to read through the list and find objects for quick amusement – the long cumbersome names like the Automobile Insurance Territorial Rating Plan Advisory Commission or the groups that seem to embody a high potential for overlap and duplication like the Historic Sites Council, Historic Trust, Historical Commission and Historical Records Advisory Board.
One can also peruse the list, however, and be impressed and even proud to find the wide range of issues, many of them highly specialized, that may be important to relatively small or politically powerless sectors of the population but nevertheless are given some voice and access, like the Advisory Board for the Hispanic Women’s Demonstration Resource Centers, the Advisory Council on Pain Management, the Horse Race Injury Compensation Board, the Oyster Industry Revitalization Task Force and the Police Paperwork Reduction Task Force.

In 1990, a commission formed by Governor James J. Florio examined the boards then operating and recommended that some be abolished or consolidated. Still apt is this lighthearted description from the introduction to its final report: “In short, we have a board or commission for almost everything and at least one will likely be of interest to you.”

### GETTING APPOINTED

How does one get to be on a state board or commission? The process can appear mysterious both to outsiders and even to those who have navigated it successfully. More than any other aspect of this part of the government, the appointment process is the subject of rumors and anecdotes, both about why some people are considered and about how long it can take for appointments to be made.

About 60% of respondents to the Eagleton survey say they were recruited, while 36% initiated the process themselves. In either case, the initial conversation was with someone who worked in a state agency (27%), a member of the governor’s staff (18%), a legislator or other elected official (18%), or another person they thought might be helpful (37%). In this last category, respondents mentioned lobbyists, current board members, people they knew from non-profit association boards or professional associations, and officials of their local political parties.

Once the initial conversation takes place, potential board members are usually asked to submit information about themselves either directly or indirectly to the governor’s Appointments Office. While most members surveyed (80%) reported that their resume was requested, only 30% were asked their political party and 15% were asked about past campaign contributions.

These numbers should not suggest that partisan politics is a minimal factor in appointments to boards and commissions, however, since information about both registration and political donations is publicly available. In general, governors seek to appoint members of their own party, but in every administration there are many exceptions. In some cases, particular types of expertise or association with a relevant interest group may be considered more important than political affiliation. In others, a governor may choose a nominee to please a legislator of the other party whose support is needed on another matter. In addition, the enabling legislation for some boards stipulates that no more than half its members can be from the same political party.

A nomination becomes real when the governor submits a candidate’s name to the State Senate, an action that is always announced publicly, at least through a press release, by the governor’s office. Often, this occurs long after the individual expressed interest but also with little, if any, advance warning. Usually, the governor’s office will attempt to contact an individual a day or two before the nomination is to be made, but often the connection is not made and the person learns the news from a friend or colleague who saw it noted in a newspaper or on a political website.

In the survey, board and commission members were asked how much time elapsed between when they learned they were being considered for a seat and the day the governor submitted their nomination. Table 1 shows the responses.
Table 1
Length of Time Between Learning One is Being Considered for Board Membership and Being Nominated by the Governor

<table>
<thead>
<tr>
<th>Number of Months</th>
<th>Percent of Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 month or less</td>
<td>23%</td>
</tr>
<tr>
<td>2-3 months</td>
<td>44%</td>
</tr>
<tr>
<td>4-8 months</td>
<td>20%</td>
</tr>
<tr>
<td>9-12 months</td>
<td>6%</td>
</tr>
<tr>
<td>more than a year</td>
<td>6%</td>
</tr>
</tbody>
</table>

While it should be of concern that 12% of the nominees had to wait more than eight months, if not that the wait for almost a third (32%) was more than four months, this response still paints an unduly rosy picture in two ways. First, the wording of the question inadvertently truncated the period of uncertainty many potential board members experience. Had the survey asked how many months elapsed after you first expressed interest in appointment rather than after “you learned you would be considered,” most of the responses would have indicated longer time spans.

Second, this survey was only given to people who eventually were appointed to boards or commissions. People who express interest in a specific board vacancy but then are not nominated rarely learn their fate until they happen to hear or read of someone else being picked for the slot.

After the governor takes action, the person selected cannot take a seat on a board or commission unless the nomination is approved by the Senate Judiciary Committee and then by the full Senate. Once the Judiciary Committee votes, the nomination usually comes before the Senate at its next scheduled meeting. As shown by Table 2, this part of the process generally proceeds more quickly, although it did take nine or more months for 10% of the nominees, including 2% who had to wait more than a year after the governor had submitted their names.

Table 2
Length of Time Between Nomination by the Governor and Confirmation by the State Senate

<table>
<thead>
<tr>
<th>Number of Months</th>
<th>Percent of Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 month or less</td>
<td>36%</td>
</tr>
<tr>
<td>2-3 months</td>
<td>47%</td>
</tr>
<tr>
<td>4-8 months</td>
<td>7%</td>
</tr>
<tr>
<td>9-12 months</td>
<td>8%</td>
</tr>
<tr>
<td>more than 12 months</td>
<td>2%</td>
</tr>
</tbody>
</table>

Another way of considering the time required for senatorial review is to examine all the governor’s nominations to boards and commissions in a typical year. In 2000, for example, when Governor Christine Todd Whitman selected 614 candidates for boards and commissions, the Senate confirmed 68% in three months or less, including 26% approved in less than one month. Only about one percent had to wait between nine and 12 months for Senate review, but, even though the Senate was controlled by the governor’s party, fully 12% (71 nominees) were not confirmed within a year of being nominated.8

**Senatorial Courtesy**

Another factor that can influence and further delay the appointment process is the unwritten tradition of “senatorial courtesy” under which the State Senate will not schedule a vote on a governor’s nominee until the selection is agreed to by the senator who represents the district where the nominee resides. In addition, the Senate allows individual senators from adjoining districts to delay or block consideration of a nominee if they represent any part of the county in which the nominee lives.
The implications of this rule are almost by definition—or perhaps the lack thereof—impossible to quantify. Much of its use is unrelated to particular nominees or the posts for which they are proposed. When senators use it, they rarely seek public attention, hoping instead to quietly gain the governor’s support for something else in exchange for their allowing the Senate to consider the governor’s nominee. Often, these negotiations occur before a nomination is announced. Every governor has had occasion to delay announcement of a selection or to substitute another name for his or her initial choice because of objections from a potential nominee’s “home” senator. Sometimes, just the expectation of a senator’s reaction will lead the governor’s office to steer clear of a particular candidate.

When the practice of “senatorial courtesy” began, New Jersey’s Senate had 21 members, each of whom represented the entirety of one county. Any nominee, therefore, could be blocked by his or her one senator. But the U.S. Supreme Court’s Baker v. Carr decision in 1962 followed by the New Jersey Supreme Court 1964 ruling in Jackman v. Bodine led the state to amend its Constitution in 1966 to move from 21 legislative districts to 40 of equal population size.9Ever since, most New Jersey counties have been divided among two or more legislative districts. In the current decade, for example, as a result of the redistricting after the 2000 census, Essex and Bergen Counties are each represented by seven Senators, Middlesex and Monmouth by six, and Morris and Passaic by five.

Today, only four counties—Cape May, Salem, Sussex and Warren—have solo representatives in the State Senate. The “courtesy” to single-handedly block a nominee from any of the other 17 counties, therefore, is granted to at least two, and up to seven senators.10

No one expects Senatorial courtesy to disappear in the foreseeable future. Even if they don’t often use it, most senators consider the threat that they might use it a major tool for helping to equalize their power relationship with the governor. Nevertheless, it definitely delays the confirmation process for some members of state boards and commission, and undoubtedly sometimes influences who is and is not nominated in ways that are irrelevant, or even detrimental, to the mission of individual commissions.

THE APPOINTMENT PROCESS AS EXPERIENCED BY APPOINTEES

For the individuals who eventually become members of boards and commissions, the delays and other flaws in the appointment process create only relatively minor problems. One example is that more than a third of the members felt they were receiving less information than they needed or wanted as the process proceeded.

<table>
<thead>
<tr>
<th>Amount of Information</th>
<th>Percent of Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>More than I needed or wanted</td>
<td>2%</td>
</tr>
<tr>
<td>As much as I needed or wanted</td>
<td>63%</td>
</tr>
<tr>
<td>A little less than I needed or wanted</td>
<td>15%</td>
</tr>
<tr>
<td>Much less than I needed or wanted</td>
<td>19%</td>
</tr>
</tbody>
</table>

Table 3 Adequacy of Information Received by Board Nominees During the Appointment Process

While potential members may feel impatient as weeks and months go by, and perhaps lose some of their initial enthusiasm, more than 90% of those who made it through the appointment process were not particularly critical of it.
Table 4
Assessment of the Length of the Appointment Process by Appointees

<table>
<thead>
<tr>
<th>Rating</th>
<th>Percent of Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seemed reasonable</td>
<td>65%</td>
</tr>
<tr>
<td>Could have been quicker but didn’t really bother me</td>
<td>25%</td>
</tr>
<tr>
<td>Was somewhat annoying and/or awkward</td>
<td>6%</td>
</tr>
<tr>
<td>Was very annoying and/or awkward</td>
<td>3%</td>
</tr>
</tbody>
</table>

Similarly, overall, almost all the members surveyed thought the appointment process was at least “adequate,” with 65% rating it either “excellent” or “good:”

Table 5
Overall Assessment of the Appointment Process by Appointees

<table>
<thead>
<tr>
<th>Rating</th>
<th>Percent of Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excellent</td>
<td>28%</td>
</tr>
<tr>
<td>Good</td>
<td>37%</td>
</tr>
<tr>
<td>Adequate</td>
<td>30%</td>
</tr>
<tr>
<td>Poor</td>
<td>4%</td>
</tr>
<tr>
<td>Extremely Poor</td>
<td>&lt;1%</td>
</tr>
</tbody>
</table>

While the negative numbers from these two questions are relatively small, they do not include the people who thought they were being considered for nomination to a board and were never selected.

THE IMPACT OF THE APPOINTMENT PROCESS ON GOVERNMENT

The appointment process has a much more serious impact on the governmental functions that depend on the work of boards and commissions than it does on the individual candidates for membership. The many steps and occasional detours in the process add up to a system that seriously diminishes these groups’ potential benefit.

On almost all boards and commissions, at least a few seats are usually vacant and/or held by people serving in expired terms. This can lead observant members of the public to conclude that “the government” is indifferent or hostile to the mission of a board, particularly if the situation continues for an extended period. More tangibly, the delays in the appointment process contribute to many boards and commissions having difficulty obtaining a quorum for meetings. More than 35% of the staff directors surveyed reported having to occasionally cancel board meetings for this reason, with 15% experiencing this problem at least once a year.

The government workers who serve as staff to the boards and commissions were more concerned by the length of time it takes to appoint and reappoint board members than were the members surveyed. As shown in Table 6 below, more than two-fifths of board staff said the appointment process, at least sometimes, created difficulties for the commissions they support.
Table 6
Board Staff Assessment of the Duration of the Appointment Process for Board Members

<table>
<thead>
<tr>
<th>Assessment</th>
<th>Percent of Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seems reasonable</td>
<td>22%</td>
</tr>
<tr>
<td>Could be quicker but not really a problem</td>
<td>36%</td>
</tr>
<tr>
<td>Is sometimes a problem</td>
<td>30%</td>
</tr>
<tr>
<td>Is often a problem</td>
<td>12%</td>
</tr>
</tbody>
</table>

The preceding three tables show only mild criticism of the appointment process. After all, even among board staff, who were more concerned than board members, 58% found the process to not really be a problem. But stepping back from the individuals to look at the total record of appointments reveals a much more severe systemic problem.

Membership rosters for the boards and commissions were examined for a fixed point in time (July 2002). After eliminating boards of colleges and universities, ex officio seats, and information about several boards that was unclear, data was examined for 3,131 seats board and commission seats available for members of the public. The results, displayed in Table 7, show that 14% of the seats were vacant and another 22% were held by people serving in expired terms.

Table 7
Vacancy and Expired Term Rates on State Boards and Commissions

<table>
<thead>
<tr>
<th>Status of Seats</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of citizen (i.e. non-ex officio) seats</td>
<td>3131</td>
<td></td>
</tr>
<tr>
<td>Filled and current</td>
<td>2029</td>
<td>(65%)</td>
</tr>
<tr>
<td>Occupied but expired</td>
<td>679</td>
<td>(22%)</td>
</tr>
<tr>
<td>Vacant</td>
<td>423</td>
<td>(14%)</td>
</tr>
</tbody>
</table>

At the time the data in this table was compiled, James E. McGreevey had been governor for six months, yet members of at least 55 boards and commissions were serving in terms that had expired before the start of Governor Whitman’s second term four-and-a-half years earlier. In fact, many commission members were in terms that had lapsed in the early 1990s. At least three were holdovers from seats that had expired in the 1980s. Overall, the appointment process was behind for more than one-third of the citizen positions on state boards and commissions.

GETTING REAPPOINTED

The legislation establishing each board or commission specifies a term of office – usually three or four years – for members. While there are few, if any, term limit restrictions, members must go through the same nomination and confirmation process each time they are reappointed.

Most of the laws provide that members can continue to serve until they are replaced. Some of those whose terms have expired continue to participate fully for additional months or even, as we have seen, years while being neither nominated to new terms nor replaced. Often, however, members consider their service to be over at the end of their terms, and their seats are, in effect, vacant until new members are nominated and confirmed to fill them.

One of the odd features of the appointment process is that when a seat on a board is filled belatedly, the new term is still considered to have begun at the end of the previous three or four-year period. Thus, a new member sometimes receives notice that their term is expiring only months after it seems to have begun.
Across gubernatorial administrations, regardless of political party, the governor’s office has never had a process for anticipating the end of terms and routinely pursuing renominations or new appointments so that the boards and commissions can operate with little or no gap in membership. Similarly, there is no routine process to determine if a member wants to be considered for another term or to provide feedback about when a decision is likely to be made.

Thus, as when they were first appointed, many members discover they are being put forward for another term from a news story or, at best, from a quick phone call the day a press announcement is released. Much worse, this is also the way that members learn they are not being asked to serve additional terms. This was a frequently cited complaint, both in the survey and in informal conversations. Too often, board members end their service feeling unappreciated and badly treated.

This is not an easy problem to solve. The governor’s office wants to keep its options open as long as possible. Even if staff know the current board member is not under consideration, they may not want to tell the person to avoid risking unwanted press attention or lobbying from interest groups or individuals.

Nevertheless, the governor’s office needs to find ways, as one former board member put it, to “not have people feel they are being thrown away.” One approach may be to provide greater clarity about the length of terms. When appointed, each member could be given a membership card with the duration of the appointment clearly stated. These cards, in fact, could be a less expensive and, for many, more useful and valued substitute for the large scrolls now sent to new members.

In addition, several months before the end of a term, a letter could be sent to members reminding them that their term is coming to an end, thanking them for their service and asking if they would like to be considered for reappointment. The letter could note that when members are not given another term, it is often to give an opportunity to some of the many other people seeking positions.

**WHY DO MEMBERS SERVE?**

A majority of members are motivated to serve on boards and commissions by both a specific substantive interest and a more general desire to perform a public service.

<table>
<thead>
<tr>
<th>Reason For Serving</th>
<th>Percent Listing Reason As Most Important</th>
</tr>
</thead>
<tbody>
<tr>
<td>To serve on this particular board or commission</td>
<td>31%</td>
</tr>
<tr>
<td>To be involved in providing public service</td>
<td>12%</td>
</tr>
<tr>
<td>Both of the above were about equally important</td>
<td>54%</td>
</tr>
</tbody>
</table>

Most of those surveyed had at least some knowledge about their board or commission before they were appointed, but almost a quarter did not.

<table>
<thead>
<tr>
<th>Amount of Knowledge</th>
<th>Percent of Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>A great deal</td>
<td>32%</td>
</tr>
<tr>
<td>Some</td>
<td>42%</td>
</tr>
<tr>
<td>Little</td>
<td>15%</td>
</tr>
<tr>
<td>Nothing</td>
<td>10%</td>
</tr>
</tbody>
</table>
Appointment to a board was the first direct experience with government for 27% of the survey respondents, while 36% reported having had at least two different types of prior public sector roles or interactions.

<table>
<thead>
<tr>
<th>Type of Experience</th>
<th>Percent of Respondents*</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>27%</td>
</tr>
<tr>
<td>Serving on one or more other state boards</td>
<td>15%</td>
</tr>
<tr>
<td>Serving on one or more county or municipal boards</td>
<td>26%</td>
</tr>
<tr>
<td>Serving in state or local elective office</td>
<td>12%</td>
</tr>
<tr>
<td>Working for state government</td>
<td>21%</td>
</tr>
<tr>
<td>Working for federal or local government</td>
<td>20%</td>
</tr>
<tr>
<td>Holding a job that included interaction with state government</td>
<td>20%</td>
</tr>
</tbody>
</table>

*Members could check more than one.

**TIME COMMITMENT**

Serving on a state board or commission requires a willingness to commit time to attend meetings, read relevant materials and sometimes participate in related events or converse with people interested in the group’s work. The amount of time varies enormously depending on the ways in which the specific board is operated, the issues that are pending in a given year, and the extent to which the individual member becomes involved. People who chair a board or actively participate in one or more subcommittees will invariably contribute more time than those who don’t.

Overall, as shown in Table 11, three-quarters of members devote an average of between two and eight hours per month to attending meetings of their board or commission and its subcommittees.

**Table 11**

<table>
<thead>
<tr>
<th>Amount of Time</th>
<th>Percent of Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 hour or less</td>
<td>4%</td>
</tr>
<tr>
<td>2-4 hours</td>
<td>49%</td>
</tr>
<tr>
<td>5-8 hours</td>
<td>27%</td>
</tr>
<tr>
<td>9-16 hours</td>
<td>13%</td>
</tr>
<tr>
<td>17 or more hours</td>
<td>6%</td>
</tr>
</tbody>
</table>

This was one of the few questions for which there was a differential between the total survey population and the responses of members of the boards regulating professions. In general, membership on professional boards took more time, with 77% versus 46% of the total group, meeting for five or more hours per month including 34% as opposed to 19% who meet for nine or more hours per month.

Most members reported that their boards meet monthly (49%) or bi-monthly (19%). The rest divided about evenly between those with four or fewer meetings each year (16%), and those with 13 meetings or more (17%).
**SUBCOMMITTEES**

In addition to attending board meetings, about two-thirds of the members (65%) attend additional sessions as members of one or more subcommittees. Close to half of the subcommittee members (46%) report four or fewer meetings per year, while 24% meet five or six times, and 21% have between seven and 12 sessions. An additional 8% meet even more often, including 2% of those surveyed who reported attending 21 or more subcommittee meetings per year.

The number of subcommittee meetings board members attend has, as one would expect, a significant impact on the time they have to devote to fulfilling their membership responsibilities. This adds even more time since, for close to half of the members surveyed (48%), their subcommittees rarely, if ever, meet on the same day as the full board or commission. For only 20% of the subcommittee members were these meetings always or usually scheduled to coincide.

**OTHER BOARD EXPECTATIONS**

Attending board and subcommittee meetings is often not the only activity expected of members. For example, 62% of the survey respondents said they had attended other public hearings, meetings, or conferences because of their board membership, with 56% of that group indicating they had been to three or more such gatherings.

In addition, almost everyone in the survey (97%) reported doing some reading or research as part of their board responsibilities. For 37%, the reading required no more than two hours per month while 31% devoted three-to-four hours to it and 30% said it regularly took more than four hours.

Board members were also asked if their membership had led to their being contacted by reporters, friends, colleagues or others. Close to one-quarter (24%) said one or more reporters had spoken to them, and close to two-thirds (64%) had been contacted by friends, colleagues or others. In the latter group, 43% said they had been approached primarily by people they already knew, 3% had been contacted by people they had not known previously, and 55% reported a mixture.

These contacts were disturbing or annoying to only 9% of those who had been contacted by the press and less than 2% of those approached by friends, colleagues or others. In fact, close to half (49%) welcomed their interaction with the press and 72% welcomed their conversations with friends, colleagues and others. The rest reported being indifferent to these encounters.

**EMPLOYERS’ TOLERANCE**

More than 83% of the members surveyed said they are currently employed. About 25% of those employed reported working for themselves. Two-thirds of those with bosses (67%) said that all or most of the time they spend on the board or commission is considered part of their job, while only 18% said that all or most of the time comes from their vacation or leisure time. Sixteen percent said the time is derived about evenly from hours that would otherwise be devoted to work and leisure.

It is not clear from the survey how much of the flexibility given to employees – for example, to not take a vacation day for time spent at a board meeting – is because the subject matter is directly relevant to the member’s job, and how much is given because the employer is generally supportive of public service.

**BOARD ATTENDANCE**

As noted earlier, 35% of the board staff directors surveyed reported having to occasionally cancel meetings for lack of a quorum. While one cause of this problem is the lengthy appointment process, another is poor attendance by some board and commission members.

As shown in Table 12, a majority of the staff respondents noted that at least one member had missed more than half of the board or commission’s meetings during the past year.
Moreover, 19% of the staff – almost one out of five – said that at least one member of their commission missed every meeting during the past year.

Poor attendance was the major factor that had led 40% of the staff to recall having wanted to remove at least one member of their commission. There is, however, no process for removing a board member involuntarily. A few staff directors did succeed in persuading a truant member to resign, but most simply looked forward to the end of the member’s term and hoped he or she would not be reappointed.

COMPENSATION

Board members were asked whether they received any financial compensation for their service and how they felt about it. Since this study deliberately excluded commissions whose members receive full-time salaries, the types of remuneration reported included items such as lunch during or immediately after a meeting and reimbursement for parking or mileage.

The practices toward reimbursement varied widely. Close to half of the survey respondents (44%) said they receive no payment or reimbursement of any kind for participation in their board or commission. Forty-seven percent reported being reimbursed for mileage to and from meetings, 36% are repaid for parking, and about a quarter (26%) said they are given lunch.

The 21% of the respondents serving on professional licensing boards noted that they receive a daily per meeting fee. These range from $25 up to $250.

Most members (68%) felt their level of compensation was adequate. Thirty percent said it was less than it should be while 2% thought they were receiving too much.

PUBLIC INFORMATION ABOUT BOARDS AND COMMISSIONS

One of the major challenges facing anyone with interest in a New Jersey board or commission, whether it is to attend a meetings, follow its proceedings, or try to become a member, is that is very difficult to get information.

In New Jersey, there is no publicly available list of the state’s boards and commissions, much less a list of current membership and vacancies. Not only is this not done at the state level, but few, if any, state departments maintain such lists for the boards and commissions within their jurisdiction.

Although the State of New Jersey’s webpage has received national praise, it provides little information about the state’s boards and commissions. It neither publicizes the existence, agendas and actions of most boards nor helps interested citizens put themselves forward as possible members.

Starting at the State’s site (www.state.nj.us), one can click on Departments and Agencies and then on Agencies to find a list of 41 boards, commissions, and agencies. This includes 30 entities that are on the paper listing of 435 boards and commissions maintained by the governor’s Appointments Office, plus 11 others that somehow didn’t make it to that list.
The websites of individual departments are equally spotty. The Department of Agriculture site, for example, yields no information about the State Board of Agriculture except a link to the legislation creating it. If one knows, however, to look for the “Aquaculture Advisory Council,” the search will unveil useful information about seven separate “commodity councils” for the apple, blueberry, dairy, poultry products, sweet potato, white potato and wine industries.

The Department of Health and Senior Services, under Programs and Service, lists an Office of Boards and Councils. The link to that office has information on four boards – three of the 28 included on the governor’s office list plus one that isn’t.

The Department of Human Services has a link to Public Boards on its homepage which notes that in:

...carrying out its mission, the department involves the public heavily in its decision making process. The State Board of Human Services, the State Human Services Advisory Council, the Child Care Advisory Council, various boards, councils and task force groups, and community providers and constituent groups provide extensive public input on department direction and policy.

The site goes on, however, to provide contact information for only two of the department’s more than 30 citizen boards and commissions.

A Volunteer Opportunities heading on the Department of Environmental Protection website fails to mention any of the 40 boards and commissions assigned to DEP on the list from the governor’s office, nor the many other less formal committees created by the department’s commissioner. Instead, it lists 15 programs from Adopt a Beach and “Environmentors” to Geology in Action, River Assessment Teams, and a Wildlife Conservation Corps – all probably good opportunities to get outdoors and make a difference, but none involved with critiquing or making public policy.

This missed opportunity continues at the statewide level as the Governor’s Office of Volunteerism within the Department of State also completely ignores the opportunity for 5000 citizens to serve as members of the state’s boards, commissions, councils and committees. Instead, it offers readers information about non-profit organizations including the American Red Cross, the Community Food Bank of New Jersey, and volunteer centers in 12 New Jersey counties.

Other states are far ahead of New Jersey in this regard. The State of Maryland’s homepage (www.Maryland.gov), for example, has an Agency Index which leads to 350 Executive Commissions, Committees, Task Forces, & Advisory Boards. Louisiana, New Mexico and Washington are among the states with similar listings.

Rhode Island’s homepage (www.state.ri.us) includes the heading, Civic Participation and Public Information, which leads to Boards and Commissions On-Line Data Base. This list, maintained by the Secretary of State’s Office, includes a list of hundreds of boards as well as a set of frequently asked questions.

Even more useful as possible models for New Jersey are the state websites for Utah and Florida. Both not only provide information about, and links to, each board and commission, but also offer quarterly reports listing vacant positions and information explaining how to become a member. The Utah site (www.utah.gov), for example, with headings for General Information, Boards by Department, All Boards, Expiring Terms, and a downloadable application form, prominently welcomes and encourages potential board members:

Anyone can apply for or recommend an individual for a vacancy on a state board or commission. A searchable electronic database, maintained in the governor’s office, contains information on citizens interested in public service. To become a part of the database, a citizen must submit a “Board and Commission Application”[link included] or current resume to the Office of the Governor.
Florida’s site (www.myflorida.com) provides similar information while also encouraging interested citizens to consider seeking board membership. In a letter entitled “How To Apply,” the state director of appointments writes:

On this site you will find information regarding state boards and commissions. The Boards and Commissions Book [link included] describes all boards to which the governor makes appointments, the Vacancy Report [link included] indicates when openings will occur, and the Questionnaire [link included] serves as an application for one or more of the boards.

Please review this material to see if any particular boards interest you. If you wish to apply, simply complete the Questionnaire Form and return it to our office.…

Your Questionnaire form will be kept on file for the duration of Governor Bush’s administration, and you will be considered for the board(s) or commission(s) that you have expressed an interest in whenever openings occur. We appreciate your interest in serving the State of Florida.

These states, and others, are using their websites to convey a welcoming attitude to potential board and commission members, and to offer them useful information. The sites also are providing good access points for citizens who want to follow the work of particular boards. Neither this attitude nor this level of information is currently visible anywhere in New Jersey.

**ROLE AND ATTITUDES OF BOARD STAFF**

State boards and commissions require staff support. Each group of volunteers needs administrative support to schedule and arrange their meetings, as well as substantive assistance both to keep track of relevant policy proposals and changes at all levels of government and to follow up on the boards’ requests and actions.

The final section of this chapter examines the role and attitudes of the staff who work for boards and commissions. The size and functions of the staff vary greatly, ranging, among the respondents to Eagleton’s survey, from 20% who each had five or more full-time assistants to 35% who are their commission’s only full-time staff. Another 14% consider supporting the board to be no more than 10% of their professional responsibilities.

The relationship between a board, its staff, and the office of the governor or department commissioner is complicated. The staff can be hired by the board or, more often, assigned to it by the host department or the governor’s office. In the survey, 17% said they were chosen directly by the board or commission, 22% were picked by the governor’s office, and 40% were assigned by a top official in the department.

Regardless of the selector, the staff usually is, or becomes, very knowledgeable about the subject. In addition, due to their day-to-day responsibilities, the staff tend to be in closer communication with the administration than all but an occasional commission member. The staff director is often more aware than anyone else of pending or actual vacancies on a board, the attendance and participation of current members, and the types of people – and sometimes the names of individuals – who could best help the group meet the purpose for which it was created.

At the same time, the members of a board and the relevant department commissioner or governor’s aide inevitably will sometimes have differences of opinion about the direction the board should take and the individuals who should be appointed or reappointed as members. In such situations, the governor’s office’s perceptions of the staff director’s views and loyalties can influence the extent to which it will want to rely on that person’s advice about appointments.

One might expect a governor’s office to seek input from the board staff about appointments of members, while relying upon suggestions from others as well. It is surprising, however, that more than a third of the staff directors responding to the survey reported not having an opportunity to express their opinions as to whether current members should be reappointed or to suggest candidates to fill vacancies on the board.
Table 13
Staff Directors’ Role in Suggesting Candidates for Board Membership or Reappointment

<table>
<thead>
<tr>
<th>Type of Role</th>
<th>Percent of Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Suggesting whether current members should be reappointed</td>
<td>Yes - 64%  No - 36%</td>
</tr>
<tr>
<td>Suggesting possible new members</td>
<td>Yes - 62%  No - 38%</td>
</tr>
</tbody>
</table>

Whether or not they were consulted, however, the staff were not particularly critical of the members selected. A slight majority (54%) said they always (19%) or almost always (35%) agree with the reappointment decisions, with a slightly smaller percentage (52%) always (11%) or almost always (41%) support the new members chosen. For both questions, only one respondent reported rarely agreeing, while the rest said they usually did.

The meetings of the boards and commissions were described very positively by the staff. Ninety percent said meetings included significant positive interaction among the board members, with some learning from each other and sometimes forming or changing positions because of comments made during meetings. Only 4% described the interactions during meetings as negative, while 5% said members tended to be quiet or direct questions and comments to the board or department staff rather than talk with each other.

Most staff (80%) were comfortable with the division of responsibilities among the board, its staff, the relevant commissioner and the governor’s office. The rest characterized it as “a little” (14%) or “very” (4%) confusing. Three staff described the confusion as major or an immediate or potential crisis.
CHAPTER TWO
ETHICAL ISSUES

Even though most members of boards and commissions are not paid for their services, their activity still has the potential to be, or at least appear, unethical. A definition of ethical behavior in this area can include three primary criteria: that individual members not be able to gain personal financial benefit as a result of their public service; that decision-making by boards and commissions be conducted in public view; and that members be informed about ethical considerations that could be relevant to their participation.

FINANCIAL DISCLOSURE

The expectation that people in government will make information about their personal finances public is well established, but of relatively recent origin. It began with a Presidential Executive Order issued by Lyndon B. Johnson in 1965 that required federal appointees to file a statement of their personal finances within 30 days of appointment, and gained much of its current form with passage of the post-Watergate, Ethics in Government Act of 1978. Johnson’s order had stipulated that the personal financial information would be available only to the Civil Service Commission or appropriate agency director, but 13 years later notions of the appropriate balance between the public’s right to know and an individual’s right to privacy had shifted radically.

In 1978, as G. Calvin Mackenzie writes in *Scandal Proof: Do Ethics Laws Make Government Ethical?*, the U.S. Congress:

...understood that some talented private citizens would decline opportunities for public service because they wanted to protect their privacy. On balance, however, they believed that subjecting the personal finances of public officials to anyone’s scrutiny was in the public interest.

In New Jersey, requirements for financial disclosure were first extended to volunteer members of boards and commissions in 1990 by Governor Florio in his first Executive Order. The requirements were continued by a similar order signed by Governor Whitman at the beginning of her first term, and are now enforced by Executive Order #10 issued by Governor McGreevey six weeks after he took office.

The governors’ executive orders have not required financial disclosure from members of all boards and commissions, but instead have each listed about 10% of the active groups. As a result, an average of 400 to 600 board members are required to file financial disclosure statements each year. In general, the commissions whose members are subject to this obligation are those with significant decision-making responsibilities, often involving large amounts of money.

Governor McGreevey’s executive order names 53 boards, commissions and independent authorities whose members must annually file a financial disclosure statement. (See *Appendix* for current list.) The order specifies that additional commissions may be added “by subsequent determination of the Governor” but is silent about the possibility of deletions from the list. Also subject to the requirement are the heads and assistant or deputy heads of all state agencies.
The purpose of financial disclosure is included among the 10 findings in the preamble to McGreevey’s executive order:

The public disclosure of personal financial interest of public officials will serve to maintain the public’s faith and confidence in its government representatives and will guard against conduct violative of the public trust.\(^{18}\)

The executive order issued by Governor Florio, as well as those of his successors, Governors Whitman and DiFrancesco, imposed identical financial disclosure requirements on full-time, upper-level, state employees such as judges and department commissioners, and volunteer members of the specified boards and commissions. All had to list:

...all assets over a threshold of $1000, both tangible and intangible, in which you, your spouse or your dependent children hold an interest, valued as of the date of this statement in the categories of: cash on hand in banks, notes receivable, accounts receivable, government bonds, stocks and corporate bonds, interest in contracts with government instrumentalities, real estate interests, accumulated cash value of life insurance, total value of pension fund, and vehicles.

In addition to listing these assets, they had to specify their magnitude, placing each within one of following ranges: $1000 and $5000; $5000 and $25,000; $25,000 and $50,000; $50,000 and $100,000; $100,000 and $250,000; and greater than $250,000.

Governor McGreevey’s order maintained these requirements for full-time, paid state officials, but eliminated the need for board and commission members to indicate the value of their assets. This revision addressed a problem that had led at least a few otherwise interested and public-spirited people, who did not want to be as public about the extent of their wealth as had been required, to turn down the possibility of membership on a state board.

The McGreevey administration apparently concluded that the old level of information required of board and commission members invaded their privacy without any concomitant public benefit. The executive order does stipulate that the governor or the Executive Commission on Ethical Standards can request more detailed information from a board or commission member as needed in specific instances.

Implicitly Governor McGreevey accepted the argument that disclosure of a person’s ownership of stock in a particular company or of property in a specific municipality usually is sufficient information to evaluate the possibility of a conflict of interest with his or her work on a state board or commission, without knowing the approximate value of each asset. Now, if a question arises about whether, for example, a member’s financial interest in a specific company could improperly influence his/her vote on a particular matter, the governor can require him/her to disclose the extent of his/her holdings.

In the two-and-a-half years since this change was made, it appears that neither the Governor nor the Executive Commission on Ethical Standards has found reason to request more detailed financial data.\(^{19}\)

Since the requirement for financial disclosure is only imposed on selected boards and commissions, many members never encounter it. About a quarter of the survey respondents had submitted at least one financial disclosure statement. Most of them (85%) felt the amount of time it took to complete the forms was not much of a burden, although the other 15% said the burden was significant.

A slightly larger group, as presented in Table 14, thought the type and amount of information they had to disclose was more than needed to prevent the appearance of conflicts of interest.
Table 14  
**Members’ Opinions of Personal Financial Disclosure Requirements**

<table>
<thead>
<tr>
<th>Opinion</th>
<th>Percent of Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seems necessary to prevent the appearance of conflicts of interest</td>
<td>66%</td>
</tr>
<tr>
<td>Seems like more than is needed to prevent the appearance of conflicts of interest</td>
<td>20%</td>
</tr>
<tr>
<td>Seems like less than is needed to prevent the appearance of conflicts of interest</td>
<td>3%</td>
</tr>
<tr>
<td>Seems unlikely to be useful for preventing the appearance of conflicts of interest</td>
<td>11%</td>
</tr>
</tbody>
</table>

One-seventh (14%) of the respondents felt financial disclosure forms to be a significant intrusion into their personal lives. The rest were evenly divided between those who agreed it was intrusive but called it minor (42%), and the others who termed it an appropriate or trivial requirement for public service (42%).

As shown in Table 15, when asked for their recommendations concerning financial disclosure, a majority of those subject to it favored keeping the requirements while 20% suggested either elimination or significant modifications.

Table 15  
**Members’ Recommendations for Personal Financial Disclosure Requirements**

<table>
<thead>
<tr>
<th>Opinion</th>
<th>Percent of Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Keep requirement as it is</td>
<td>60%</td>
</tr>
<tr>
<td>Modify requirement in minor ways</td>
<td>20%</td>
</tr>
<tr>
<td>Modify requirement in significant ways</td>
<td>7%</td>
</tr>
<tr>
<td>Eliminate requirement</td>
<td>13%</td>
</tr>
</tbody>
</table>

Overall when asked to choose between only two sentiments about the requirement for personal financial statements, 14% said they resented them and 86% found them not particularly troubling.  

Due to the timing of the Eagleton survey, most respondents probably were thinking of the financial disclosure requirements in effect from 1990 through 2002, so their opinions do not reflect the more limited information currently required. The change might make them feel less negatively about the extent to which the forms are intrusive, but probably would not alter the level of effort required to complete them each year.

New Jersey’s “Financial Disclosure Statement For Public Officers” is 10 pages long. By contrast, the form local school board members must complete under the New Jersey School Ethics Act is confined to two pages. One key difference is that the School Board form targets the information it seeks, asking, for example, whether “you or any relative receive compensation from any business which is a party to a contract with the school district or charter school in which you hold office or are employed.” For members of state boards and commissions, the net is cast more widely to require a list of “any occupation, trade, business, profession or employment presently engaged in by you, your spouse, or your dependent children.”

Financial statements from state officials, including members of state boards and commissions, are available to anyone who calls, writes, or stops by the office of the Executive Commission on Ethical Standards. Requesters are not asked why they want to see a particular form, nor do they need to identify themselves. Their only obligation is to pay a modest copying fee if they want to take completed forms away with them.

Although the Ethical Standards Commission does not keep track of “the identity or category of filers whose forms are requested,” an estimated 50 to 60 board or commission member files are reviewed by members of the public each year. This number usually doubles during the first year of a new administration,
when many people are filing for the first time. Members are not told whether or by whom their disclosure forms have been requested and reviewed. The openness of these records is little remarked upon, most likely because it is not well-known.

In conclusion, one general point about financial disclosure in New Jersey worth noting is that all the rules regarding it have been created at the very beginning of each governor’s administration. This is consistent with the way in which most governmental restrictions intended to promote ethical behavior have been imposed, whether in other states or at the federal level. As G. Calvin MacKenzie points out:

One of the reasons…that government integrity may not have been enhanced by most of the regulations enacted under the ethics banner is that few of them followed any analysis of problems or careful study of the consequences they would yield. We should not be surprised if we found that a policy not carefully targeted at identifiable and measurable problems missed the target. Nor should we be surprised to find few indicators that government integrity has been substantially improved by these policies when we had so few indicators that it was in bad repair before we initiated them. If the policies seem to have had little effect, it may be because the margin for improvement was so small.

It is important to consider the need for, and structure of, policies regarding ethics and evaluate them in terms of their ability to address a demonstrated problem, in addition to the extent to which they may help create a desired perception.

**Ethics And Other Training**

Financial disclosure is one tool intended to reduce real and perceived conflicts of interest but it applies only to about 10% of the members of state boards and commissions. Service on virtually any government group, however, could raise situations in which individuals might have questions about the proper way to proceed.

When asked, 65% of all board members, whether or not they were subject to financial disclosure, said they had received a briefing about potential conflicts of interest, confidentiality or other ethical issues that could apply to their public service. More than one-quarter of them (27%) termed the briefing excellent, while 69% said it was adequate and only 3% called it insufficient. No one thought it unnecessary.

A larger percentage (80%) said they had been given a general background briefing about the board to which they were appointed and their responsibilities as a member before or soon after attending their first meeting. Seventeen percent, however, said they never were given such information and had to gather it on their own. Overall, 95% of the survey respondents said that they have generally received sufficient timely information relevant to the board’s mission and agenda, and only 5% said they had not.

**Openness of Board Meetings**

The right of the press and interested public to hear issues deliberated and see them voted upon is both stipulated by law and accepted as the norm for governmental operations. As applied to boards and commissions which were formed explicitly to involve members of the public, however, a rigid adherence to openness can be overly restrictive and inhibit a board’s effectiveness without any public benefit.

Most members felt, as noted in Table 16, that there are times when boards and commissions should be able to meet in private.
Table 16
Board Members’ Opinions About Situations When Boards Should Be Able to Meet in Private, Provided No Decisions Are Made

<table>
<thead>
<tr>
<th>When Appropriate</th>
<th>Percent of Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Never</td>
<td>7%</td>
</tr>
<tr>
<td>Rarely</td>
<td>21%</td>
</tr>
<tr>
<td>Occasionally</td>
<td>53%</td>
</tr>
<tr>
<td>Often</td>
<td>19%</td>
</tr>
</tbody>
</table>

Consistent with these attitudes, 36% of the members reported attending subcommittee meetings that are not open to the public and 15% reported participating in one or more closed retreats or other informal board sessions each year. Almost all members (94%) felt that the amount of discussion that occurs in meetings closed to the public is about right, while 2% felt it was too much and 4% felt it was too little.

The staff serving boards and commissions were also asked about the extent to which their group’s deliberations were open to the public. Close to half (46%) said their board or commission discusses its work only during open public meetings. The rest reported that work is also discussed at subcommittee meetings and/or annual commission retreats or other informal sessions.

While the survey results indicate that some boards do occasionally gather in private as a whole, and not just in smaller subcommittees, boards and commissions receive little consistent guidance in this area. Some are advised by staff from the governor’s or Attorney General’s office, or their own staff, that only matters pertaining to personnel or the threat of litigation can be discussed in private. Others either receive different advice or don’t ask. A policy encouraging, or at least permitting, all boards and commissions to hold some private, non-voting, sessions would require a statement from the governor’s or Attorney General’s office and possibly revision of the Open Public Meetings or its regulations.23

Some may fear that an explicit policy would enable a commission to conduct its real business in private and then simply rubber-stamp in public the decisions it had already reached in closed sessions. In fact, however, if a board is so-minded, it can already maneuver, for example, to hold a series of committee meetings at which all members have a chance to discuss the same set of issues without ever meeting as a group large enough to constitute a quorum. Revising the applicable policy, and law or regulations in this regard would enable commissions to benefit more honestly from occasional meetings out of the public eye without jeopardizing the public’s ability to watch and comment upon their decision-making.

The need for boards and commissions to meet in closed sessions does not arise frequently. Most boards, though their meetings are announced and advertised in advance, attract few visitors and only the occasional reporter. The problem is most likely to occur when a commission is dealing with a controversial issue on which interest groups have converged to advocate one or more positions and outcomes. In the emotionally-charged atmosphere that often comes to characterize a commission’s meetings at such times, some members may feel constrained from even appearing open to considering a possible compromise or change in their initial position. At those moments, it would be too late for a board or commission to create a procedure enabling it to meet in private to discuss any aspect of how it should best approach its mission. If a rule was already in place that clearly authorized closed sessions as long as voting did not occur, commissions could make use of it when their members felt it was justified.24
CHAPTER THREE
THE VALUE OF BOARDS AND COMMISSIONS

One clear finding from this study, as presented in Tables 17 and 18, is that the overwhelming majority of members of boards and commissions are convinced that these groups, and their participation in them, are very valuable.

Table 17
Extent to which Members Believe Their Board Contributes to State Policy and Governance

<table>
<thead>
<tr>
<th>Extent</th>
<th>Percent of Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>A great deal</td>
<td>67%</td>
</tr>
<tr>
<td>Some</td>
<td>25%</td>
</tr>
<tr>
<td>Not much</td>
<td>6%</td>
</tr>
<tr>
<td>Not at all</td>
<td>2%</td>
</tr>
</tbody>
</table>

These findings are striking. Two-thirds of the members surveyed believe their board contributes “a great deal” to state policy and governance, and only 8% believe it contributes little or nothing. Similarly, 90% say their decisions and recommendations are sometimes valued by government officials and staff, with 46% feeling this happens “a great deal.”

It is, therefore, not surprising that members also endorsed boards and commissions as a useful component of effective government, as shown in Tables 19 and 20. The survey respondents concluded that boards and commissions can lead government to make better decisions, and the public to have greater confidence in those decisions.

Table 18
Extent to which Members Believe the Decisions and Recommendations of Their Board are Valued by Government Officials and Staff

<table>
<thead>
<tr>
<th>Extent</th>
<th>Percent of Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>A great deal</td>
<td>46%</td>
</tr>
<tr>
<td>Some</td>
<td>44%</td>
</tr>
<tr>
<td>Not much</td>
<td>8%</td>
</tr>
<tr>
<td>Not at all</td>
<td>2%</td>
</tr>
</tbody>
</table>
Table 19
Members’ Opinions of How Often Boards Can Lead Government to Make Better Decisions

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Percent of Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Often</td>
<td>62%</td>
</tr>
<tr>
<td>Occasionally</td>
<td>35%</td>
</tr>
<tr>
<td>Rarely</td>
<td>4%</td>
</tr>
<tr>
<td>Never</td>
<td>0</td>
</tr>
</tbody>
</table>

Table 20
Members’ Opinions of How Often Boards Can Lead The Public to Have Greater Confidence in Government Decisions

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Percent of Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Often</td>
<td>51%</td>
</tr>
<tr>
<td>Occasionally</td>
<td>43%</td>
</tr>
<tr>
<td>Rarely</td>
<td>5%</td>
</tr>
<tr>
<td>Never</td>
<td>&lt;1%</td>
</tr>
</tbody>
</table>

VALUE TO MEMBERS

In addition to considering the value of the board to the public and the individual member’s value to the board, members were asked about the extent to which their experience was useful to them. More than three-quarters (77%) report gaining a large amount of valuable and/or interesting knowledge from their service and another 21% say they got “some.” Only 2% said they received “little” or no benefit from their service.

Board members were given a list of possible descriptors of their appointment to a state board or commission and asked to check all that applied. It was “an honor” for 69% of them, “a learning experience” for 68%, and “a civic duty” for 57%. Only 2% considered it “a burden,” and all but one of these respondents also marked off one of the more positive options. While 31% considered their board membership to be part of their job, almost all of these people also considered it an honor (92%), a civic duty (95%) and/or a learning experience (70%).

As shown in Tables 21 and 22, members also felt that they personally had contributed to their board or commission, and been treated with respect.

Table 21
Members’ Perceptions of the Extent to Which They Have Contributed to Their Board

<table>
<thead>
<tr>
<th>Extent</th>
<th>Percent of Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>A great deal</td>
<td>60%</td>
</tr>
<tr>
<td>Some</td>
<td>36%</td>
</tr>
<tr>
<td>Not much</td>
<td>3%</td>
</tr>
<tr>
<td>Not at all</td>
<td>&lt;1%</td>
</tr>
</tbody>
</table>
Table 22
Members’ Perceptions of the Extent to Which They Are Valued and Treated with Respect

<table>
<thead>
<tr>
<th>Extent</th>
<th>Percent of Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>A great deal</td>
<td>71%</td>
</tr>
<tr>
<td>Some</td>
<td>27%</td>
</tr>
<tr>
<td>Not much</td>
<td>2%</td>
</tr>
<tr>
<td>Not at all</td>
<td>&lt;1%</td>
</tr>
</tbody>
</table>

In the survey, members also reported enjoying meetings of their board or commission and characterized them overwhelmingly (94%) as having significant positive interaction. Concurring with the observations of board staff, members felt that they learned from each other. They reported having seen themselves and their colleagues sometimes form or change positions because of comments made during the meeting. Only 3% felt there was negative interaction with frequent disagreements that didn’t lead to anyone changing their point of view or finding areas of compromise. Another 5% said members at meetings they attended interacted little and were mostly quiet or directed their questions or comments to the board or department staff.

One final indicator of how important being on a board may be to members is who they choose to tell about their appointment. As shown below, few members thought their appointment too insignificant to mention:

Table 23
People Members Told of Their Board Membership

<table>
<thead>
<tr>
<th>People Told</th>
<th>Percent of Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>All or most of my immediate family</td>
<td>85%</td>
</tr>
<tr>
<td>My best friends</td>
<td>61%</td>
</tr>
<tr>
<td>My closest work colleagues</td>
<td>83%</td>
</tr>
<tr>
<td>None of the above</td>
<td>2%</td>
</tr>
</tbody>
</table>
*Members could check more than one.

MEMBERS’ ATTITUDES TOWARDS GOVERNMENT

Serving on a state board or commission exposes members to government employees, operations and programs. For many, this provides a vantage point to which they had not previously had access. For others, it offers an opportunity to add to, and perhaps revise, perceptions and conclusions they might have drawn from their other interactions with parts of the government.

A majority of survey respondents recalled that before serving on a board or commission, their feelings about state government were either largely (26%) or somewhat (38%) positive, while 10% called them somewhat negative and less than 1% said they were largely negative. The remaining 26% said their feelings were neutral. Serving on a board generally, but not always, improved these impressions.
Table 24
Change in Members’ Attitudes About Government as a Whole,
Since Being Appointed to Serve on a Board

<table>
<thead>
<tr>
<th>Change in Feelings</th>
<th>Percent of Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Much more positive</td>
<td>11%</td>
</tr>
<tr>
<td>Somewhat more positive</td>
<td>41%</td>
</tr>
<tr>
<td>Somewhat more negative</td>
<td>13%</td>
</tr>
<tr>
<td>Much more negative</td>
<td>3%</td>
</tr>
<tr>
<td>Unchanged</td>
<td>34%</td>
</tr>
</tbody>
</table>

Members’ good impressions increased more dramatically when asked about the specific board or commission on which they served as opposed to government as a whole, with fully three-fourths reporting more positive feelings.

Table 25
Change in Members’ Attitudes About Their Specific Board,
Since Being Appointed to Serve

<table>
<thead>
<tr>
<th>Change in Feelings</th>
<th>Percent of Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Much more positive</td>
<td>45%</td>
</tr>
<tr>
<td>Somewhat more positive</td>
<td>30%</td>
</tr>
<tr>
<td>Somewhat more negative</td>
<td>6%</td>
</tr>
<tr>
<td>Much more negative</td>
<td>2%</td>
</tr>
<tr>
<td>Unchanged</td>
<td>18%</td>
</tr>
</tbody>
</table>

Members were also asked to complete a series of seven slightly more specific sentences to try to determine the extent to which their opinions of various aspects of government had changed as a result of serving on a board or commission. For each factor, they indicated whether their feelings, now that they had served on a board or commission, were “much more positive”, “somewhat more positive”, “unchanged”, “somewhat more negative” or “much more negative.”
Table 26
Change in Members’ Attitudes About Aspects of Government, Since Being Appointed to Serve on a Board

“Now that I have served on a board or commission, my feelings about…”

<table>
<thead>
<tr>
<th>Positive</th>
<th>Negative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Much more</td>
<td>Somewhat</td>
</tr>
<tr>
<td>1. The policies and decisions made by government are</td>
<td>13%</td>
</tr>
<tr>
<td>2. The processes used by government to reach decisions are</td>
<td>12%</td>
</tr>
<tr>
<td>3. The people who work in government are</td>
<td>19%</td>
</tr>
<tr>
<td>4. The extent to which public officials and staff are personally honest are</td>
<td>29%</td>
</tr>
<tr>
<td>5. The extent to which government values the views of the public are</td>
<td>22%</td>
</tr>
<tr>
<td>6. The extent to which government relies upon the best available information are</td>
<td>17%</td>
</tr>
<tr>
<td>7. The extent to which government tries to do what is right are</td>
<td>19%</td>
</tr>
</tbody>
</table>

Finally, when asked how they would advise someone they knew who was considering seeking membership on a state board or commission, 97% said they would “strongly” (72%) or “somewhat” (25%) encourage him or her while less than one percent would be discouraging and the remaining 3% would offer no advice.

**VALUE OF BOARDS TO BOARD STAFF**

Like board and commission members, the staff assigned to these bodies also found them to be very valuable. Staff directors felt that the board or commission they work for contributes to state policy and governance either “a great deal” (62%) or “some” (29%). Of the rest, 5% said the board they staff contributes “little” and 4% said it contributes “nothing.”

The staff was equally positive about the extent to which their department values the board’s decisions and recommendations, with 51% saying “a great deal” and 45% saying “some”. They also felt that the governor’s office valued the board’s actions and opinions either “a great deal” (41%) or “some” (47%).

In general, 94% of the staff said that boards and commissions can lead the public to have greater confidence in government decisions with 61% saying this can happen “often” and 33% saying “occasionally.”

They were similarly positive about the specific board for which they worked, feeling that it “often” (56%) or “occasionally” (39%) leads to greater public confidence in government.

The staff, as shown in Table 27, was given a list of five types of benefits that boards and commissions might provide and asked to rank them for their particular organization.
Table 27

Staff Assessment of the Benefits Provided by the Board They Staff

<table>
<thead>
<tr>
<th>Benefits (listed in order of importance)</th>
<th>Percent of Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bringing new information to the attention of the government</td>
<td>42%</td>
</tr>
<tr>
<td>Making decisions that directly determine government policy</td>
<td>38%</td>
</tr>
<tr>
<td>Reaching consensus among different interests</td>
<td>35%</td>
</tr>
<tr>
<td>Meeting a statutory requirement for public participation</td>
<td>33%</td>
</tr>
<tr>
<td>Educating the members about government policy</td>
<td>13%</td>
</tr>
</tbody>
</table>

Almost all of the staff respondents (92%) felt the public would not be better served if the board was abolished and its responsibilities given to an existing state agency. In fact, 21% of them advocated giving the board greater decision-making power.

Similarly, staff said that if asked to make general recommendations concerning the ways in which their department, the governor’s office or the legislature handle boards and commissions, they would advocate no change (40%) or only minor ones (52%). The remaining 8% would recommend major changes.

Responses were similar when the staff was asked about the specific board or commission for which they work. Half (49%) would advocate keeping it essentially unchanged, 38% would suggest minor changes, 9% would call for major changes and 2% think their board should be abolished.
CHAPTER FOUR

CONCLUSIONS AND RECOMMENDATIONS

This study of citizen volunteer members of boards and commissions in New Jersey has uncovered a success story – a rarely examined, but vibrant, existing mechanism that contributes to bridging the gap between government and the governed by giving meaningful advisory, and sometimes decision-making, roles to thousands of state residents. The study also has identified a number of opportunities for improvement, many of them seemingly readily achievable. The three general conclusions below are followed by a series of recommendations.

GENERAL CONCLUSIONS

1. Boards and commissions actively involve more than 5000 New Jersey citizens in state governance in ways that make public decisions more informed and serve to significantly lessen gaps between the government and the governed. The vast majority of members feel they are making a public contribution and both value and enjoy the experience. The staff most closely associated with these groups agree.

2. Anyone interested in volunteering time to help state government address a particular public issue or program has a shot at getting him or herself appointed to a board or commission. While political insiders have an edge, particularly with the most prominent boards, the vast majority of members of state boards are people who do not consider themselves to be particularly politically active. To be appointed requires probing, perseverance, patience and some degree of fortuitous timing.

3. While the participation of New Jersey residents in state boards and commissions is an unheralded success story of meaningful public participation in government, there is considerable room for improvement. Changes in the ways in which the governor’s office oversees existing groups and in the factors considered by the legislature and governor when creating new ones would be particularly beneficial.

RECOMMENDATIONS

1. FIX THE APPOINTMENT PROCESS

Appointing people to government positions is generally considered one of the chief powers of a governor. While selecting individuals for full-time jobs with salaries is the most important part of this role, getting to name, or at least nominate, the members of the state’s boards and commissions is also an important means to influence policy. It is also a valuable tool for enabling the state to benefit from expertise beyond that found within the state workforce. In addition, a governor can use it to acknowledge people who have been helpful politically or whose work and ideas he or she has admired, by either appointing them directly or by choosing candidates they recommend.

Thus, it is surprising that, regardless of who is governor and whether that person is a Democrat or Republican, so many positions on boards and commissions remain vacant for months and sometimes years. Reviewing almost any commission’s publications will show several seats that are open and others held by people whose terms have expired.
Making appointments is more complex than it may appear. Not only does the governor’s office need to consider the membership requirements within the enabling legislation or executive order, but it must learn and take into account the views of the agency or agencies and interest groups with which the particular board interacts, as well as the legislators and other political figures who may have a point of view about the policies of the board or the attributes of individual members or potential members. It also must ensure that its overall pattern of appointments reflects any goals it has set for itself for geographic, gender, racial, ethnic or other types of diversity, while also striving to avoid selecting any individual who, in some way, may prove to be embarrassing.

Navigating through these obstacles for up to 5000 seats on the state’s boards and commissions is a challenge, but not a justification for this study’s finding that at least at one recent moment, fully one-third of those seats were vacant or held by people in expired terms. Better procedures should be developed for anticipating the inevitable, and entirely predictable, need to reappoint current members or nominate new ones.

a) Develop a talent bank of people interested in serving on state boards and commissions.
The list would note specific interests and areas of expertise so that lists could readily be generated of people who have interest in a particular board or commission, as well as others who have expressed interest in the general subject area or said they wanted to serve but had indicated no area of focus.

b) Undertake an active campaign to build and maintain this talent bank.
This would provide a great opportunity to engage individuals and groups to suggest potential board members who fall within one or more segments of the population that may be under represented in state government.

c) Put in place a process for routinely anticipating and filling vacancies.
Approximately three months before their terms expire, members should receive a letter from an appropriate official in the governor’s office expressing gratitude for their service, noting the date on which their term expires and asking if they would like to be considered for reappointment. At the same time, the governor’s office should solicit comments from the board staff director and relevant department commissioner about the member’s service: Does the member have a good attendance record? Has he or she made a positive contribution? Do the staff director and commissioner recommend the person be considered for appointment? Do they have candidates to suggest who might be better?

Armed with this information, the governor’s office should proceed along a schedule that would lead to the governor renominating the current member, or announcing a replacement, several weeks before the term expires. The State Senate then could act in time to avoid any significant gap in board membership or necessity for members to serve in expired terms. Of course, there always will be situations where circumstances will prevent such timely action, but those delays should become the exception instead of the norm as they are today.

d) Choose people who want to serve and avoid selecting members who have no interest in a particular board.
While a fresh perspective and an open mind sometimes can be a needed addition, anecdotes abound of new members arriving on a board or commission with so little relevant background and so little willingness to learn that they either significantly slow down the commission’s deliberations and work, or simply decide to add their membership to their resume without ever showing up for meetings.

e) Notify the people involved before they learn it from a reporter.
The governor’s office’s procedures for submitting nominations to boards and commissions should include time to notify the individual, the board’s staff director and relevant commissioner’s office, and, if possible, other individuals who may have thought they were under consideration for the membership slot. The difference between learning this information from a personal phone call instead of from a reporter or news article is significant and warrants taking steps to ensure that it happens much more often than not. Even if the phone call precedes the press release only by hours, and even if the news is not what the recipient had wanted to hear, it still makes a positive difference.
f) Streamline requests for information from board nominees.
Once nominated, candidates currently receive a form from the Senate Judiciary Committee requesting information that for the most part they had previously submitted to the governor’s office. The two offices should work together to create one form that gives them each the information they need while lessening the burden on board nominees. In addition, forms should be placed on-line and information that is already on file should be filled in. Board members and nominees, then, could simply add missing data rather than repeatedly providing their address, social security number, other government positions they hold or have held, etc.

g) Establish a standard for board attendance with a procedure for removing members who fail to meet it.
The work of too many boards is slowed by poor attendance. Prospective board members should be informed that they are expected to try to attend all meetings and that if they miss a specified number – say, three in a row or more than half in a given year – the governor has the authority to declare the seat vacant and nominate a replacement. Legislation may be needed to implement this change.

h) Limit the use of senatorial courtesy.
To suggest any change in the practice of senatorial courtesy is to risk being considered hopelessly politically naïve, but the fact remains that it can hold well-meaning, public spirited citizen volunteers hostage to completely unrelated issues. One relatively modest, but helpful reform would be to return senatorial courtesy to its traditional roots when only one senator – the individual the nominee could vote for or against for reelection – could keep a nomination from consideration by the Judiciary Committee. The current practice gives this ability to each senator representing any part of the county in which the nominee resides.

2. PERIODICALLY REVIEW THE NEED FOR EACH BOARD AND COMMISSION
The existing boards and commissions should be assessed periodically to determine whether any merit elimination, consolidation, strengthening, or other types of change. Such a review was last conducted in 1990. Despite Governor Florio’s Management Review Commission’s recommendation that similar efforts be institutionalized in “a process of periodic, perhaps biennial, review,”25 13 years have elapsed without a subsequent review. While the suggested frequency was probably excessive, a review in the near future followed by periodic reassessments would be beneficial. As in 1990, the governor could initiate the review through an executive order and then recommend identified, beneficial changes to the legislature.

3. DEFINE “BOARD,” “COMMISSION,” “COMMITTEE, AND “COUNCIL”
The group charged with the next review of boards and commissions should also be asked to propose definitions for the four words that are now used interchangeably to describe these groups, and to suggest the most appropriate of them for revising the name of each body it reviews. For example, a “committee” might be a group that is largely advisory, a “commission” could be a group with regulatory decision-making power, a “board” could indicate a group with authority in financial matters, and the word “council” could be reserved for groups that don’t fit neatly into one of the other three. A more specific starting point is provided by the State of North Carolina which has adopted the following definitions by statute:

A commission adopts rules in a quasi-legislative manner and makes decisions in a quasi-judicial manner; A board assists cabinet officers or other top level administrators in developing programs and advises them on departmental priorities; A council provides citizen advisory input to cabinet officers and other top level administrators; A committee either advises cabinet officers or other top level administrators, or it advises a commission in detailed technical matters.26

Meaningful distinctions among these terms could then be used as a basis for simplifying the appointment process, particularly in terms of the legislature’s role. The legislature might agree, for example, that if “committees” are largely advisory in nature, their members could be appointed directly by the governor
without Senate review. Such a change alone would dramatically lessen the appointment process workload in both the executive and legislative branches. It might also enhance the Senate’s ability to focus on the smaller number of appointments that might be of concern to its members.

4. **CREATE LESS SPECIFIC REQUIREMENTS FOR BOARD OR COMMISSION MEMBERSHIP**

   Often in the final stages of legislative debate, an “easy” compromise is to add a provision requiring that members of a new commission be from certain localities or professions, or hold specified certifications or backgrounds. If these specifications are too specific, however, they can raise two types of problems.

   First, the category can be more narrow than legislators realize. The 1987 statute creating a board to site a disposal facility for low-level radioactive waste, for example, required that one its 11 members be a “physician specializing in nuclear medicine.” The bill drafters apparently didn’t consider that, of the small number of people who fit this description, virtually none had work schedules that would enable them to regularly attend a monthly board meeting in Trenton.27

   The second problem is that if most membership categories are drawn narrowly, the governor can be prevented from nominating individuals who could make a meaningful contribution, but don’t happen to fit any of the available definitions. Three or five years after legislation establishing a commission is enacted, the membership categories, which may have been created with certain individuals in mind, often are impediments to progress, and to public participation.

5. **USE THE WEB TO RECRUIT BOARD AND COMMISSION MEMBERS**

   New Jersey is not taking advantage of the great potential offered by the internet to provide the public with useful information about boards and commissions. Other states are far ahead in using the web to publicize the existence, agendas and actions of boards, and to help people who might be interested in becoming members learn of vacancies and how to put their name forward.

   The New Jersey state website should include a list of all boards and commissions created by legislation or governor’s executive order with links to each one that provide at least its purpose, members, meeting schedule and location, and contact information. In addition, New Jersey should adapt the online services offered by other states to indicate membership vacancies and expiration dates, and procedures for interested individuals to submit their name for consideration.

6. **LIMIT THE BURDEN OF FINANCIAL DISCLOSURE FOR BOARD AND COMMISSION MEMBERS**

   The requirement to provide detailed information about one’s personal finances has led some people to turn down the possibility of serving on state commissions and has led others to complain about the intrusiveness of the questions and burden of responding to them. Most of the board members surveyed for this study who were subject to the requirement, however, seem to accept it as a necessary response to public concern about potential corruption or self-interest as a primary motivator for government decision-making. Nevertheless, the requirement can be made less burdensome to board members without lessening its value to the public.

   **a) Maintain the revision put in place by Governor McGreevey that asks board members to list all assets worth more than $1000 but no longer requires them to provide more detailed information about the value of each.**

   This sensible reform allows the public to continue to explore whether an individual owns stock or property that could be affected by action taken by the board or commission of which he or she is a member, without necessitating that the member divulge more information about the extent of their wealth. If the information disclosed leads to questions about a potential conflict, the individual can then be required to make public the extent of his or her holdings.

   **b) Periodically review the financial disclosure form to see if it can be made less onerous for board members.**

   Consider whether the public interest would suffer if the two-page form developed by the New Jersey School Board Association for members of local school boards was adapted to substitute for the current, 10-page form given to members of some state boards and commissions.
c) Place forms required of board and commission nominees and members online. Once members have filed the form once, they would not need to rewrite information that hadn’t changed in subsequent submissions.

d) Add introductory language to the financial disclosure form explaining why the personal data must be provided. This would be written to explain, for example, the importance of public confidence in government rather than to cite the statute or executive order that gave birth to the requirement.

e) Consider restricting public access to the personal financial disclosure statements of people volunteering their time to serve on a state board or commission. An individual requesting access to the financial disclosure reports submitted by any or all members of a board need not even give their name, much less a reason, to learn every asset over $1000 owned by the members and their spouses and dependent children. The balance, in this case, between the public’s right to know and individual privacy is currently very heavily tilted toward the former at the expense of the privacy of potential members who may see this as a reason to avoid service.

f) Critically evaluate future proposals regarding financial disclosure for board members, particularly those made at the start of a new governor’s administration. Almost all past initiatives in this area at both the federal and state level have been imposed at the start of a new administration before the people preparing it could fairly evaluate the need for it or its likely implications for governance.

7. GIVE GREATER ATTENTION TO THE CARE AND FEEDING OF BOARD AND COMMISSION MEMBERS

The largest area of complaint from members of boards and commissions is not about substance or policy. By and large, members felt they had access to needed information, that their views were taken seriously within their board, and that the board’s views were given appropriate attention by the governor’s office and/or appropriate department. Nor were there complaints about compensation. Members understood that they had agreed to volunteer their time.

Instead, many of the criticisms found in this survey of board members, which match those heard anecdotally from almost anyone who has ever served, are about the small indignities that led some to conclude that “the government” is poorly organized, inconsiderate and/or petty. The good news is that this set of problems can be addressed relatively easily without significant cost, policy debate or risk of controversy.

a) Create a structure to ensure good communication between the governor’s office and prospective and current board and commission members.
Throughout most administrations, the governor’s office is well organized to be responsive to the many letters, e-mails, and phone calls it receives from residents throughout the state. It needs to be at least as sensitive to, and supportive of, prospective and current board and commission members.

b) Establish a policy authorizing routine reimbursement of all board and commission members for travel costs to and from meetings, and the provision of a snack or meal as part of virtually every meeting.
This policy should be established and made known to the boards and state departments by the governor’s office.

People willing to volunteer their time to serve on a board shouldn’t also have to pay for transportation. And, as for food, the cost is small and the social benefits of breaking bread together are large. Just as in most working or social situations, giving the members of each board and commission informal coffee and lunch breaks can greatly enhance their ability to work together to address the invariably difficult and contentious issues with which they are charged.
Administrations in Trenton feel a seemingly ever-increasing need to prohibit full-time state workers from receiving any such amenities. Regardless of the wisdom of such a policy either to save funds or to avoid the possibility of abuse or public criticism, there is no reason to extend it to the volunteer members of boards and commissions.

c) Establish a policy permitting and encouraging boards and commissions to hold occasional, informal, non-voting meetings or retreats which are not open to the public.
This policy, too, should be established and made known by the governor’s office to the chairs and staff of the boards and commissions. If necessary, the Open Public Meetings Act, or its regulations, should be modified to authorize this change.

Decision-making by public boards and commissions must and should be conducted in public. The right of the press and interested public to hear issues deliberated and see them voted upon is clear. It is possible, however, to have too much openness. As applied to boards and commissions, the rules of openness can be overly restrictive in ways that inhibit a board’s effectiveness without any public benefit. A group of strangers who meet together once a month could benefit from occasionally spending time getting to know each other and informally exchanging information and perspectives about the commission on which they serve, yet New Jersey’s Open Public Meetings Act is generally interpreted as prohibiting more than half the members from ever congregating without having advertised their gathering in advance and making it open to the press and general public.

d) Create a handbook or website for members of boards and commissions.
This booklet or website should include facts and rules appointees should know about serving on state boards and commissions, as well as other relevant information about New Jersey state government. It could include rules pertaining to conflicts of interest, financial disclosure, and other ethical issues, while also explaining the general organization of state government and the place of boards and commissions within it. A document like this, prepared during the Whitman administration, proved to be very useful and was appreciated by board members at the time.

e) Convene occasional gatherings of all board and commission members with the governor.
Such gatherings would enable the governor or designee to thank board members for their service and emphasize the importance of their contribution. It also would be an opportunity for imparting information about ethics issues or other concerns the governor wants to address. These events could be held en masse in a large auditorium or divided into several smaller affairs. For example, meetings could be scheduled in several parts of the state. In any case, holding them every two years probably would be sufficient.
APPENDIX

LIST OF NEW JERSEY BOARDS AND COMMISSIONS

The following list is based on an Index of Boards and Commissions prepared by the Governor’s Appointments Office (November 4, 2002 edition). The boards and commissions have been grouped under the department to which their enabling legislation assigns them. The number of such bodies falling within each agency is listed in parentheses.

In designing the survey of board and commission members and staff for this study, the intention was to send questionnaires to all of the groups on this list except for the boards whose members receive full-time salaries and the state colleges and universities, which are indicated by a symbol (†). Unfortunately, contact information could not be found for about one-third of them. As a result, questionnaires were distributed only to the boards and commissions noted with an asterisk (*).

In addition, following the names of the 53 boards, commissions, independent authorities and public corporations listed in Governor McGreevey’s Executive Order #10 (February 28, 2002), is a note indicating that their members must submit annual financial disclosure statements.

DEPARTMENT OF AGRICULTURE (7)
* Agriculture Development Committee; Financial Disclosure required
* Agriculture, State Board of; Financial Disclosure required
* Aquaculture Advisory Council
* Development Rights Bank Board of Directors, State Transfer of Northeast Interstate Compact Commission
* Sire Stakes Program
* Soil Conservation Commission

DEPARTMENT OF BANKING AND INSURANCE (12)
* Automobile Insurance Risk Exchange Board of Directors, NJ
* Automobile Insurance Territorial Rating Plan Advisory Commission
* Banking Advisory Board
  Banking and Insurance Study Commission, Department of Community Financial Services Advisory Board
* Credit Union Advisory Council
  Homeowners Insurance Availability Advisory Committee
* Individual Health Coverage Program Board of Directors, NJ
* Licensed Lenders Advisory Board
* Pinelands Development Credit Bank
* Real Estate Commission, NJ
* Small Employer Health Benefits Program Board of Directors, NJ
DEPARTMENT OF COMMUNITY AFFAIRS (25)
* Affordable Housing, Council on; Financial Disclosure required
* Boiler, Pressure Vessel and Refrigeration Rules, Board of
* Brownfields Redevelopment Task Force
* Camden Financial Review Board
* Carnival Amusement Ride Safety, Advisory Board on
* Domestic Violence, Advisory Council on
* Domestic Violence Fatality Review Board
* Fire Protection Equipment Advisory Commission
* Fire Safety Commission
* Hispanic Women’s Demonstration Resource Centers, Advisory Board for the
* Historic Trust, NJ
* Hotel and Multiple Dwelling Health and Safety Board
* Housing and Mortgage Finance Agency, NJ; Financial Disclosure required
* Local Finance Board
* Meadowlands Commission, NJ; Financial Disclosure required
* Meadowlands Conservation Trust Board of Trustees
* Petroleum Gas Education and Safety Board, Liquefied
* Planning Commission, State; Financial Disclosure required
  Privacy Study Commission
* Recreation Examiners, Board of
* Redevelopment Authority, NJ; Financial Disclosure required
  Sexual Violence, Advisory Council Against
* Sports and Exposition Authority, NJ; Financial Disclosure required
* Sports Hall of Fame Board of Directors, NJ
* Status of Women, NJ Advisory Commission on the

DEPARTMENT OF CORRECTIONS (7)
* Adult Diagnostic and Treatment Center Board of Trustees
* Corrections, Advisory Council on
* Edna Mahan Correctional Facility for Women-Board of Trustees
* Parole Advisory Board
* Parole Board, State; Financial Disclosure required
* Prison Complex-Board of Trustees, State
  Youth Correctional Institution Complex-Board of Trustees

DEPARTMENT OF EDUCATION (11)
  Apprenticeship Committee
  Arts, The Trustees of the New Jersey School of the
  Childhood Education, Commission on Early
  Diabetes and the Schools, Task Force on
* Education Commission of the States
* Education, State Board of; Financial Disclosure required
* Holocaust Education, NJ Commission on
* Marie H. Katzenbach School for the Deaf Advisory Board
* National Service, NJ Commission on
* School Ethics Commission
  World Language Instruction Committee
DEPARTMENT OF ENVIRONMENTAL PROTECTION (40)

* Atlantic States Marine Fisheries Commission; Financial Disclosure required
  Battleship Commission, U.S.S. New Jersey
* Clean Air Council
  Clean Ocean and Shore Trust Committee
  Clean Water Council
* Delaware and Raritan Canal Commission
* Drinking Water Quality Institute
  Environmental Advisory Task Force
  Environmental Education, NJ Commission on
  Environmental Infrastructure Trust Board; Financial Disclosure required
  Environmental Quality, NJ Council on
* Fish and Game Council
* Fisheries Information and Development Center Coordinating Board
  Greenwood Lake Commission
* Historic Sites Council
* Lake Hopatcong Commission
  Lake Restoration and Management Advisory Task Force
* Landscape Irrigation Contractors Examining Board
  Liberty State Park Public Advisory Commission
* Marine Fisheries Council
* Mosquito Control Commission
* Natural Areas Council
* Natural Lands Trust
  Noise Control Council
* Palisades Interstate Park Commission; Financial Disclosure required
* Pesticide Control Council
  Pilotage, Commissioners of
* Pinelands Commission; Financial Disclosure required
  Pollution Prevention Advisory Board
* Radiation Protection, Commission on
  Radioactive Waste Advisory Council
* Radiologic Technology Board of Examiners
* Shell Fisheries Council
* Small Business Compliance Advisory Panel
* Solid Waste Management, Advisory Council on
* Tidelands Resource Council; Financial Disclosure required
* Water Supply Advisory Council
* Water Supply Authority; Financial Disclosure required
* Wetlands Mitigation Council

DEPARTMENT OF HEALTH & SENIOR SERVICES (28)

* Adolescent Pregnancy, Advisory Council on
  Aging, NJ State Commission on
  AIDS, Governor’s Advisory Council on
* Basic and Intermediate Life Support Services Training, State Advisory Board on
  Camden County Health Services Center Board of Trustees
* Cancer Prevention, Early Detection and Treatment in New Jersey, Task Force on
* Cancer Research, New Jersey State Commission on
  Certificate of Need Study Commission
* Domestic Companion Animal Council
* Drug Utilization Review Council
DEPARTMENT OF HEALTH & SENIOR SERVICES (continued)
  Elder Care, New Jersey Advisory Council on
  Emergency Medical Services for Children Advisory Council
  Health Advisory Commission, Women’s
  * Health Care Administration Board; Financial Disclosure required
  * Health Care Facilities Financing Authority, NJ
  Health Data Commission, NJ
  * Health Planning Board, State; Financial Disclosure required
  * Health Wellness Promotion Advisory Board
  Interagency Coordinating Council, State
  Lyme Disease Advisory Council, Governor’s
  * Minority and Multicultural Health Advisory Commission, NJ Office on
  * Nursing Home Administrator’s Licensing Board
  * Pain Management Policy Advisory Council, NJ
  * Physical Fitness and Sports, NJ Council on
  * Public Health Council
  * Right to Know Advisory Council
  * Spinal Cord Research, NJ Commission on
  * Youth Camp Safety, Advisory Council on

DEPARTMENT OF HUMAN SERVICES (31)
  Ancora Psychiatric Hospital-Board of Trustees
  Ann Klein Forensic Center-Board of Trustees
  Arthur Brisbane Child Treatment Center Board of Trustees
  * Blind and Visually Impaired, NJ Commission for the
  * Blind and Visually Impaired Rehabilitation Advisory Council, NJ
  * Brain Injury, NJ Advisory Council on Traumatic
  * Catastrophic Illness in Children Relief Fund Commission
  * Child Abuse and Neglect, NJ Task Force on
  * Child Fatality and Near Fatality Review Board
  * Child Life Protection Commission
  * Commodities and Services Council
  * Community Mental Health Citizens Advisory Board
  * Deaf and Hard of Hearing, Advisory Council on
  * Developmental Disabilities Council
  * Diagnostic and Treatment Advisory Council
  * Drug Utilization Review Board
  * Family Development, Board of
    Greystone Park Psychiatric Hospital-Board of Trustees
  * Human Services, State Board of
    Hunger Prevention Advisory Committee
  * Hunterdon Developmental Center Board of Trustees
    Medical Assistance Advisory Committee
  * Mental Retardation and Developmental Disabilities, Governor’s Council on the Prevention of
  * New Lisbon Developmental Center Board of Trustees
  * North Jersey Developmental Center Board of Trustees
    Senator Garrett W. Hagedorn Gero-Psychiatric Hospital Board of Trustees
    Trenton Psychiatric Hospital Board of Trustees
  * Vineland Developmental Center Board of Trustees
  * Woodbine Developmental Center Board of Trustees
  * Woodbridge Developmental Center Board of Trustees
  * Youth and Family Services Staffing and Outcome Review Panel, Division of
**DEPARTMENT OF LABOR (13)**
* Adult Literacy Education Services, State Council for
* Aliens, Council on Undocumented Apparel Procurement Board
  Disadvantaged Youth Employment Opportunities Council
* Employment Security Council
* Employment and Training Commission, State
* Independent Living Council, NJ
* Mediation, NJ State Board of
* Occupational Safety and Health Review Commission
* Public Employees Occupational Safety and Health Advisory Board
* Public Employees’ Relations Commission, NJ; *Financial Disclosure required*
* Public Employees’ Relations Commission Appeals Board, NJ
* Vocational Rehabilitation Services Rehabilitation Advisory Council, NJ Division of

**DEPARTMENT OF LAW AND PUBLIC SAFETY (22)**
* Athletic Control Board, State
* Athletic Control Board Medical Advisory Council, State
  Boat Regulation Commission
  Canvassers, Board of State
* Civil Rights, Commission on
  Criminal Activity, NJ Commission to Deter
  Domestic Security Preparedness Task Force
* Election Law Enforcement Commission, NJ; *Financial Disclosure required*
  Executive Commission on Ethical Standards
* Horse Race Injury Compensation Board, NJ
* Human Relations Council Executive Committee, NJ
  Interior Design Examination & Evaluation Committee
  Internet Registry Advisory Council, The
  Juvenile Justice Commission
  Legalized Games of Chance Control Commission
  Motorcycle Safety Education Advisory Committee
* Police Paperwork Reduction Task Force
* Police Training Commission
* Racing Commission, NJ; *Financial Disclosure required*
* State Athletic Control Board
‡ Victims of Crime Compensation Board

**DEPARTMENT OF MILITARY & VETERANS AFFAIRS (9)**
* Agent Orange Commission
* Armed Forces and Veterans’ Affairs, Council on
* Brigadier General William C. Doyle Veterans’ Memorial Cemetery Advisory Council
  Korean Veterans’ Memorial Committee
* Veterans’ Memorial Home Advisory Council-Menlo Park, NJ
* Veterans’ Memorial Home Advisory Council-Paramus, NJ
* Veterans’ Memorial Home Advisory Council-Vineland, NJ
* Veterans’ Services Council
  Vietnam Veterans’ Memorial Committee
DEPARTMENT OF PERSONNEL (3)
* Employee Awards Committee, NJ
* Equal Employment Opportunity Advisory Commission
* Merit System Board; Financial Disclosure required

DEPARTMENT OF STATE (55)
* American Indian Affairs, NJ Commission on Armistad Commission
* Arts, NJ State Council on; Financial Disclosure required
† Atlantic Cape Community College Board of Trustees
† Bergen County Community College Board of Trustees
† Brookdale Community College Board of Trustees
† Burlington County College Board of Trustees
† Camden County College Board of Trustees
† County College of Morris Board of Trustees
* Cultural Trust Board of Trustees, NJ;
† Cumberland County College Board of Trustees
Educational Opportunity Fund Board of Directors, NJ
Employment and Contracting, Governor’s Study Commission on Discrimination in
† Essex County College Board of Trustees
Ethnic Advisory Council
* Garden State Preservation Trust
† Gloucester County College Board of Trustees
* Higher Education, NJ Commission on
* Historic Trust, NJ
* Historical Commission, NJ
* Historical Records Advisory Board, NJ State
† Hudson County Community College Board of Trustees
† Institute of Technology University Board of Trustees, NJ
† Jersey City University-Board of Trustees, New
† Kean University-Board of Trustees
* Library Advisory Council, State
* Martin Luther King, Jr. Commission
† Medicine and Dentistry of New Jersey Board of Trustees, University of
† Mercer County Community College Board of Trustees
† Middlesex County College Board of Trustees
† Montclair State University-Board of Trustees
* Museum Board of Trustees, NJ State
* New Jersey Network
† Ocean County College Board of Trustees
† Passaic County Community College Board of Trustees
Prepaid Higher Education Expense Board
* Public Broadcasting Authority, NJ; Financial Disclosure required
† Ramapo College of New Jersey-Board of Trustees
† Raritan Valley Community College Board of Trustees
* Revolution Celebration Commission, The 225th Anniversary of the American
† Richard Stockton State College-Board of Trustees
† Rowan University-Board of Trustees
† Rutgers University-Board of Governors
† Rutgers University-Board of Trustees
† Salem Community College Board of Trustees
School Board of Overseers, NJ Governor’s
DEPARTMENT OF STATE (continued)
Student Assistance Authority, Board of the Higher Education
† Sussex County Community College Commission Board of Trustees
† The College of New Jersey-Board of Trustees
† Thomas A. Edison State College-Board of Trustees
† Union County College Board of Trustees
† Warren County Community College Board of Trustees
† William Paterson University of New Jersey-Board of Trustees
World Trade Center Scholarship Fund-Board of Trustees
* Youth, Coordinating Committee on

DEPARTMENT OF TRANSPORTATION (16)
Airport Advisory Committee, South Jersey Transportation Authority
Air and Space Medal Nominating Committee, Governor’s
* Blue Star Memorial Highway Council
Delaware and Raritan Canal Transportation Safety Study Commission
* Highway Authority, NJ; Financial Disclosure required
* Medical Advisory Panel
Motor Vehicle Services, Division of
* Railroad and Transportation Museum Commission, NJ
* South Jersey Transportation Authority; Financial Disclosure required
* Transit Corporation Advisory Committee, North Jersey
* Transit Corporation Advisory Committee, South Jersey
* Transit Corporation, NJ; Financial Disclosure required
* Transportation Trust Fund Advisory Board
* Transportation Trust Fund Authority, NJ; Financial Disclosure required
* Turnpike Authority, NJ; Financial Disclosure required
World War II Veterans’ Memorial Highway Committee

DEPARTMENT OF TREASURY (45)
* 9-1-1 Commission
* Alcoholism and Drug Abuse, Governor’s Council on
* Atlantic City Convention Center Authority; Financial Disclosure required
* Building Authority, NJ; Financial Disclosure required
* Capital City Redevelopment Corporation; Financial Disclosure required
Capital Sources Board, New
* Casino Control Commission; Financial Disclosure required
* Casino Reinvestment Development Authority; Financial Disclosure required
Casino Revenue Fund Advisory Commission
Citizens Committee on Permit Coordination
* Commerce and Economic Growth Commission Board of Directors, NJ
Construction Trade Training Council
Corporation Business Tax Study Commission
Dredging Project Facilitation Task Force
Economic Advisors, NJ Council of
* Economic Development Authority, NJ; Financial Disclosure required
Economic Development Site Task Force
* Educational Facilities Authority, NJ
Export Finance Company Advisory Council
Free Cuba Task Force
* Garden State Preservation Trust
Geographic Information Council, NJ
DEPARTMENT OF TREASURY (continued)

Health Service Corporation Conversion Temporary Advisory Council
Information Technology Governing Board, Office of
* Investment Council, State
* Local Mandates, Council on
* Lottery Commission, State; **Financial Disclosure required**
* Motion Picture and Television Development Commission
* Pension and Health Benefits Review Commission
* Police and Firemen’s Retirement System of New Jersey Board of Trustees
* Prosperity New Jersey Commission
* Public Employees’ Retirement System Board of Trustees
‡ Public Utilities, NJ Board of
* Sales and Use Tax Review Commission
* Science and Technology, NJ Commission on; **Financial Disclosure required**
* Small Businesses, Minorities and Women’s Enterprises, NJ Development Authority for
* South Jersey Port Corporation; **Financial Disclosure required**
* State Police Retirement System of New Jersey Board of Trustees
* Teachers’ Pension and Annuity Fund Board of Trustees
  Tobacco Settlement Financing Corporation
* Tourism Advisory Council, NJ
* Urban Enterprise Zone Authority, NJ; **Financial Disclosure required**
  Vehicle Task Force, NJ Advanced Technology
* Veterinary Medical Education Advisory Committee
  World Trade Center Victims Memorial Commission, NJ

PROFESSIONAL BOARDS (in but not of the Division of Consumer Affairs in the Department of Law and Public Safety)
* Accountancy, NJ State Board of
* Acupuncture Examining Board
* Alcohol and Drug Counselor Committee
* Architects, NJ State Board of
* Architects and Engineers, Joint Committee of
* Athletic Training Advisory Committee
* Audiology and Speech Language Pathology Advisory Committee
* Cemetery Board, NJ
* Chiropractic Examiners, State Board of
* Cosmetology and Hairstyling, NJ State Board of
* Dentistry, NJ State Board of
* Electrologists Advisory Committee
* Examiners of Electrical Contractors, Board of
* Fire Alarm, Burglar Alarm and Locksmith Advisory Committee
* Hearing Aid Dispensers Examining Committee
* Home Inspection Advisory Committee
* Landscape Architect Examination and Evaluation Committee
* Marriage and Family Therapy Examiners, State Board of
* Massage, Bodywork and Somatic Therapy Examining Committee
* Master Plumbers, State Board of Examiners of
* Medical Examiners, State Board of
* Medical Practitioner Review Panel
* Mortuary Science of New Jersey, State Board of
* Nursing, NJ Board of
PROFESSIONAL BOARDS (continued)

* Occupational Therapy Advisory Council
* Ophthalmic Dispensers and Ophthalmic Technicians, State Board of Examiners of
* Optometrists, NJ State Board of
* Orthotics and Prosthetics Board of Examiners
* Perfusionists Advisory Committee
* Pharmacy, Board of
* Physical Therapy, State Board of
* Physician Assistant Advisory Committee
* Professional Counselor Examiners Committee
* Professional Engineers and Land Surveyors, State Board of
* Professional Planners, State Board of
* Psychoanalysts Advisory Committee
* Psychological Examiners, State Board of
* Real Estate Appraiser Board, State
* Respiratory Care, State Board of
* Shorthand Reporting, State Board of
* Social Work Examiners, State Board of
* Veterinary Medical Examiners, State Board of

“SPECIAL” (Governor’s office classification)

Animal Welfare Task Force
Asian American Commission, Governor’s
Beach Erosion Commission, State
Blue Cross and Blue Shield, Inc. of New Jersey-Board of Directors
Budget Efficiency Savings Team Commission
Camden Board of Education
Capital Budgeting and Planning, NJ Commission on
Capital District Oversight Committee
Capitol Joint Management Commission, State
Character Education Commission, The New Jersey
Continuing Care Advisory Council
* Corporate and Business Law Study Commission, NJ
* Delaware River Basin Commission; Financial Disclosure required
* Delaware River and Bay Authority; Financial Disclosure required
* Delaware River Joint Toll Bridge Commission; Financial Disclosure required
* Delaware River Port Authority; Financial Disclosure required
* Delaware Valley Regional Planning Commission; Financial Disclosure required
Drivers Distractions and Highway Safety, Task Force on
* Economic Recovery Board for Camden, State
* Ellis Island, Advisory Committee on the Preservation and Use of
Faith-Based Initiatives, Advisory Commission on
Fix DMV Commission
Gifted Students, NJ Commission on Programs for
Governor’s Records Council
Health Care in New Jersey, Task Force on the Affordability and Accessibility of
Health Emergency Planning, Governor’s Task Force on Public
* Health Science, Education and Training, Commission on
Hispanic Advisory Council for Policy Development, Governor’s
Hispanic Affairs, Advisory Commission on
* Humanities, NJ Council for the
Information Resources Management Commission, NJ
“SPECIAL” (continued)

Intergovernmental Relations Commission, NJ
* Interstate Environmental Commission; Financial Disclosure required
  Investigation, State Commission of
  Investigation, Committee to Review the State Commission of
* Juvenile Justice and Delinquency Prevention Advisory Committee
  Landlord-Tenant Task Force
  Motor Vehicle Services, Division
  Northeast Interstate Low-Level Radioactive Waste Commission; Financial Disclosure required
  New Jersey-Israel Commission
  North Jersey District Water Supply Commission; Financial Disclosure required
* North Jersey Transportation Planning Authority
  Nursing in New Jersey, Advisory Council to Promote the Profession of
  Outdoors, Governor’s Council on New Jersey
* Oyster Industry Revitalization Task Force
  Parents’ Education Program Advisory Committee
* Passaic Valley Sewerage Commission; Financial Disclosure required
  Port Authority of New York and New Jersey; Financial Disclosure required
  Port Authority Trans-Hudson Corporation
  Ports of Philadelphia and Camden-Board of Directors
* Public Library Construction Advisory Board
  Public Officers Salary Review Commission
  Public Schools, Commission on Business Efficiency in the
* Racing Industry Study Commission
  Regional Impact Council
  Regulatory Impact Analysis Advisory Task Force
  Renewable Energy Task Force
  Revenue Forecasting Advisory Commission, State
  Schools Corporation-Board of Directors
  Schools Construction Corporation-Board of Directors, NJ
  Teacher Advisory Committee, Governor’s
  Ticket Brokering Study Commission
  Toll Road Consolidation Commission
  Uniform Legislation, Commission on
* Volunteering and Community Service, Governor’s Advisory Council on
  Waterfront and Airport Commission of New York and New Jersey
  Waterfront Commission of New York Harbor; Financial Disclosure required
* Workplace Violence, Task Force on
* Youth Advisory Council, Governor’s
It would have been desirable to begin this report by placing New Jersey’s use of volunteer boards and commissions in a historic and national context. Have there always been such bodies? Do they tend to be created during times of greater government activism such as the New Deal in the 1930s and the environmentally active 1970s or has their use ebbed and flowed because of other factors? Are they relied upon more in some states than others? Do some states tend to grant them more decision-making power than others? Do members receive more or less compensation in some states? And so on.

Unfortunately, these questions must wait to be examined another day, since it appears that few, if any, analyses of boards and commissions in government have been undertaken, at the national or state level. A few relevant publications are cited throughout this study and noted below.

**NEW JERSEY**


This commission examined 387 boards active in New Jersey state government in 1990, which together had 5,300 members, and 2,300 staff including 93 executive directors. Most of its specific suggestions — that 147 or 38% of the groups be eliminated or consolidated — were carried out. Not implemented, however, was the recommendation that the process it started “continue on a periodic basis to assure the continued relevance of each of these bodies and to discourage their renewed proliferation.” (page 7)

Future reviews of boards and commissions might benefit from a broader mandate than the emphasis on cost savings that was explicit in Governor Florio’s Executive Order #7 creating a Management Review Commission: “Whereas it is vital to the economic health and prosperity of the State of NJ that public services be provided in a sound, efficient and economical manner and that the people of this State be assured of the wise expenditure of their tax dollars.” In addition to assessing which boards should be eliminated or consolidated, attention should be given to determining what types of support or change individual boards and commissions need to better fulfill their mission and whether there are types of more general support or change that would be of benefit to multiple boards and commissions.


A vibrant and detailed account of New Jersey’s most recent Constitutional Convention, reported by a member of the convention staff who went on to direct the Rutgers University Center for Government Services and is now Professor Emeritus there.
NATIONAL


In this study examining boards and commissions in 15 small cities in Ohio, John R. Baker, a political science professor at Wittenberg University, notes that these types of groups receive “little or no fanfare, public scrutiny, or media attention” and “essentially have been ignored by political scientists.” Baker adds, “What is clearly lacking in the political science literature is empirical research that probes the answers to some basic questions about small-town boards such as “How do they operate?” “Who are the members and how are they recruited?” “What motivates citizens to serve on boards?” and “What factors can explain or predict these motivations?”


This book, aimed at members of state boards and commissions in North Carolina, was apparently initiated and written at the University of North Carolina without an impetus from the state government. It would be a good starting point, however, for a publication prepared by New Jersey or other states. While the book cites the “long and distinguished tradition of using citizen boards, commissions, and councils as policy makers and as advisors to state government” in North Carolina, its author too seems to have found little specific history, noting only that this tradition “has been a strong undercurrent theme in state government at least since the 1950s, and its earliest origins go back even further.” (page vii)


While no one would suggest that the time required to confirm nominees in New Jersey is as problematic as the presidential appointment process has become, it is instructive to consider how dramatically expectations at the national level have fallen. In this study, Light of the Brookings Institution and Thomas of The Heritage Foundation note that, “A nomination and confirmation process lasting more than six months was nearly unheard of between 1964 and 1984,” when 48% of the participants they surveyed said it took only one or two months. During the following 15 years, however, from 1984 to 1999, 30% of the federal nominees reported a confirmation process of more than half a year and only 15% said it took two months or less. Not surprisingly, the percentage of federal nominees who found the confirmation process “reasonable and appropriate” declined from 56% during the Reagan administration to 35% during Clinton’s.

Light and Thomas also found that the percentage of nominees who considered the White House to be “too demanding, making the process an ordeal” rose from 17% in the Reagan administration to 24% during George H.W. Bush’s presidency, and then to 40% during Clinton’s terms. For the U.S. Senate, these figures rose from 35% under Reagan to 40% under Bush and 57% under Clinton. Similarly, the number of potential nominees who found the process “reasonable and appropriate” declined from 78% for the White House and 56% for the Senate during Reagan’s years to 51% and 35% during Clinton’s. Also, see Endnote #9.

“We can draw no other conclusion from our findings,” writes Mackenzie and Hafken, but that much of what now constitutes ethics policy is overkill or misses its target or imposes costs that greatly outweigh any real or potential benefits.” (page 164) This book, while focused on fulltime employees of federal government, has information and arguments that should at least be considered for relevance to state government in New Jersey and elsewhere, and for requirements for boards and commission members. On the topic of financial disclosure, they write, “We do not believe that the goal of government integrity would suffer any great loss if all financial disclosure requirements were eliminated. We find little persuasive evidence that financial disclosure alters the perceptions of public officials or enables better detection of misbehavior. We have found, however, that financial disclosure is a painful requirement deeply disliked by nearly all who endure it and sufficient in some cases to deter able people from entering public service…. More than that, it nourishes some of Washington’s worst political impulses by giving an administration’s enemies fodder for attacks on its members – attacks that not only wrongly damage the reputations of appointees but also undermine valuable public support for the president.”


The process Nathan describes for obtaining full-time high-level, though often short-term, jobs at the federal level, has similarities with the experience of people seeking appointment to boards and commissions in New Jersey. See quote in Endnote #7.
ENDNOTES

1. See this report’s Annotated Bibliography.

2. Examples include the Governor’s Council on Alcoholism and Drug Abuse, 97 local housing authorities, 21 county boards of taxation, and 21 county boards of election.

3. The mailing included a cover letter and copy for each of the board or commission members and a separate shorter questionnaire for the staff person. The 261 commissions receiving this request were those for which it was possible to determine an appropriate mailing address and staff contact. For 35% of the boards, this information was not found despite a search that included contacting the commissioner’s office of the relevant State departments.

4. One state agency – the Division of Consumer Affairs in the Department of Law and Public Safety – chose to collect questionnaires from many of the professional boards under its purview and return them en masse. Although two individual board members contacted Eagleton to express their fears that the Division might be engaging in some form of censorship or screening, the concern, though understandable, seems unfounded. Data from these questionnaires was tabulated separately but the only notable distinction was a slightly higher rate of return than from among the total population of board members.

5. Governor’s Management Review Commission; Operational Review of Boards, Commissions and Advisory Bodies; Office of Governor James J. Florio; Trenton, NJ; December 21, 1990; page 1.

6. Richard P. Nathan, in his 2002 *Handbook for Appointed Officials in America’s Governments* (see Annotated Bibliography), which is directed to full-time high-level, though often short-term, jobs at the federal level, writes:

   The key phrase is if the stars are aligned. You have to be at the right point in your career, knowledgeable about the pertinent subjects, and politically positioned so that your ideas and values fit the proclivities of appointing officials. This is not something you can plan ahead with any great precision for the obvious reason that no one can predict the often ephemeral shifts in politics and in political values. You can be ready. You can make useful contacts and build networks that will aid you…. (page 22)

7. Percentages cited throughout this report from the questionnaire the Eagleton Institute sent to members and staff directors of New Jersey boards and commissions are based on the number of people who responded to the particular question rather than the total number returning questionnaires. In this case, for example, 11 of the 691 survey respondents left this question blank, so the percentages are based on a total of 680 rather than 691.

8. While no one would suggest that the time required to confirm nominees in New Jersey is as problematic as the presidential appointment process has become, it is instructive to consider how dramatically expectations at the national level have fallen. In their 2000 study, Paul C. Light of the Brookings Institution and Virginia L. Thomas of The Heritage Foundation note that, “A nomination and confirmation process lasting more than six months was nearly unheard of between 1964 and 1984.” (page 8). (See Annotated Bibliography.)

10. Since New Jersey has 40 legislative districts and 21 counties, it is inevitable that many counties will fall within more than one district. It is nevertheless impressive to note how many Senators (and Assembly members) represent parts of the same counties. This list is based on the legislative redistricting after the 2000 census that has shaped New Jersey legislative districts until the 2011 elections:

- Counties Contained Within One Legislative District - 4
  - Cape May, Salem, Sussex, Warren

- Counties Divided Between Two Legislative Districts - 2
  - Cumberland, Hunterdon

- Counties Divided Among Three Legislative Districts - 4
  - Atlantic, Gloucester, Hudson, Ocean

- Counties Divided Among Four Legislative Districts - 5
  - Burlington, Camden, Mercer, Somerset, Union

- Counties Divided Among Five Legislative Districts - 3
  - Monmouth, Morris, Passaic

- Counties Divided Among Six Legislative Districts - 1
  - Middlesex

- Counties Divided Among Seven Legislative Districts - 2
  - Bergen, Essex

11. The date for which these vacancy rates were examined, July 2002, was picked at random. Since a new governor had been in office only six months at that time, it is possible that the vacancy and expiration rates are somewhat higher than they would be later in an administration when the staff is more experienced and organized.


13. Comment by a board member who was replaced, involuntarily, after eight years of service.

14. In September 2002, the New Jersey State Website was ranked as the second best (behind only Tennessee) of the 50 states by the Taubman Center for Public Policy and American Institutions at Brown University. The rating, contained in the third annual *State and Federal E-Government in the United States 2002*, is based on criteria including accessibility and availability of specific features and content. (Eagleton Institute Electronic Democracy Project, www.eagleton.rutgers.edu.)
15. The Fourth Quarter 2003 Vacancy Report, available on the Florida state website, is a 24 page list of positions on boards and commissions with sufficient information to help a potentially interested person decide if they might be interested in asking to be considered. Four excerpts from a typical page from the report follow:

BOARD: Florida Building Commission
TERM: 4 years; Confirmation Required: Senate
DESCRIPTION: The Board makes a continual study of the State Minimum Building Codes and other laws relating to the construction of buildings and advises on new technologies, techniques and construction material.
QUALIFICATIONS: Neither the architect nor any of the engineers listed above shall be engaged in the manufacture, promotion, or sale of any building materials.
POSITION: A representative of the building owners & managers industry, engaged in commercial building ownership or management.

BOARD: Board of Trustees, Florida School for the Deaf and the Blind
TERM: 4 years; Confirmation Required: Senate
DESCRIPTION: The Board has complete jurisdiction over the management of the school and acts under the supervision and general policies adopted by the State Board of Education.
QUALIFICATIONS: Each member shall have been a resident of Florida for at least ten years.

BOARD: Florida Statewide Advocacy Council
TERM: 4 years; Confirmation Required: None
DESCRIPTION: The council shall serve as a third-party mechanism for protecting the constitutional and human rights of any client within a program or facility operated, funded or regulated by any state agency.
QUALIFICATIONS: The council shall consist of 15 residents of this state, one from each service area designated by the statewide council. Vacancies not filled by the Governor in 60 days shall be filled by the Council. A member may not serve more than 2 full consecutive terms.

BOARD: Diabetes Advisory Council
TERM: 4 years; Confirmation Required: None
DESCRIPTION: The Council advises and consults with deans of medical schools and the Secretary of Department of Health in developing overall policy and procedures to establish a statewide health care delivery system for diabetes.
QUALIFICATIONS: Governor appoints 25 members with advice from the Secretary of Health. Members are appointed for 4 year terms. Council elect chairman.


19. The Executive Commission on Ethical Standards has not requested such information (Letter from Executive Director Rita L. Strmensky to John Weingart, August 25, 2003) and the author has found no evidence of requests from the Governor’s office.

20. This is far more positive than the perception of financial disclosure and conflicts of interest laws reported by federal appointees in the Brookings/Heritage study, where 37% thought they go too far or are not very reasonable compared with 41% who experienced them as “reasonable measures to protect the public interest.” In addition, while 45% of the federal officials found the forms not difficult to complete, 32% said they were somewhat or very difficult. (Paul C. Light and Virginia L. Thomas; pages 13-14 (See Annotated Bibliography.)


22. G. Calvin Mackenzie with Michael Hafken; op. cit.; page 153.

24. Author’s note: This recommendation is based, in part, on my experience directing the State’s Low-Level Radioactive Waste Disposal Facility Siting Board. The board was charged by the legislature with finding a place in New Jersey at which a disposal facility could be safely located. A number of individuals and organizations believed no such site could possibly exist and were actively working to see the board fail. For the board to hold all its discussions in the presence of its dedicated opponents was to all but guarantee that it would not succeed. It would not have been able to discuss strategy or evaluate options without the fear that any utterance could end up widely distributed to the press, websites and listservs, and ultimately in court challenges. To appoint a group of citizens to address a public problem and then allow them to meet in private need not be inconsistent with open government provided they deliberate and vote in public before taking any action. To be clear, the failure of the Low-Level Radioactive Waste Siting Board was due to other factors, but had the board come closer to selecting a site in New Jersey, it would have needed to maintain an ability to deliberate in private to have had any chance of succeeding at the mission it had been given by the legislature.

25. See Annotated Bibliography.


27. A more extreme example was a provision in P.L. 1998, c.110, the law establishing a School Transportation Study Commission, that required one member to be “a representative of a jointure commission.” According to Lori O’Mara-Van Driesen, director of public information for the Office of Legislative Services, “only the drafter could point to another section of the law that defined that term.” (Letter to John Weingart, October 3, 2003.)
John Weingart has been Associate Director, Eagleton Institute of Politics at Rutgers University since 2000. Previously, he served in New Jersey state government for 23 years during the administrations of two Democratic and two Republican governors. His posts included assistant commissioner of the New Jersey Department of Environmental Protection and director of its Division of Coastal Resources, and executive director of the state's Low-Level Radioactive Waste Disposal Facility Siting Board. His book based on the later experience, *Waste Is A Terrible Thing To Mind: Risk, Radiation, and Distrust of Government*, was published in 2001.