

STATE OF WEST VIRGINIA

**PRELIMINARY PERFORMANCE REVIEW OF THE
Veterans' Council**

**Veterans' Council Needs to Assume A
Supervisory Role Over the West Virginia Division
of Veterans' Affairs As Required By Law**

**West Virginia's Division Of Veterans' Affairs
Is One Of Only Eight States That Do Not Have
A Website to Provide A Centralized
Source Of Information To Its Veterans**

**Veterans' Council Needs To Include
The Secretary Of Military Affairs And
Public Safety In Their Reporting Process**

**OFFICE OF LEGISLATIVE AUDITOR
Performance Evaluation and Research Division
Building 1, Room W-314
State Capitol Complex**

**CHARLESTON, WEST VIRGINIA 25305
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June 2001

PE01-06-205

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June 2001

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John Sylvia
Director

June 10, 2001

The Honorable Edwin J. Bowman
State Senate
129 West Circle Drive
Weirton, West Virginia 26062

The Honorable Vicki V. Douglas
House of Delegates
Building 1, Room E-213
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0470

Dear Chairs:

Pursuant to the West Virginia Sunset Law, we are transmitting a Preliminary Performance Review of the *Veterans' Council*, which will be presented to the Joint Committee on Government Operations on Sunday, June 10, 2001. The issues covered herein are: 1) "*Veterans' Council Needs to Assume a Supervisory Role Over the West Virginia Division of Veterans' Affairs as Required By Law*"; 2) "*West Virginia's Division of Veterans' Affairs is One of Only Eight States that Do Not Have a Website to Provide a Centralized Source of Information to Its Veterans*"; and 3) "*Veterans' Council Needs to Include the Secretary of Military Affairs and Public Safety in Their Reporting Process.*"

We conducted an exit conference with the *Veterans' Council* on June 1, 2001. We also received the agency response on June 1, 2001.

Let me know if you have any questions.

Sincerely,

Handwritten signature of John Sylvia in cursive script.
John Sylvia

JS/aml

Joint Committee on Government and Finance

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Executive Summary

Issue 1: The Veterans' Council Needs to Assume A Supervisory Role Over the West Virginia Division of Veterans' Affairs As Required By Law.

The Veterans' Council provides two general statutory functions under West Virginia Code §9A-1-4); these are:

1. Exercise general supervision over the Division of Veterans' Affairs, and
2. Provide for a forum and advocacy for the interest of veterans' groups.

Although the Council provides a forum for veterans to raise issues, it has assumed an advisory role to the Division of Veterans' Affairs instead of a supervisory role as required by law. The effect of this is that necessary corrective action to be taken by the Division is not implemented in a timely manner, is not based on a consensus of the members of the Council, and therefore may not serve the interests of veterans.

Recommendation 1:

The Veterans' Council should assume its supervisory role over the Division of Veterans' Affairs as required in WVC §9A-1-4, or if the Veterans' Council chooses not to exercise its supervisory authority then the Council should request that the Legislature amend its enabling statute to assign it an advisory role.

Issue 2: West Virginia's Division Of Veterans' Affairs Is One Of Only Eight States That Do Not Have A Website to Provide A Centralized Source Of Information To Its Veterans.

Currently, the Division of Veterans' Affairs does not have its own website to provide information of interest to West Virginia veterans. This makes West Virginia one of only eight states that do not have a website for their state's veterans. The lack of a website denies West Virginia veterans a centralized source of important information on veterans' benefits, veterans issues, programs for veterans, legislation affecting veterans, agency contact information, information on the Veterans' Home, and other helpful information that the Division can make available.

Recommendation 2:

The Veterans' Council needs to direct policy for the Division of Veterans' Affairs to plan the establishment of a website for state veterans.

Issue 3: The Veterans' Council Needs To Include The Secretary Of Military Affairs And Public Safety In Their Reporting Process.

West Virginia Code §9A-1-4 states that it shall be the duty and function of the Veterans' Council to make annual reports to the Governor respecting the service of the Division. This is the only requirement in code for the Veterans' Council on issuing reports. However, the organizational chart found in the Division's annual report places the Council under the Department of Military Affairs and Public Safety. As the Secretary of the Department of Military Affairs and Public Safety is in the hierarchy of the organizational chart of the Veterans' Council, the Secretary should be included in any reports provided to the Governor as a matter of organizational sense. This will keep the Secretary informed on actions within the Division and the Council.

Recommendation 3:

In addition to its required reporting procedures, the Council should start reporting to the Secretary of the Department of Military Affairs & Public Safety.

Objective, Scope and Methodology

This preliminary performance review of the Veterans' Council within the West Virginia Department of Military Affairs and Public Safety is required and authorized by the West Virginia Sunset Law, Chapter 4, Article 10 of the West Virginia Code, as amended. The Veterans' Council is established in Chapter 9A, Article 1 of the West Virginia Code. The Council is mandated to provide general supervision over the Division of Veterans' Affairs.

Objective

The objective of this review is to examine the effectiveness of the Council's supervision of the Division of Veterans' Affairs, and the Council's accessibility to the veterans community.

Scope

The scope of this review is from 1997 to 2000. The review focuses on what actions has the Veterans' Council taken to demonstrate the council's supervisory role within the Division of Veterans' Affairs; the council's reporting procedures; and its presence on the World Wide Web.

Methodology

Information used to complete this report included a Questionnaire to the Veterans' Council of the West Virginia Division of Veterans' Affairs; interview conducted with the Cabinet Secretary Department of Military Affairs and Public Safety; interviews conducted with a Branch Office of the Division of Veterans' Affairs; interviews with Veterans' Affairs agencies from other state; interview conducted with the Webmaster for the National Association of State Directors of Veterans' Affairs; interview with Division of information Services & Communication; web pages from state and federal sites; reports form other state agencies; Veterans' Council of the Division of Veterans' Affairs records: annual reports, procedural rules and regulations; Veterans' Council meeting minutes.

This review was conducted in accordance with Generally Accepted Government Auditing Standards (GAGAS) issued by the Comptroller General of the United States.

Background

The Veterans' Council was created within the Division of Veterans' Affairs by the Legislature in 1945. The Council's enabling is in Chapter 9A, Article 1 of the West Virginia Code. Seven citizens members comprise the Council, all of which have served in the armed forces of the United States and within a time of war. The members represent veterans of World War II, the Korean conflict, and the Vietnam era.

The duty of the Council is to exercise general supervision over the Division of Veterans' Affairs, determine policy for the Division, examine the efficiency of the Division, and prescribe the duties of the Director of the Division. The Division of Veterans' Affairs is created to aid, assist, counsel and advise, and look after the interests of veterans. This service also includes the widows, dependents and orphans of veterans.

The expense in having the Veterans' Council is minimal to the State of West Virginia. These expenses are incurred to hold the Council's semiannual meetings and involves the payment of compensation, travel, meals, and lodging. The following chart shows cost per year for 1998 through 2000 (See Table 1).

Table 1
Cost of Veterans' Council

Year	Amount
1998	\$2,910.17
1999	\$2,937.56
2000	\$3,317.17

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1. Exercise general supervision over the Division of Veterans' Affairs, and
2. Provide for a forum and advocacy for the interest of veterans' groups.

Although the Council provides a forum for veterans to raise issues, it has assumed an advisory role to the Division of Veterans' Affairs instead of a supervisory role as required by law. **The effect of this is that necessary corrective action to be taken by the Division is not implemented in a timely manner, is not based on a consensus of the members of the Council, and therefore may not serve the interests of veterans.**

The Veterans' Council Provides A Forum For The Veterans Community

The Veterans' Council fulfills the function of being a forum for State veterans' groups to raise issues that are important to the veterans community. The Council meets semiannually. At least six of the seven members have been in attendance for its meetings during the past three years. The meeting minutes for this three year period indicates that 13 different veterans' organizations were represented and interacted in these meetings (See Appendix B). On one occasion, the veterans' groups in attendance expressed their confidence in the Council and appreciation for its support of veterans' programs. The minutes also revealed on different occasions during past meetings that representation from State and Federal agencies were present and provided input into the meetings. In addition, the Council receives reports from staff of the Division concerning its operation.

The Veterans' Council Does Not Provide General Supervision Over The Division

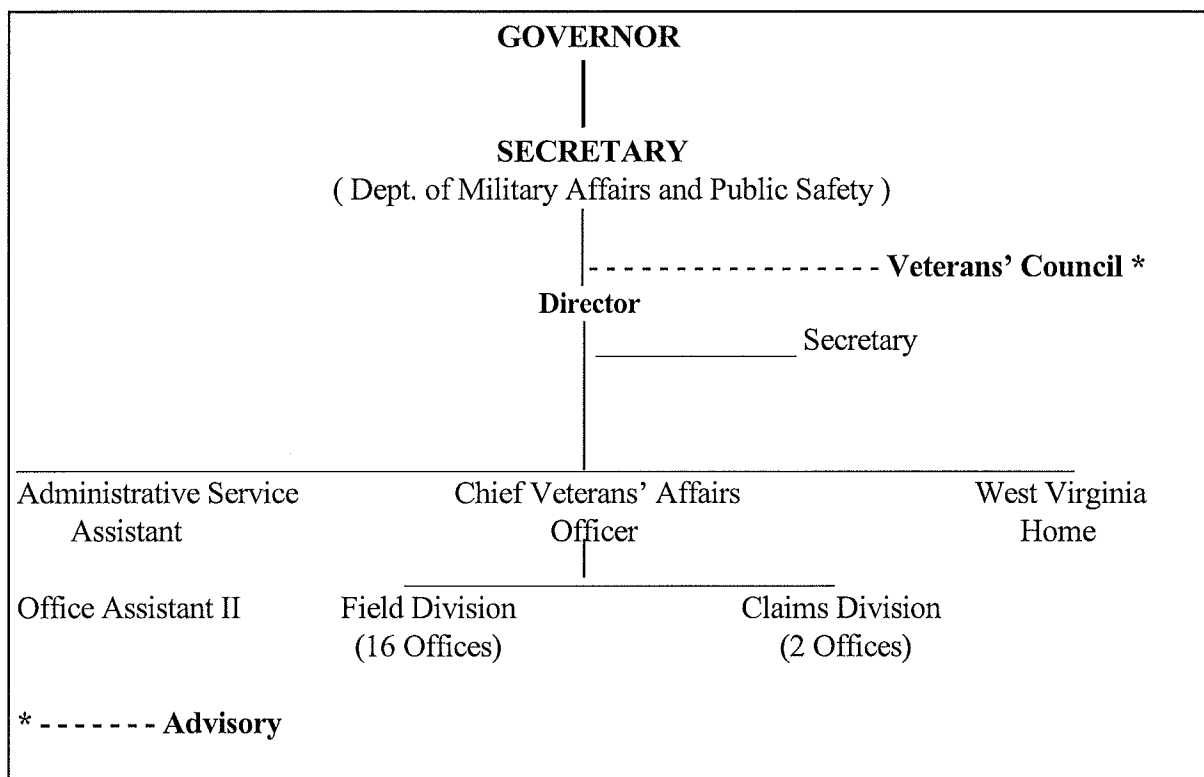
Although the Veterans' Council provides a forum for veterans' organizations, the Council does not exercise its statutory authority to provide general supervision over the Division of Veterans' Affairs. Exercising this authority is important in order for the Council to initiate appropriate actions within the Division in response to the interests of veterans. Prior to 1991, a *Veterans' Affairs Advisory Council* existed along with the Veterans' Council. However, in 1991 the Advisory Council was terminated by the Legislature. The current Veterans' Council was created to be the steering mechanism of the Division. Its powers are clearly stated in West Virginia Code §9A-1-4, which states:

It shall be the duty and function of the veterans' council to determine the general administrative policies of the division,... to examine into the efficiency of the division from time to time, to exercise general supervision over the operations of the division,... and to prescribe the duties of the director.
 [Emphasis added]

The same is indicated in the Division's legislative rules and its annual reports. It can be concluded that the intent of the Legislature is for the Veterans' Council to take the lead role over the operations of the Division to ensure the interests of veterans are being served.

When asked what function does the Veterans' Council serve, the Division Director responded that the Veterans' Council is an advisory council to the Division. This was reinforced by the chart provided by the Director which is also published in its annual report (See Chart1).

Chart 1
WEST VIRGINIA DIVISION OF VETERANS' AFFAIRS
ORGANIZATIONAL CHART



This clearly demonstrates that the Council is perceived as having an advisory function instead of the statutorily mandated supervisory function to the Division.

Effects of the Veterans' Council Not Acting in a Supervisory Capacity

An effect of the Council not assuming a supervisory role would be that necessary action would not be implemented in either a timely manner or serve the interests of veterans. To have an advisory council would mean that final decisions would ultimately be at the discretion of one individual: the Division Director. The intent of the Legislature is to have a decision making body made up of a cross-section of veterans as stated in Code §9A-1-2. The members of this body represent different conflicts and thus, different generations. Therefore, the decisions of the Council concerning the operations of the Division would be based on a consensus of the different viewpoints of veterans.

A good example that reveals the effects of the Council acting in an advisory capacity is the lack of decisive action when addressing problems at the Veterans' Home in Barboursville. Over the last year, complaints from residents of the Veterans' Home have surfaced concerning the Home Administrator. Issues have been raised on how residents of the Home are treated. While these issues were presented to the Council in the May 2000 meeting, it appears that the Council does not intend to take any direct action. In some respect it appears that the Council feels that it does not have authority to take direct action. In an article for a local newspaper, the Chairman of the Veterans' Council expressed some doubts about the Administrator of the Veterans' Home. It stated that the Chairman said that "the veterans community was complaining that morale is low at the home."¹ The article went on to state that the Chairman believes that the "veterans community will put so much pressure on, it'll force the Administrator out."

It is not the responsibility of the "veterans community" to force the Home Administrator from his position. It is ultimately the Council's responsibility to direct corrective action be taken by the Division Director in the interest of veterans. Currently, it appears that the Council intends to let this situation play itself out.

During the discussion of the Veterans' Home in the May 2000 meeting, the Chairman stated that he:

...believes [the Division Director's] hands have been tied because [the Home Administrator] will go above [the Division Director] to the Governor. The state code states that the Administrator is subordinate to the Director and this has put [the Division Director] in a sensitive position.²

Again, these statements indicate that the Chairman of the Council views the Division Director as the only source of authority to resolve this matter. The Council is responsible for protecting the interests of veterans, and it is responsible for directing policy within the Division. The Council is waiting for

¹Charleston Gazette, March 12, 2001.

²Veterans' Council minutes for May 6, 2000.

either the Division Director to determine how he intends to manage the situation at the Home or for veterans to complain enough to legislators until the Home Administrator is forced out. Neither of these approaches exhibits the leadership authority that is afforded the Council by law, nor does it timely resolve this matter in the best interests of veterans. At the time of the writing of this report, the situation at the Veterans' Home was still unresolved.

Conclusion

The Council and the Division Director have taken the approach of having the Council assume an advisory capacity to the Division. This is contrary to the requirements of the Council's statute. This has led to at least one situation to go unresolved for more than a year because the Council does not dictate appropriate action for the Division Director to take. The Council's lack of leadership over the Division's operations also does not serve the interests of the state's veterans community.

Recommendation 1:

The Veterans' Council should assume its supervisory role over the Division of Veterans' Affairs as required in WVC §9A-1-4, or if the Veterans' Council chooses not to exercise its supervisory authority then the Council should request that the Legislature amend its enabling statute to assign it an advisory role.

Issue 2: West Virginia’s Division Of Veterans’ Affairs Is One Of Only Eight States That Do Not Have A Website to Provide A Centralized Source Of Information To Its Veterans.

Currently, the Division of Veterans’ Affairs does not have its own website to provide information of interest to West Virginia veterans. This makes West Virginia one of only eight states that do not have a website for their state’s veterans. The lack of a website denies West Virginia veterans a centralized source of important information on veterans’ benefits, veterans issues, programs for veterans, legislation affecting veterans, agency contact information, information on the Veterans’ Home, and other helpful information that the Division can make available.

The only website presence that the Division has is provided by the *National Association of State Directors of Veterans’ Affairs* (NASDVA). However, this site (NASDVA.COM) provides limited contact information for each of the 50 state agencies of veterans affairs, along with a brief description of the services provided by each agency. NASDVA.COM also gives each state agency a place to provide a link to its own state website which allows the state agency to provide more information to veterans. In reviewing each state, 42 listed a home page address, while West Virginia, Arkansas, Kentucky, Michigan, Nebraska, North Dakota, Rhode Island, and Vermont did not list a home page. A visit of some of the home pages found a wide variety of information available to the veterans of those states. For example, Table 2 provides some of the information that veterans of Alabama, California and Florida can receive.

Table 2 Website Information Provided by Alabama, California, and Florida		
Alabama	California	Florida
Alabama Laws Affecting Veterans	Vets License Plates	Veterans’ Benefits
Alabama Veterans News	Veterans Homes	State Veterans’ Nursing Homes
Veterans Homes	Veterans Services	Newsletter
Contact Us	Women Veterans	Education Benefits
Feedback	Veterans Memorial	Memorials
Scholarship Program	CAL-VET Home Loans	World War II Memorial
Veterans Issues	Homes for Sale	Offices and Facilities
Director’s Message	More Resources	Other Comments and Questions

As can be seen, a wide variety of useful information can be provided to veterans in a readily available centralized location. A website on the Internet has become a routine provision for business and public agencies. Many of West Virginia's state agencies can be reached through the State's home page.

Costs for Creating a Web Page

In contacting the Division of Information Services & Communications (IS&C) for the state, the Division was asked what would be the cost in developing a web page and they responded that it would be too difficult to give a set price, but they charged \$50 per hour to design. A website design could run as low as \$2,000 up to \$15,000. To store it on the server there would be an initial set up fee of \$500 and no monthly fee to maintain it on the server.

The web master for NASDVA was contacted. He was asked what cost would be involved in making changes to the website for the West Virginia Division of Veterans' Affairs. The Web master responded that his cost was \$30 per hour on all work on websites. On small updates most work is completed in 20 to 30 minutes.

Conclusion

The Veteran's Council should establish a policy for the Division to plan to provide a website for veterans. The plan would have to consider budgetary constraints, however, the plan should look to make enhancements to the website over time.

Recommendation 2:

The Veterans' Council needs to direct policy for the Division of Veterans' Affairs to plan the establishment of a website for state veterans.

Issue 3: The Veterans' Council Needs To Include The Secretary Of Military Affairs And Public Safety In Their Reporting Process.

West Virginia Code §9A-1-4 states that it shall be the duty and function of the Veterans' Council to make annual reports to the Governor respecting the service of the Division. This is the only requirement in code for the Veterans' Council on issuing reports. In a request for information, the question was asked:

Who does the Veterans' Council report to?

Response: *The Veterans' Council does not report to anyone other than the Governor through the annual report as per state code.*

However, the organizational chart found in the Division's annual report places the Council under the Department of Military Affairs and Public Safety. In a letter to the Cabinet Secretary of the Department of Military Affairs and Public Safety the following question was asked:

It was noticed that from an organizational chart produced by the Division of Veterans' Affairs that the Veterans' Council falls between the Director of the Division of Veterans' Affairs and the Secretary of the Department of Military Affairs and Public Safety. Does the Veterans' Council provide reports to the Secretary of the Department of Military Affairs and Public Safety?

Response: *The Division of Veterans' Affairs does fall under the Cabinet Secretary of the Department of Military Affairs and Public Safety and I do attend the Veterans' Council meetings, but do not receive any reports from them. The only requirement for the Veterans' Council is to report to the Governor.*

As the Secretary of the Department of Military Affairs and Public Safety is in the hierarchy of the organizational chart of the Veterans' Council, the Secretary should be included in any reports provided to the Governor as a matter of organizational sense. This will keep the Secretary informed on actions within the Division and the Council.

Recommendation 3:

In addition to its required reporting procedures, the Council should start reporting to the Secretary of the Department of Military Affairs & Public Safety.

APPENDIX A

Transmittal Letter to Agency

WEST VIRGINIA LEGISLATURE
Performance Evaluation and Research Division

Building 1, Room W-314
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0610
(304) 347-4890
(304) 347-4939 FAX



John Sylvia
Director

May 23, 2001

Mr. G.L. Harper, Director
West Virginia Division of Veterans' Affairs
1321 Plaza East - Suite 101
Charleston, WV 25301-1400

Dear Mr. Harper:

Pursuant to the West Virginia Sunset Law, we are transmitting a draft of the Preliminary Performance Review of the Veterans' Council, which will be tentatively scheduled to be presented to the Joint Committee on Government Operations on Sunday, June 10, 2001.

We are scheduled to meet with you on Friday, June 1, 2001 at 10:30 a.m. in the west wing of the Capitol Building, room W-314, to discuss any questions related to the report as per our conversation held Wednesday, May 23, 2001. We would appreciate a written response to the report by Monday, June 4, 2001.

If you have any questions please contact Brian Armentrout, Research Manager or Edward Cox, Research Analyst.

Sincerely,

A handwritten signature in cursive script that reads "John Sylvia".

John Sylvia
Director

Joint Committee on Government and Finance

APPENDIX B

Veterans' Groups Attendance Record

**Veterans' Groups Attendance
At Council Meetings**

Organization	Dec. 1997	May 1998	Dec. 1998	May 1999	Dec. 1999*	May 2000
American Legion	X	X	X	X	?	X
American Legion Auxiliary	X				?	
Blinded Veterans of America		X			?	
Disabled American Veterans			X	X	?	X
Marine Corps League				X	?	X
Military Order of the Purple Heart			X	X	?	X
Paralyzed Veterans of America	X				?	
Pearl Harbor Survivors Association	X		X		?	
Retired Officers Association	X	X	X		?	
Veterans of Desert Storm			X		?	
Veterans of Foreign Wars	X			X	?	
Vietnam Veterans of America	X	X	X	X	?	X
Women Veterans of America			X		?	X

*** December 1999 meeting minutes did not indicate what visitors were present.**

APPENDIX C

Agency Response



BOB WISE
GOVERNOR

JOE MARTIN

SECT. MILITARY AFFAIRS & PUBLIC SAFETY

VETERANS' COUNCIL

ROBERT E. VASS, SR.
RICHARD HOMAN
MILES S. EPLING
PAUL ROTENBERRY
DON KINNARD
RALPH STUMP
C. W. "BILL" HARRIS

West Virginia
Division of Veterans Affairs

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June 1, 2001

G. L. HARPER
DIRECTOR

CHARLES PRATHER
ADMINISTRATIVE SERVICE ASSISTANT III

LARRY D. BLACKABY
CHIEF VETERANS AFFAIRS OFFICER

Mr. John Sylvia, Director
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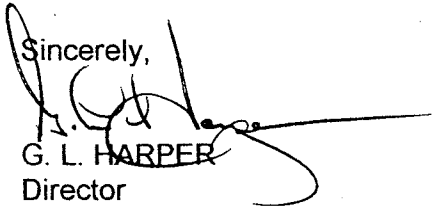
Dear Director Sylvia:

This is in response to our exit conference with you relative to the performance review of the West Virginia Veterans Council. As discussed, we accept your recommendation and will take the following actions:

- (a) The veterans council will solicit support for legislation to change the state code 9A-1-4 to permit the body to act in an advisory capacity versus supervisory role.
- (b) The Division of Veterans Affairs will research avenues to obtain funding to establish a website for our state's veterans and service members.
- (c) The Veterans Council will ensure the Cabinet Secretary for Department of Military Affairs and Public Safety receive copies of reports and the division's annual report.

In conclusion, I am very thankful for the Veterans Council and their extensive knowledge of veterans and issues involving those who have served in the military. The Veterans Council will abide by your recommendations.

Sincerely,


G. L. HARPER
Director

GLH:sk

