

# Effective Cross-Jurisdictional Collaboration *Governance is Critical!*



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NAS CIO recognizes that cross-jurisdictional collaboration is a wave for the future that will only grow in emphasis. NAS CIO partners with TechAmerica and Grant Thornton to conduct annual surveys of the state CIOs in order to provide a channel for state CIOs to express their thoughts and opinions on state government priorities. The 2011 survey report titled *A New C4 Agenda* covered eleven key topics. “C4” refers to *Consolidation, Collaboration, Clout and Change*. Four words that describe the priority challenges and opportunities facing state CIOs. This report included a section on *governance*. Most states have an IT governance body whose responsibility is to represent the entire executive branch of state government in any IT decision making. The survey asked CIOs to identify the functions of their state IT governance bodies. The results are presented in Table 3 of the survey report.



**Table 3:**  
IT governance body functions ranked in order of mention  
by respondents

Item	Percent
Align IT with strategic business goals and objectives	55%
Make decisions regarding enterprise IT policy	53%
Set enterprise architecture and standards review process	53%
Evaluate and approve IT investments based on alignment to strategy, capability to deliver promised benefits and risk	51%
Determine IT investment and funding approaches	39%
Monitor and evaluate implementation of approved IT projects	39%
Engage with political leaders to support policies that use IT to support economic growth and the quality of life for the state as a whole	29%
Measure and evaluate the performance of enterprise IT services	29%

NAS CIO launched its Cross-jurisdictional Collaboration Working Group in 2012 and re-chartered it in 2013 in order to explore and learn about effective collaboration and critical success factors in state and local government. The strategic intent of this initiative is to discover best or emerging practices in order to develop guidance for creating and sustaining effective intra- and inter-jurisdictional collaborative arrangements.

In 2012 the working group focused on assessing the current state of collaborative arrangements across the states. Through discussions with various collaboratives across the country and NAS CIO members, the

working group set about identifying successful collaborations and delving into what made them successful. NASCIO created a 9 element outline for describing successful collaboratives and framed a number of scenarios into this outline for publishing on its webpage for highlighting collaborative scenarios. This outline was expanded in 2013 to include a 10th element - *governance*.

(see <http://www.nascio.org/advocacy/collaboration/>)

As NASCIO reviewed successful collaboratives, *governance* continually surfaced as an *essential ingredient* for effective sharing of government information and services and effective employment of technology across two or more enterprises. This is no surprise. NASCIO has long advocated for establishing and nurturing governance. In the NASCIO Enterprise Architecture Tool-Kit version 3.0 governance frameworks comprised an entire section for recommended effective enterprise architecture.<sup>1</sup>



For many collaboratives, governance is fairly simple. For others that had started with a single shared solution, service or concept in the beginning, a well articulated governance model becomes more essential as arrangements become more mature and sophisticated entailing more members, more initiatives, and the potential necessity for cost-sharing models. Early governance may not even be formalized in any type of document. Rather, very

simple arrangements between organizations often involve contributing time and resources to a common initiative without a formal agreement. Going forward, the growth in scope and complexity of the collaborative must not be allowed to outstrip the capacity of the governance structure. Such circumstance can precipitate unanticipated, and even disastrous, outcomes. There may be the necessity for a more deliberate governance that is explicitly specified through some type of formal agreement. Governance is created and specified in a constitution (e.g., the United States Constitution), a charter, a memorandum of understanding, an interstate compact<sup>2</sup>, or other means. Governance is then kept current and relevant with certain bylaws specifying a process for making modifications to organization and decision-making.

## What is governance and what does effective governance look like?

Governance is really all about *decision rights* - *who* makes decisions, and *how* those decisions are made. Governance establishes *who* has a seat at the table; *who* has a say - *who* must *approve* versus *who* has *input*; *when* in a process are decision makers convened; *what* triggers the necessity of a “meeting of the minds” - regarding *policy, action, direction, investment, scope, accountability, and assignment of commitments*. Further, as presented in past publications by NASCIO, governance establishes *different*



authorities and *levels of authority depending on the type of decision* being made. Policy decisions, business decisions, technology decisions, procurement decisions - all have different authority profiles - that is, *who* has the predominant responsibility for approval versus *input*.

Governance is implemented through a decision making body (e.g. a board, council, steering committee) that exercises a structured process that ensures alignment of decisions with the strategic intent of the enterprise, articulates the enterprise policy and communicates investment decisions. Strong and effective governance is even more important in tough budget times or when the resources employed are material from a financial perspective. Future

Power tends to corrupt. Absolute power corrupts absolutely.  
Lord Acton

success of a collaborative demands that governance effectively and consistently ensures appropriate strategy, principles, standards, visibility, investment, prioritization and oversight<sup>3</sup>. Governance *must*

include checks and balances - and transparency - to ensure: decision makers are maintaining *line of sight traceability* back to the strategic intent of the enterprise and are performing on behalf of their constituents; there is appropriate risk management; and decision makers *maintain accountability*. Proper *governance* controls - i.e., checks and balances - ensure those that have been given authority to make decisions and commit resources do not move beyond the bounding and scope of authority intended by the community or constituency they are in place to represent. *If proper governance is working* - there is little opportunity for corruption, abuse, misrepresentation, or inappropriate use of authority and funds. *If governance is working* - there is appropriate management of risk and thoughtful evaluation of potential and real primary and secondary effects related to any given available alternative. *If governance is working* - resources are allocated effectively and efficiently and decisions are made in a timely manner. *If proper governance is working* - potential conflict of interest is addressed, constituents have confidence in their government, their enterprise, and their leaders.

Therefore effective governance includes effective audit of policy, process, programs, management initiatives and projects to ensure relevant performance metrics are established to measure and transparently report on real outcomes. And, that there are mechanisms for making course corrections as necessary so that programs, management initiatives and projects serve their intended purpose.

## A Few Examples of Effective Governance

### *Examples of Effective Governance - The Global Justice Information Sharing Initiative<sup>4</sup>*

Global is one of the most long standing and successful examples of *cross jurisdictional collaboration* in the country. Operating under the guidance and support of the Bureau of Justice Assistance (BJA; [www.bja.gov](http://www.bja.gov)), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ), Global achieves success through the efforts of its Global Advisory Committee (GAC) and associated working groups, councils, and task teams. In 1998,



frustrated by the inability to effectively share information across justice domains (particularly in the wake of the Ruby Ridge and Branch Davidian incidents), then-U.S. Attorney General Janet Reno chartered the GAC. The Committee was carefully structured, functioning as a unique partnership of justice-interested leaders, critical mission partners and industry. The committee serves as *the* Federal Advisory Committee to the nation's chief law enforcement officer on the advancement of appropriate, standards-based sharing of timely, accurate, and complete information in a secure and trusted environment *across jurisdictions*.

Global has established clearly articulated mission, vision, guiding principles, goals and objectives. These elements comprise explicit strategic intent that drives every initiative and every project. Through highly transparent reporting, it maintains accountability to the US Department of Justice, member organizations, and ultimately - *citizens*. The membership itself is a comprehensive list of public safety organizations and includes associations that have a broader perspective on government (*e.g.*, NASCIO, NGA, NCSL). Industry plays an important *non-voting* role in not only supporting Global's efforts but in adopting and employing Global standards in serving federal, state, local and tribal government.

In 2013 there are more than 31 powerful membership organizations and agencies from across the justice landscape at all levels of government that contribute at the Global Advisory Council (GAC) table. Each representative has an equal opportunity and an equal responsibility to participate in GAC activities, and through this consensus process, to give voice and vote to his/her constituency's viewpoints on Global's formal recommendations to DOJ leadership and colleagues in the field. Fundamental to the success of and respect for this tenet of participatory involvement is the careful balancing of the GAC membership. Therefore, committee membership is periodically adjusted to effectively meet the changing justice environment.

Generally, the Global working groups, councils, and task teams take the initial steps to tackle the identification of research related to and development of solutions addressing priority justice issues that have challenged effective justice information sharing. These recommendations are then brought before the GAC membership for formal vote and further action by Global, DOJ, or members in the field, as appropriate. These supporting groups are composed of GAC members and various other organizations from not only the broader justice community but also non-justice, national, and international organizations, expanding the GAC's knowledge and experience on specific issues by providing subject-matter expertise.

Because the GAC is a Federal Advisory Committee, some processes and structures are necessarily established by the Federal Advisory Committee Act (FACA; [www.gsa.gov/faca](http://www.gsa.gov/faca)). One of the FACA cornerstones—transparency—is inherently included in Global's commitment to collaboration and a participatory consensus process. For example, prior to delivering GSC-recommended standards to the GAC for formal voting, any interested party—from the justice community at-large and beyond—can review the deliverables and provide comments.<sup>5</sup>

The GAC convenes twice a year (in the spring and fall) in the Washington, DC, area. Meetings are announced in the Federal Register ([www.federalregister.gov](http://www.federalregister.gov)).

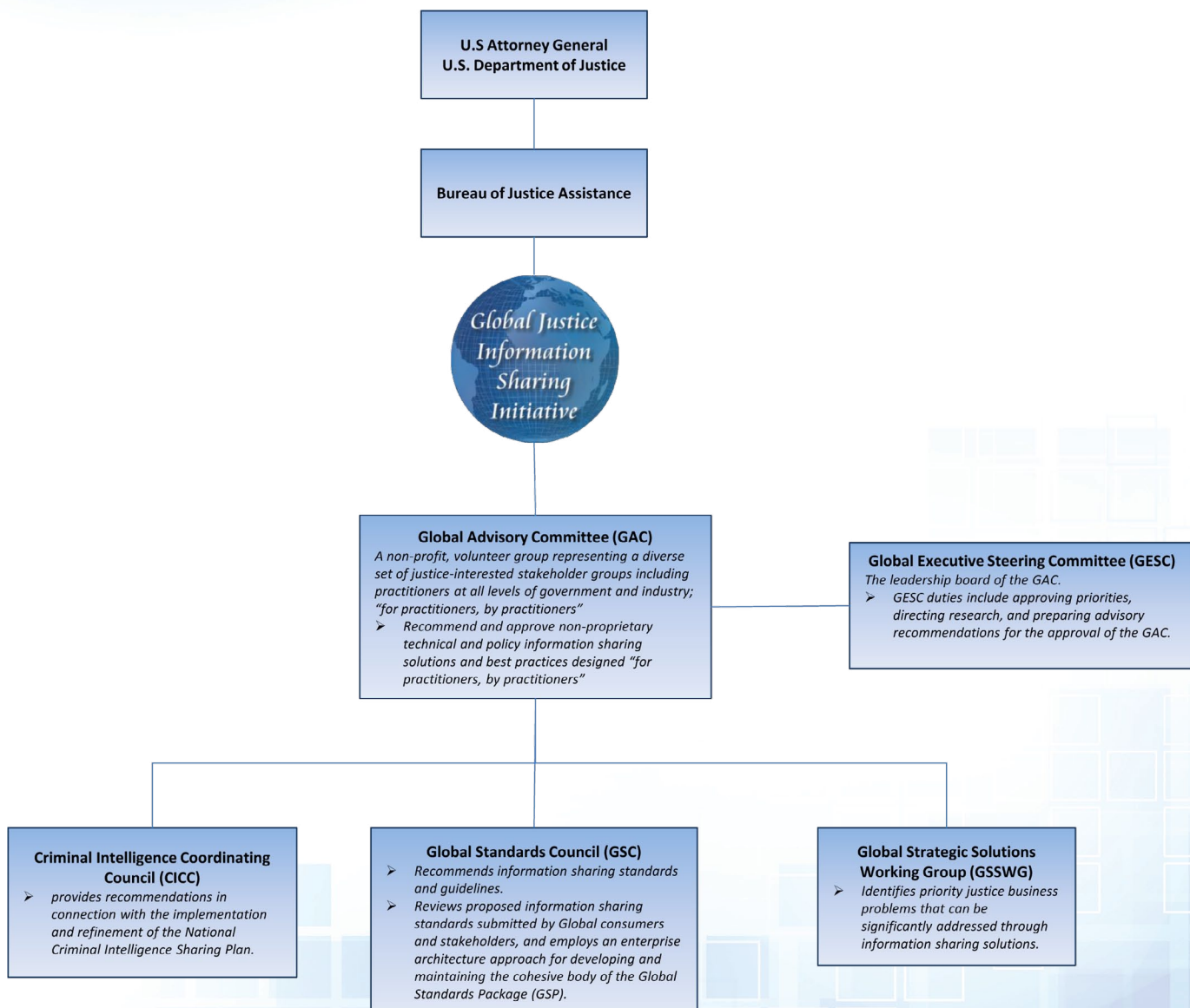


[gov](#)) and observers are welcome. For more information about the Global Initiative, available resources, or to be added to the GAC invitation list, contact [global@iir.com](mailto:global@iir.com).

Additional Global governance resources:

- [Global organizational structure/chart](#) and [GAC membership chart](#)<sup>6</sup>
- [Global Briefing Booklet](#)<sup>7</sup>
- Global's [Strategic Solutions to Transform Our Nation's Justice and Public Safety Information Sharing](#)<sup>8</sup>
- Global [Bylaws](#)<sup>9</sup>

For access to Global-recommended policy and technical solutions, visit the Global Information Sharing Toolkit ([GIST](#); [www.it.ojp.gov/gist](http://www.it.ojp.gov/gist)) and the Global Standards Package ([GSP](#); [www.it.ojp.gov/gsp](http://www.it.ojp.gov/gsp)) pages.



## Examples of Effective Governance - Local Government Information Systems (LOGIS)

LOGIS is a Joint Powers, intergovernmental consortium of Minnesota local government units. The mission of LOGIS is to “Facilitate leading-edge, effective and adaptable public sector technology solutions through the sharing of ideas, risks, and resources in a member-driven consortium.”

The LOGIS consortium is controlled by its members. LOGIS’ Board of Directors is composed of one representative from each agency. All funding decisions are controlled by the members through:

Joint Powers: A contract between a city and a county and a special district in which the city or county agrees to perform services, cooperate with, or lend its powers to, the special district.

- an annual budget,
- an annual work plan,
- and by action of an Executive Committee, acting as officers of the Board. This committee meets quarterly and establishes operating policies, sets service charges, and approves expenditures.

LOGIS was founded in 1972 by seven cities - Golden Valley, Crystal, Eden Prairie, Edina, St. Louis Park, Coon Rapids and Brooklyn Center - that were looking to pool resources and save taxpayer dollars. LOGIS currently has 45 member organizations and serves more than 1.2 million residents all over Minnesota.

Governance for LOGIS has maintained a fairly simple arrangement. Advice for other collaboratives - *keep it simple* - sometimes less is more! However, the governance model in place ensures every member has a seat at the table. Therefore, it will expand and contract as members are added or leave the collaborative. The voice of members is always maintained.

Cost sharing is transparent, well understood, and administered so it is fair to all. Two attributes of the cost sharing - *transparency and fairness* - help ensure sustainability going forward. Beyond cost sharing, LOGIS has established *trust* within its membership - another absolute that is key to effective collaboration.

LOGIS has proven itself over the years as an effective collaborative in bringing together local governments to solve common problems, lower the cost of information technology services, and deliver value to its member organizations. LOGIS is a forward looking organization that continues to evaluate opportunities for “joining up.”

## A Principles for Governance Frameworks - The OECD

The Organization for Economic Co-operation and Development (OECD) came into existence in the early 1960’s with the following elements that comprise its mission:

- to achieve the *highest sustainable economic growth* and

*employment and a rising standard of living in member countries, while maintaining financial stability, and thus to contribute to the development of the world economy;*

- to contribute to *sound economic expansion* in member as well as non-member countries in the *process of economic development*; and
- to contribute to the *expansion of world trade* on a multilateral, non-discriminatory basis in accordance with international obligations.

One of the most important references coming out of this collaborative is the *OECD Principles of Governance*<sup>10</sup> which is widely referenced as the standard for creating governance.

The principles fit into what may be referred to as a structure or framework of areas.

We have discussed governance. But the call for action is to implement *effective governance*. The effectiveness of governance and its specific implementation is evidenced by the attitude and confidence of the constituents - whether they are citizens, government agencies, or investors. These principles remain consistent. The term *shareholder* as used by OECD can be interchanged for our purposes with the term *stakeholder*.

#### The main areas of the OECD Principles

##### **I. Ensuring the basis for an effective corporate governance framework**

*The corporate governance framework should promote transparent and efficient markets, be consistent with the rule of law and clearly articulate the division of responsibilities among different supervisory, regulatory and enforcement authorities.*

##### **II. The rights of shareholders and key ownership functions**

*The corporate governance framework should protect and facilitate the exercise of shareholders' rights.*

##### **III. The equitable treatment of shareholders**

*The corporate governance framework should ensure the equitable treatment of all shareholders, including minority and foreign shareholders. All shareholders should have the opportunity to obtain effective redress for violation of their rights.*

##### **IV. The role of stakeholders in corporate governance**

*The corporate governance framework should recognise the rights of stakeholders established by law or through mutual agreements and encourage active co-operation between corporations and stakeholders in creating wealth, jobs, and the sustainability of financially sound enterprises.*

##### **V. Disclosure and transparency**

*The corporate governance framework should ensure that timely and accurate disclosure is made on all material matters regarding the corporation, including the financial situation, performance, ownership, and governance of the company.*

##### **VI. The responsibilities of the board**

*The corporate governance framework should ensure the strategic guidance of the company, the effective monitoring of management by the board, and the board's accountability to the company and the shareholders.*

Embracement of these principles is not enough. Leadership and management must be trustworthy, accepting their role as one of fiduciary responsibility not one of personal gain. Again, the general confidence of constituents in leadership and management is a strong indicator of the effectiveness of governance. Therefore, effective governance must include an effective means for removing leadership that are acting in their own personal interests and replacing that leadership with people who embrace their fiduciary role as agents acting on behalf of the constituents. Ineffective governance is evidenced by difficult or even impossible means for removing leadership who are not acting in the best interest of all of the stakeholders.

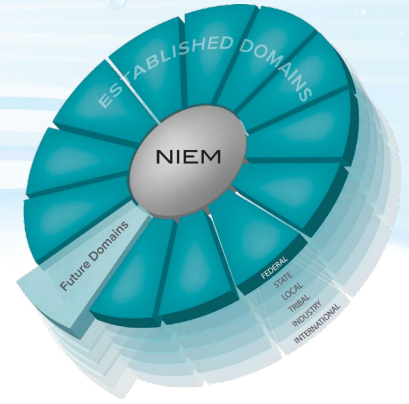
How can intra- and inter-jurisdictional collaboratives ensure proper governance? Fully engage and employ the OECD principles is a good starting point.



### ***Examples of Effective Governance - The National Information Exchange Model***

NIEM is a community-driven, government-wide, standards-based approach to exchanging information.<sup>11</sup> Diverse communities can collectively leverage NIEM to increase efficiencies and improve decision-making. Used in all 50 states at varying levels of maturity, NIEM is available to everyone. It includes a data model, governance, training, tools, technical support services, and an active community to assist users in adopting a standards-based approach to exchanging data.

The NIEM data model consists of two sets of closely related vocabularies: *NIEM Core* and individual *NIEM Domains*. NIEM Core, which lies in the center of the figure to the right, includes data elements commonly understood across all NIEM domains. The individual NIEM domains contain mission-specific data elements that build upon NIEM Core concepts.



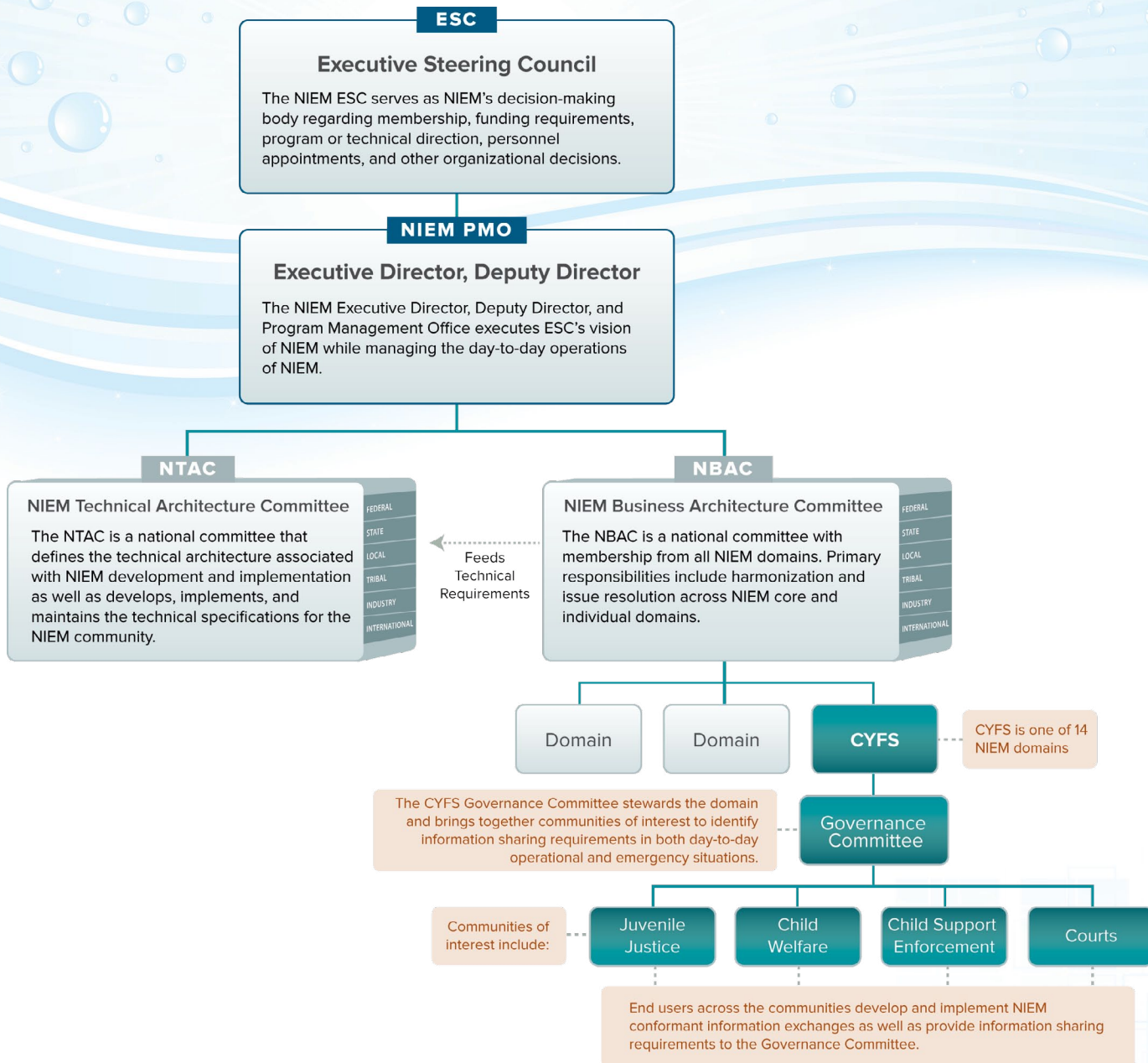
NIEM domains represent communities of interest, or COIs, that are formally established with an executive steward to officially manage and govern a portion of the NIEM data model. A COI is a group of people who share a common concern, set of problems, or interest in a business area. Within the context of NIEM, COIs come together based on a common need to exchange information in order to advance their missions.

COIs can be composed of multiple domains or can be a sub-set of a single domain. For example, a multi-faceted issue, such as human trafficking, involves both law enforcement organizations to handle investigations, and immigration and social service organizations to provide victim assistance. Therefore, the anti-human trafficking community includes stakeholders from the Justice, Human Services, and Immigration domains.

The diagram below illustrates the governance structure of the overall NIEM Program as well as an example of a NIEM domain cross-jurisdictional governance structure. There are two levels of governance: overall governance for NIEM is provided through the Executive Steering Council which established strategy and operations. Then within each domain, there is governance in place to establish strategy and operations for the specific domain. The NIEM Children, Youth, and Family Services (CYFS) domain supports timely, complete, accurate, and efficient information sharing to improve outcomes for children and youth whose circumstances make them particularly vulnerable.

Over time, NIEM has become a catalyst for cross-boundary, cross-jurisdictional collaboration as well as information sharing. NIEM is a community that is effectively bringing local, state, national and international jurisdictions together forming effective collaboration that enables orchestration of resources, and effective delivery of government services.





## NIEM Multi-Level Governance

### *Examples of Effective Governance - Network Nebraska - Education*

Network Nebraska-Education stands as one of the more recent and significant examples of cross-jurisdictional collaboration at the statewide level.<sup>12</sup> Network Nebraska was named by the Nebraska Legislature in April 2006 as the network that would interconnect all public and private, K-12 and higher education, entities in Nebraska. The Legislature placed a deadline to achieve "access" (interpreted as the ability to connect)



to Network Nebraska as early as feasible but no later than July 1, 2012. The reason that “access” was interpreted as the ability to connect is that statute clearly stated that participation would be voluntary for all education entities and that the entities would have to pay for all the administrative and network costs, themselves, without direct state funding—a challenging proposal, indeed.

The Legislature directed the Office of the State Chief Information Officer as the state agency responsible for the administration of the network, but also directed the University of Nebraska to assist in this endeavor. Thus, began the start of an extraordinary collaboration between the State of Nebraska and the University of Nebraska, and several other supporting agencies.

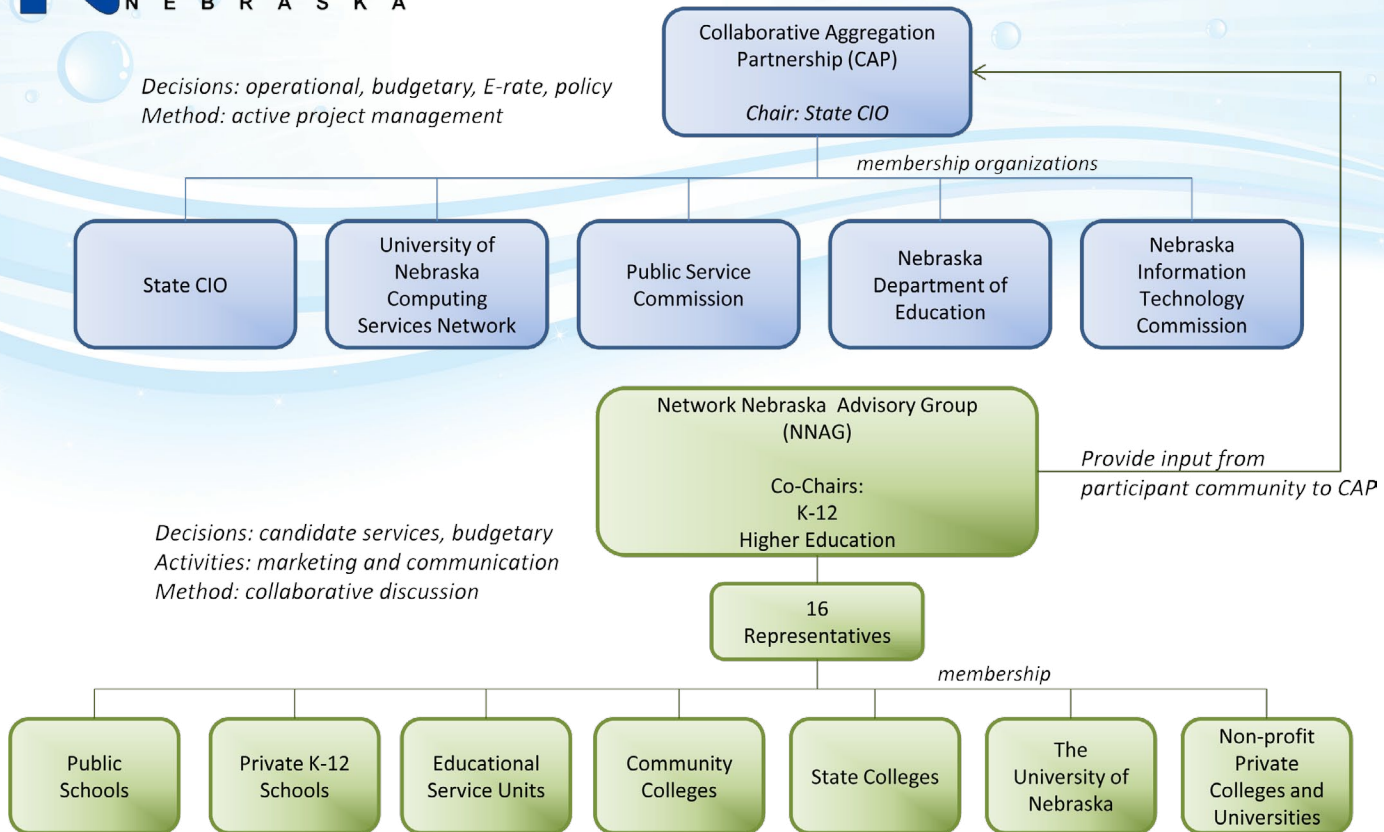
Prior to the 2006 Legislation, the State of Nebraska CIO, Brenda Decker, and the University of Nebraska CIO, Walter Weir, had collaborated on other infrastructure projects but none to the scale of Network Nebraska, the potential to interconnect over 300 education entities on a single IP network! To facilitate this collaboration, a multi-agency Collaborative Aggregation Partnership (CAP) was formed, with network operations and administrative staff from the State CIO’s Office, University of Nebraska Computing Services Network, Nebraska Educational, Public Service Commission, Telecommunications, Nebraska Department of Education, and the Nebraska Information Technology Commission. This group began meeting monthly in January 2006 and has continued to the present. It is within this multi-agency group that most operational, budgetary, E-rate, and policy decisions are made, using an *active* project management agenda to complete tasks, mitigate risks, and address ongoing issues that have the potential to negatively affect the network. The State CIO acts as chair of the CAP. This governance model has proven to be very effective and successful in its administration of Network Nebraska-Education.

In 2009, the Nebraska Information Technology Commission’s Education Council foresaw the need for representation by Network participants into network decision-making and chartered the Network Nebraska Advisory Group (NNAG), modeled after its own K-12 and higher education representation, and sought 16 representatives from the 245 entities participating in the network at that time. This group meets every other month and provides monthly reports and input to the CAP meetings and recommends new services and balanced budgets to the State CIO for implementation. The two co-chairs, one from K-12 and one from higher education, work tirelessly to communicate the advantages of Network Nebraska-Education and encourage participating entities to get involved. The establishment of the NNAG has been key to participative decision-making and has built participant trust, pride, and a feeling of ownership in Network Nebraska.





*Decisions: operational, budgetary, E-rate, policy  
Method: active project management*



## Network Nebraska-Education Governance

### Summary

Governance models for cross-jurisdictional collaboratives are as diverse as the organizations themselves. The organizational structure and the processes for implementing governance must ensure that members of the collaborative have a voice into the decisions and commitments of the collaborative.

Governance must be effective and relevant. Therefore, it must be anticipated that governance will include mechanisms for modification through effective transformation and change management processes. Typically this will occur through the use of bylaws.

Cross-jurisdictional collaboratives will surely increase at all levels of government. One consistently necessary ingredient for effective collaboration is effective governance which establishes decision rights and representation of members and constituents.

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- <sup>1</sup> See NASCIO Enterprise Architecture Tool-Kit, Version 3.0, pp. 38. Available at [www.nascio.org/publication](http://www.nascio.org/publication).
- <sup>2</sup> For additional information see the National Center for Interstate Compacts at [www.csg.org/ncic/](http://www.csg.org/ncic/).
- <sup>3</sup> The 2011 State CIO Survey - A New C4 Agenda, October 2011. NASCIO, TechAmerica, Grant Thornton. Retrieved on April 2, 2013 from [www.nascio.org/publications](http://www.nascio.org/publications).
- <sup>4</sup> For more information on Global see [www.it.ojp.gov/global](http://www.it.ojp.gov/global).
- <sup>5</sup> This is accomplished through releasing draft standards for public comment through various channels.
- <sup>6</sup> Available at <http://it.ojp.gov/default.aspx?area=globalJustice&page=1021>.
- <sup>7</sup> Available at <http://it.ojp.gov/docdownloader.aspx?ddid=1540>.
- <sup>8</sup> Available at <http://it.ojp.gov/docdownloader.aspx?ddid=1809>.
- <sup>9</sup> Available at <http://it.ojp.gov/default.aspx?area=globalJustice&page=1145>.
- <sup>10</sup> OECD Principles of Corporate Governance, edition 2004. Retrieved on March 28, 2013 from [www.oecd.org/dataoecd/32/18/31557724.pdf](http://www.oecd.org/dataoecd/32/18/31557724.pdf). Also see [www.oecd.org](http://www.oecd.org) for a library of references. OECD Policy Brief, OECD Observer, 2004, Principles of Corporate Governance. Retrieved on March 28, 2013 from [www.oecd.org/daf/ca/corporategovernanceprinciples/33647763.pdf](http://www.oecd.org/daf/ca/corporategovernanceprinciples/33647763.pdf).
- <sup>11</sup> See [www.niem.gov](http://www.niem.gov) for more information and references on training, current initiatives, and upcoming events.
- <sup>12</sup> More information regarding the larger initiative, Network-Nebraska, is available at <http://www.networknebraska.net/>.

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*This project was supported by Grant No. 2010-DJ-BX-K046 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.*