



Commonwealth of Massachusetts  
Office of the State Auditor  
Suzanne M. Bump

*Making government work better*

Official Audit Report – Issued October 17, 2016

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## Municipal Police Training Committee

For the period July 1, 2013 through June 30, 2015





Commonwealth of Massachusetts  
Office of the State Auditor  
Suzanne M. Bump

*Making government work better*

October 17, 2016

Mr. Daniel Zivkovich, Executive Director  
Municipal Police Training Committee  
6 Adams Street  
Randolph, MA 02368

Dear Mr. Zivkovich:

I am pleased to provide this performance audit of the Municipal Police Training Committee. This report details the audit objectives, scope, methodology, findings, and recommendations for the audit period, July 1, 2013 through June 30, 2015. My audit staff discussed the contents of this report with management of the agency, whose comments are reflected in this report.

I would also like to express my appreciation to the Municipal Police Training Committee for the cooperation and assistance provided to my staff during the audit.

Sincerely,

A handwritten signature in blue ink, appearing to read "SMBump".

Suzanne M. Bump  
Auditor of the Commonwealth

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## LIST OF ABBREVIATIONS

|       |  |
|-------|--|
| CMR   | Code of Massachusetts Regulations              |
| EOPSS | Executive Office of Public Safety and Security |
| MPTC  | Municipal Police Training Committee            |
| POST  | Police Officer Standards and Training          |
| RTC   | recruit training course                        |

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## EXECUTIVE SUMMARY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor has conducted a performance audit of certain activities of the Municipal Police Training Committee (MPTC) for the period July 1, 2013 through June 30, 2015.

In this performance audit, we examined certain MPTC activities related to the application process; permanent exemptions and temporary waivers from basic training academy; maintenance of basic training records; the process to refund fees to people who pay for, but do not receive, training; and the safeguarding of inventory.

Below is a summary of our findings and recommendations, with links to each page listed.

|   |  |
|---|--|
| <b>Finding 1</b><br><b>Page <a href="#">6</a></b>       | The Municipal Police Training Committee is not effectively facilitating the participation of its nonvoting board members.  |
| <b>Recommendations</b><br><b>Page <a href="#">6</a></b> | <ol style="list-style-type: none"><li>1. MPTC should establish formal policies and procedures to ensure that its nonvoting members are properly identified and notified of all meetings. It should seek to create and maintain a culture of expecting all board members to participate.</li><li>2. MPTC should work with Executive Office of Public Safety and Security and the Governor to revisit the legislated number and titles of committee members, if necessary.</li></ol> |
| <b>Finding 2</b><br><b>Page <a href="#">7</a></b>       | MPTC has not filed a required annual report with the Massachusetts House and Senate Committees on Ways and Means since 2002.   |
| <b>Recommendation</b><br><b>Page <a href="#">7</a></b>  | MPTC should develop policies and procedures to ensure the proper filing of this report.  |
| <b>Finding 3</b><br><b>Page <a href="#">8</a></b>       | MPTC did not ensure that out-of-state police officers completed a required orientation within 90 days.   |
| <b>Recommendation</b><br><b>Page <a href="#">9</a></b>  | MPTC should document how to enter information in its Distance Learning System and train a sufficient number of employees to ensure that information can still be entered in the event of staff turnover.   |
| <b>Finding 4</b><br><b>Page <a href="#">9</a></b>       | MPTC has still not resolved deficiencies in its inventory process.   |
| <b>Recommendation</b><br><b>Page <a href="#">10</a></b> | MPTC should ensure that its departments conduct annual physical inventory counts, tag all inventory items, notify the MPTC procurement officer when items are moved or discarded, and update the inventory list as necessary.  |

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## OVERVIEW OF AUDITED ENTITY

The Municipal Police Training Committee (MPTC), formerly known as the Massachusetts Criminal Justice Training Council, was established under Sections 116–119 of Chapter 6 of the Massachusetts General Laws as an agency within the Executive Office of Public Safety and Security (EOPSS). During our audit period, MPTC had a total of 17 employees at five MPTC-operated academies; they are supervised by an executive director who is selected by the Secretary of EOPSS. MPTC also has an oversight body or board,<sup>1</sup> also called the Municipal Police Training Committee, whose voting members comprise five chiefs of police (four from different regions of the Commonwealth and one from the Massachusetts Bay Transportation Authority, all appointed by the Governor), the Police Commissioner of the City of Boston, the Colonel of the State Police, the Attorney General, one chief of police selected by the Massachusetts Chiefs of Police Association, one police officer appointed by the Governor, and one person designated by the Secretary of EOPSS. Members are appointed for three-year terms. The board chair is elected annually by the board members. In addition, MPTC has as many as 16 advisory nonvoting members (see Appendix).

MPTC’s mission is to develop, deliver, establish, and enforce training standards and approve training schools for municipal police officers throughout the Commonwealth, the University of Massachusetts Campus Police, and the Massachusetts Environmental Police. Each year, MPTC administers and delivers training programs to the Commonwealth’s more than 20,000 police officers. According to MPTC’s website,

*The scope of this training ranges from an intense, 800-hour/20-week Basic Training program for new municipal, University of Massachusetts, and Environmental Police officers to annual professional development training for veteran officers.*

As of May 1, 2015, basic training for full-time police officers had increased to 900 hours / 22 weeks. MPTC also offers 345-hour training programs for part-time officers.

For fiscal year 2014, MPTC received \$4,487,968 (\$3,287,968 in appropriated funding and \$1,200,000 in training fees). For fiscal year 2015, MPTC received \$6,825,000 (\$5,025,000 in direct appropriations and \$1,800,000 in training fees). MPTC is headquartered in Randolph and has additional academy locations in Springfield, Boylston, Plymouth, and Reading.

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1. In this report, we refer to the MPTC oversight body as the board so as to not confuse it with MPTC itself.

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## AUDIT OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor has conducted a performance audit of certain activities of the Municipal Police Training Committee (MPTC) for the period July 1, 2013 through June 30, 2015.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Below is a list of our audit objectives, indicating each question we intended our audit to answer; the conclusion we reached regarding each objective; and, if applicable, where each objective is discussed in the audit findings.

| Objectives  | Conclusion               |
|---|--------------------------|
| 1. Does MPTC accept full-time police-officer candidates to MPTC-operated academies in accordance with Section 3.06 of Title 550 of the Code of Massachusetts Regulations (CMR)?   | Yes                      |
| 2. Does MPTC process exemptions to, and waivers of, training requirements in compliance with 550 CMR 3.03?  | No; see Finding <u>3</u> |
| 3. Does MPTC maintain adequate records to ensure that part-time and full-time student officers receive the required basic training in accordance with 550 CMR before graduation?  | Yes                      |
| 4. Does MPTC follow authoritative guidance on refunds to student officers who withdraw?   | Yes                      |
| 5. Does MPTC have adequate internal controls over inventory?  | No; see Finding <u>4</u> |
| 6. Does MPTC submit the required annual status report of recruit training to the Massachusetts House and Senate Committees on Ways and Means?                                     | No; see Finding <u>2</u> |
| 7. Has MPTC implemented measures to ensure active participation of its board members, both voting and nonvoting, in accordance with Section 116 of Chapter 6 of the General Laws? | No; see Finding <u>1</u> |

We gained an understanding of the internal controls we deemed significant to our audit objectives through document reviews, interviews, and observation of MPTC activities. We evaluated the design and effectiveness of these controls and assessed whether they were operating as management intended. We designed procedures to obtain sufficient, appropriate evidence to support our assessment of the effectiveness of these internal controls. We also reviewed our prior MPTC audit report (No. 2011-0053-3S) to determine whether any weaknesses in internal controls had been identified that pertained to our current audit objectives. We performed the following procedures:

- We interviewed various MPTC staff members, including its executive director, director of training, academy director, budget manager, and accountant.
- We reviewed relevant documents, statutes, and regulations, as well as MPTC's policies, procedures, and hardcopy training records.
- We obtained and analyzed data from selected hardcopy recruit training course (RTC) files and traced and compared them to the MPTC database for consistency and completeness. We also interviewed MPTC officials who were knowledgeable about the database data-input activities. Since the hardcopy documents in each RTC file identify all training program activity and are the source documentation used to update the database, we did not evaluate information system controls when performing our audit and did not rely on the MPTC database for the purposes of our audit. We believe the information we obtained from the RTC files was sufficient for the purposes of our analysis and findings. We relied on hardcopy source documents, interviews, and other non-computer-processed data as supporting documentation on which we based our conclusions.
- We selected transactions by using nonstatistical random sampling, in order to eliminate bias by giving all items in the population an equal chance of being chosen, for our examination of the application process, permanent exemptions and temporary waivers, basic training records, refunds, and inventory. Because we used this sampling method, we did not project the results of our samples to the population. More specifically,
  - For MPTC applications, we selected a nonstatistical random sample of 45 full-time applications to the MPTC-operated academies that were operating during our audit period, from a population of 937 applications, to determine whether they were processed in accordance with 550 CMR 3.06.
  - For exemptions and waivers, we selected a nonstatistical random sample of 5 permanent exemptions from a population of 38, and 10 temporary waivers from a population of 77, to determine whether they were granted in accordance with 550 CMR 3.03.
  - For basic training records, we selected a nonstatistical random sample of 10 RTC files from a population of 62 classes that occurred during our audit period to determine whether MPTC maintained adequate hardcopy records and whether the required number of training hours was performed.

- For refunds, we selected a nonstatistical random sample of 10 refunds, out of a population of 39 refunds given during our audit period, to determine whether MPTC gave refunds to recruits who withdrew from MPTC-operated academies in accordance with authoritative guidance and whether all refunds were calculated correctly.
- For firearm inventory, we selected a nonstatistical random sample of 20 firearms from a population of 98 to determine whether MPTC controlled the recording, safekeeping, and disposal of its firearm inventory. We also conducted an additional test by judgmentally selecting 10 firearms from their location at the MPTC headquarters in Randolph to determine whether each firearm had an MPTC identification tag and was recorded properly on the MPTC inventory list.
- For equipment inventory, we selected a nonstatistical random sample of 35 equipment items from a population of 281 to determine whether MPTC controlled the recording, safekeeping, and disposal of its equipment inventory. We also conducted an additional test by judgmentally selecting 49 equipment items from locations throughout the five MPTC-operated academies to determine whether each item had an MPTC identification tag and was recorded properly on the inventory list in accordance with MPTC's inventory policy.
- We reviewed the MPTC budgetary language and conducted interviews with MPTC officials to gain an understanding of reporting requirements. Additionally, we requested copies of any status reports on recruit training that were submitted to the House and Senate Committees on Ways and Means during our audit period.
- We reviewed Sections 116 and 117 of Chapter 6 of the General Laws and MPTC meeting minutes, and conducted interviews with MPTC officials, to gain an understanding of the composition of the MPTC board and determine whether MPTC implemented measures to ensure active participation of its board members, both voting and nonvoting.
- We assessed the reliability of electronic spreadsheets provided to us by MPTC by performing electronic testing of required data elements, reviewing existing information about the data and the system that produced them, and interviewing agency officials who were knowledgeable about the data. In addition, we traced a judgmental sample of source documents that were related to our testing of RTC files, MPTC applications, exemptions and waivers, inventory, and refunds and verified that they were included on the spreadsheets. We determined that the data were sufficiently reliable for the purposes of this report.
- Any financial data we obtained from the Massachusetts Management Accounting and Reporting System about MPTC activities during our audit period were not used in our audit testing; the data were used solely for the purpose of obtaining background information. Consequently, we did not assess the reliability of the data.

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## DETAILED AUDIT FINDINGS WITH AUDITEE'S RESPONSE

### 1. The Municipal Police Training Committee is not effectively facilitating the participation of its nonvoting board members.

Although the Municipal Police Training Committee (MPTC) board posts the dates of scheduled meetings on its website, it does not reach out to its nonvoting members to encourage their participation. It also does not periodically verify its list of nonvoting members (which can change over time). Most have not attended a meeting in more than six years. Therefore, MPTC is not benefiting from the unique knowledge, skills, and expertise of its nonvoting members in developing and administering its training programs.

#### Authoritative Guidance

MPTC is required to meet regularly and inform its nonvoting advisory members of the dates and times of these meetings according to Section 117 of Chapter 6 of the Massachusetts General Laws.

Good business practices dictate that an organization's board should encourage the attendance and active participation of all members to better ensure the organization's success in furthering its mission.

#### Reasons for Lack of Participation

MPTC has not established policies and procedures for identifying its nonvoting members and encouraging their attendance at meetings. MPTC officials explained that the statutory language had not been updated to include the current titles of the nonvoting members, some of which have changed over the years. Therefore, it is difficult for MPTC officials to determine whom specifically to contact in order to encourage attendance. Additionally, MPTC officials told us they felt they were meeting their responsibilities by publicly posting the dates and times of board meetings on the MPTC website.

#### Recommendations

1. MPTC should establish formal policies and procedures to ensure that its nonvoting members are properly identified and notified of all meetings. It should seek to create and maintain a culture of expecting all board members to participate.
2. MPTC should work with Executive Office of Public Safety and Security and the Governor to revisit the legislated number and titles of committee members, if necessary.

## Auditee's Response

*I concur that full participation can lead to broader discussions and more informed decisions. Shortly after being appointed in 2009, I set out to identify non-voting members and invite them to attend meetings. However, in the course of doing so, I found that the bulk of them quit attending meetings shortly after the current board composition was established in about 2004, at which point I assumed they had knowingly opted out of attending. Moreover, as identified in the finding, some entities no longer exist. That said, while the MPTC agency cannot force or enforce attendance at committee meetings (we feel that should be a board function, rather than an agency function), we feel the composition of the committee's non-voting members is antiquated, with many designees not having a direct stake in or perspective regarding police standards or training and as a result, may not have an interest in participating, which may explain their recalcitrance in attending and also the lack of initiative in encouraging them to attend.*

## 2. MPTC did not file a required annual report.

MPTC has not filed a required annual report with the Massachusetts House and Senate Committees on Ways and Means since 2002. Therefore, the information in the report, such as the cost per recruit or per class that could justify budgetary requests, is not available to the committees.

## Authoritative Guidance

Chapter 38 of the Acts of 2013 and Chapter 165 of the Acts of 2014 (the state budgets for those two years) require MPTC to submit this status report annually. The 2014 and 2015 budget language for MPTC required the agency to file an annual report with the House and Senate Committees on Ways and Means listing the status of recruit training, including the number of classes, the start and end dates of each class, the total number of recruits enrolled and graduating in each class, and the cost per class for the fiscal year.

## Reasons for Lack of Report Filing

MPTC did not have policies and procedures in place to ensure that the required report was filed. MPTC officials could not provide a reason that it was not filed.

## Recommendation

MPTC should develop policies and procedures to ensure the proper filing of this report.

## Auditee's Response

*The MPTC is in the process of hiring a fulltime budget director, and this will not only be included in their job duties, it will also be included in their performance plan and evaluation.*

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### **3. MPTC did not ensure that all police officers were able to complete the required orientation training within the regulatory timeframe.**

MPTC did not ensure that out-of-state police officers who were hired by Massachusetts police departments and granted an exemption from the requirement of completing Massachusetts police-academy training were able to complete the online Massachusetts Police Officer Orientation Training Program within 90 days.

This orientation training provides an overview of the General Laws and is completed through MPTC's online Distance Learning System. Without the training, these police officers may not be aware of the General Laws, and they cannot enforce laws they are unaware of.

#### **Authoritative Guidance**

According to Section 3.03 of Title 550 of the Code of Massachusetts Regulations,

*Any person granted an exemption [to the police-academy requirement] must thereafter successfully complete the Massachusetts Police Officer Orientation Training Program approved by the Committee. The officer shall complete such orientation program within 90 days after the exemption is granted. Failure to complete such orientation within 90 days will void the exemption and the fulltime officer's ability to exercise police powers until such time as the officer meets training requirements or otherwise is granted an exemption from entry-level training requirements.*

#### **Reasons for Noncompliance**

MPTC officials stated that the employee who was in charge of the committee's Distance Learning System had not trained any other staff members on how to enter information about exempted police officers in this system and that there was no documentation of how to do so. Consequently, when this individual left MPTC, the remaining staff could not enter the information, which meant that exempted officers could not access the system to complete the online orientation training. MPTC officials told us that they were aware of this problem and had decided that any exempted police officer who could not complete the online orientation would not lose his/her exemption or ability to exercise police powers.

During our audit period, MPTC hired a person to enter out-of-state police officer information into the Distance Learning System. MPTC officials told us that the information entered into the system is now up to date and that out-of-state police officers granted exemptions have the necessary access to complete the required Massachusetts Police Officer Training Orientation Program within 90 days.

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## Recommendation

MPTC should document how to enter information in its Distance Learning System and train a sufficient number of employees to ensure that information can still be entered in the event of staff turnover.

## Auditee's Response

*Even though the issues have been resolved and all officers who were granted exemptions have completed the requisite training and testing, the MPTC is, nonetheless, transitioning to a new system to streamline this process and make it less reliant on the distance learning platform and the challenges contained therein and allowing it to be more flexible to meet evolving training needs.*

### 4. MPTC has still not resolved deficiencies in its inventory process.

In our prior audit of MPTC (No. 2011-0053-3S), we found that the committee lacked adequate internal controls over its inventory of property and equipment. Specifically, at that time MPTC could not provide a complete updated master inventory record of its property and equipment items and was not adhering to established policies and procedures that required an annual physical inventory and reconciliation.

Our inventory testing revealed that MPTC did not perform the required annual inventory. Additionally, not all items purchased were added to the inventory list, not all were assigned asset identification tags, and some had the wrong locations listed. As a result, there is a higher-than-acceptable risk of undetected loss, theft, or misuse of equipment, and MPTC's valuation of its inventory may not be accurate.

During our audit, we randomly selected 35 items from the MPTC inventory list of 281 items and attempted to find them at various locations throughout the five MPTC-operated academies. We found problems with 5 (14%) of these items:

- Three had no MPTC identification tag.
- Two were found, but not at the location shown on the list.

In addition, we judgmentally selected 49 items from various locations throughout the five MPTC-operated academies and attempted to locate them on the MPTC inventory list. We found problems with 14 (29%) of these items:

- Nine items had MPTC identification tags but were not on the inventory list.
- Five items had no MPTC identification tags and were not on the inventory list.

## Authoritative Guidance

According to MPTC's internal control plan,

*All equipment with a life of at least one year and a value of greater than \$1,000 and all items so identified by the IT supervisor regardless of value must be tagged with the MPTC inventory tags and recorded on a pre-formatted Access database. The spreadsheet must be maintained and updated as new equipment is received and when items are disposed. . . . The Procurement Officer performs an annual inventory audit or when circumstances warrant additional audits.*

## Reasons for Inventory Issues

MPTC's current inventory system is decentralized: each of its five MPTC-operated academies conducts its own inventory counts, monitors assets, and reports changes/additions to MPTC's procurement officer, who updates MPTC's central inventory records. However, MPTC officials told us that because of inadequate staffing at these facilities, these tasks are not always completed.

In addition, items are not always immediately tagged and added to the inventory because personnel at MPTC headquarters in Randolph control all inventory tags, and items received by any of the other four academies are not tagged until the procurement officer or his/her designee is able to bring tags from Randolph to these academies for the items. Inventory items received at the academies are not added to the inventory lists until they are tagged.

## Recommendation

MPTC should ensure that its departments conduct annual physical inventory counts, tag all inventory items, notify the MPTC procurement officer when items are moved or discarded, and update the inventory list as necessary.

## Auditee's Response

*The executive director assumes full responsibility for this deficiency, especially in light of it being identified as an issue in the previous audit. I made some assumptions that directives were being followed and corrective actions were being implemented and that subsequent deficiencies and/or the lack of required reporting were being reported to me. Consequently, controls will be tightened, expectations will be clarified, and accountability will be enforced.*

## OTHER MATTERS

### **The Municipal Police Training Committee is pursuing Police Officer Standards and Training Commission status.**

As previously noted, under Section 166 of Chapter 6 of the Massachusetts General Laws, the Municipal Police Training Committee (MPTC) is responsible for setting policies and standards for the training of municipal police officers, environmental law enforcement officers, and University of Massachusetts police officers. However, in a number of other states (including, among others, Arizona, Colorado, Connecticut, Georgia, Idaho, and Minnesota), the state agency that has been charged with these responsibilities has been established as a Police Officer Standards and Training (POST) Commission. POST Commissions are typically state agencies with authority to regulate standards for the hiring, retention, and training of police officers and to certify, or license, officers.

Unlike state POST Commissions, MPTC does not have the ability to set minimum hiring standards or the authority to certify or decertify police officers. It can only set policies and standards for training. The hiring and screening process is handled by the local police departments, and there is no set minimum standard.

In addition, according to MPTC officials, each police department has its own screening process, but there are no statutory or regulatory requirements to include a psychological evaluation, background check, or Criminal Offender Record Information check. These officials added that they cannot decertify, or withhold certification from, officers who engage in misconduct, regardless of how egregious the conduct may be. Furthermore, there is no method for preventing an officer who has been released—or even fired—from one department from going to work for another department.

Finally, MPTC officials stated that there were no requirements to report to MPTC any personnel information, including changes in personnel, or additional training performed outside MPTC. Therefore, MPTC cannot accurately report the number of police officers in the Commonwealth; their names; where they are assigned; or their complete training history, including training received outside MPTC. Thus, MPTC has no way to verify that all officers meet the mandatory training requirements each year.

MPTC officials told us that they were interested in obtaining the additional authority and responsibilities associated with POST Commissions. For this to happen, MPTC's enabling legislation would have to be amended so that MPTC can become a POST Commission. If this happened, MPTC could set minimum hiring

standards such as minimum age, physical and mental standards, and experience. It would also have the authority to establish standards for the certification of police officers as well as the ability to deny or suspend certifications. If MPTC could certify officers, it could require that personnel and training records were reported directly to it; this would enable it to monitor compliance with certification standards. Finally, as a POST Commission, MPTC could establish oversight for officers who have police powers, such as special police officers, auxiliary police officers, and constables; currently no such oversight exists.

MPTC officials told us that the agency had drafted legislation that would allow it to become a POST Commission.

## **APPENDIX**

### **Section 116 of Chapter 6 of the Massachusetts General Laws Nonvoting Members of the Municipal Police Training Committee**

*The following persons shall be advisory, nonvoting members of the committee: the personnel administrator, the commissioner of correction, the commissioner of youth services, the commissioner of probation, the chairman of the parole board, the executive director of the committee on criminal justice, the chief justice of the trial court, the chief justice of the district court department, the commissioner of education, the chairman of the criminal law committee of the Massachusetts Bar Association, or their respective designees, and the special agent in charge of the Boston office of the Federal Bureau of Investigation, if consent is given by the director of said bureau, or his designee. The governor shall appoint 5 additional advisory, nonvoting members of the committee, 1 of whom shall be an administrator of a city or town, 1 of whom shall be a clerk of the superior court, 1 of whom shall be a member of the committee for public counsel services, 1 of whom shall be a sheriff of a county or a former county, and 1 of whom shall be a district attorney of a district, or their respective designees.*

### **Section 117 of Chapter 6 of the General Laws Meetings; Composition of Members**

*The committee shall meet monthly and at other times when ordered by the governor, secretary or chairman or upon the written request of 3 members. Committee members shall serve without compensation but may be reimbursed for their necessary expenses incurred in the discharge of their official committee duties. The committee shall advise the advisory, nonvoting members of the dates and times of committee meetings and the advisory, nonvoting members may attend such meetings.*