Oregon Government Ethics Commission
2017 – 2019 Budget Presentation

Executive Director

Ronald A. Bersin

Oregon Government Ethics Commission Mission Statement

- The mission of the Oregon Government Ethics Commission is to impartially and effectively administer and enforce Oregon's government ethics laws for the benefit of Oregon's citizens. The Commission will emphasize education in achieving its mission.

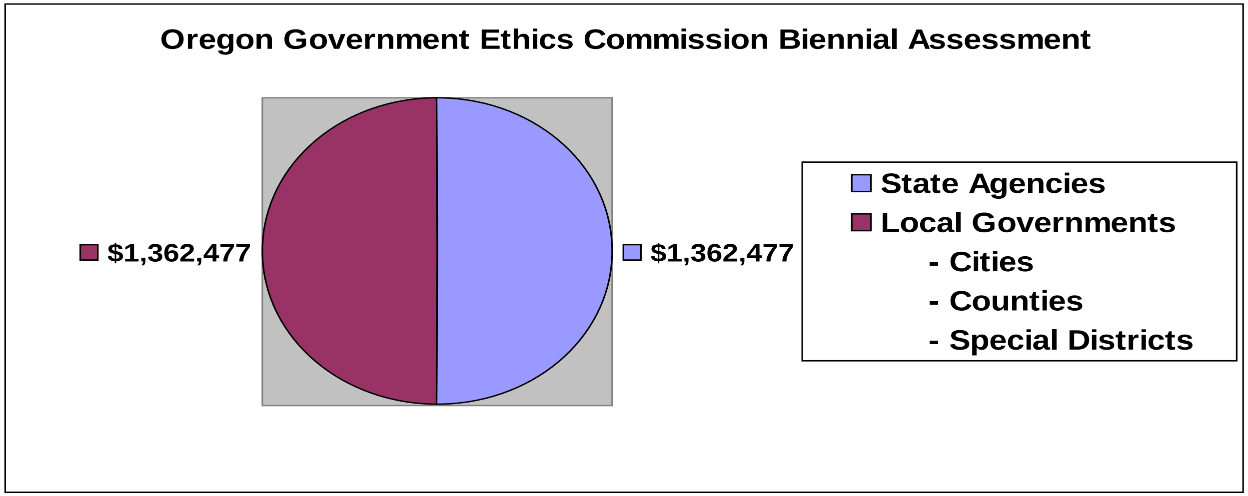
- The regulatory jurisdiction of the Oregon Government Ethics Commission covers provisions of ORS Chapter 244, Oregon Government Ethics law; ORS 171.725 to 171.785 and 171.992, Lobby Regulation law; and executive session provisions of Oregon Public Meetings law, ORS 192.660.

Oregon Government Ethics Commission
2015 - 2017 Organizational Chart

- Ethics Commission
  B Y7500
  9 positions
  - Principle Executive Manager E
    MEAH Z7008, Range 33X
    Ronald A. Bersin, Pos. No.35001
    - Operations and Policy Analyst 2
      UA C0871, Range 27
      Virginia Lutz, Pos. No. 21001
    - Compliance Specialist 3
      UA C5248, Range 29
      Marie Scheffers, Pos. No. 35018
    - Program Analyst 1
      UA C0860, Range 23
      Tammy Hedrick, Pos. No. 35008
    - Compliance Specialist 2
      UA C5247, Range 25
      Dianne Gould, Pos. No. 35009
    - Program Analyst 1
      UA C0860,Range 23
      Hayley Weedn, Pos. No. 35015
    - Investigator 3
      UA C5233, Range 25
      Michael Thornicroft, Pos. No. 35002
    - Office Specialist 2
      UA C0104, Range 15
      David Hunter, Pos. No. 35007
    - Administrative Specialist 1
      UA C0107, Range 17
      Kathy Daniel, Pos. No. 35013

Revenue

- The agency is funded through an assessment to state agencies and local governments.
- State agencies pay one half of biennial budget based on FTE – Estimated at $20.50 for 2017-19.
- Local governments pay one half of biennial budget based on their Municipal Audit fee.
  - Municipal Audit Fee has eight levels.
  - Commission assessments to local governments are estimated to range from $83.00 to $1,679.00.



Education and Training

- Education and training is the highest priority for the agency because of the agency's belief that it is its duty to educate public officials about what is expected of them.
- The laws will continue to change and new public officials will be hired, elected and/or appointed by public bodies. This requires education to remain a top priority for the agency.
- The effort includes two Program Analyst 1s that are dedicated to the education and training program. A Compliance Specialist 3 spends approximately 0.4 FTE doing education and training.
- In-person trainings have been conducted statewide, with over 2400 public officials trained.
- The program includes web-based training made available to everyone throughout Oregon. The web-based training includes both iLinc seminars and live (web-cam) web-based training.
- The agency has seen an increase in complaints on improper executive sessions. The trainers are developing web-based trainings to address those issues.

Investigations

- The investigative program includes two FTE, an Investigator 3 and a Compliance Specialist 2. A Compliance Specialist 3 spends about 0.4 FTE on investigation.
- The investigative process is two-fold, starting with a Preliminary Review of the information provided to the agency with the complaint. This preliminary review has a statutory time limit of 30 days. At the end of preliminary review, the Commissioners vote to either move the complaint into investigation, or to dismiss the complaint. If moved into investigation, the staff conducts a complete investigation on the complaint within the statutory deadline of 180 days.
- At the end of investigation, an investigative report is produced by staff, including a recommendation to either find a violation or to dismiss. The Commissioners review the report and vote on its recommendation.
- In 2016, the agency opened 52 preliminary reviews based on complaints. In previous years, the agency received an average of 110 complaints per year (whether opened or not).

Compliance

- During the last 5 years, the types of complaints received have been regarding the following areas of the agency's jurisdiction:
  - Ethics – 69%
  - Executive Session – 26%
  - Lobby – 5%

- Of those same complaints, the respondents were from the following jurisdictions:
  - Cities – 41%
  - Counties – 13%
  - State – 13%
  - Education – 11%
  - Special Districts – 17%
  - Other – 5%

Administration

- Managing the agency and its resources includes administering the agency budget within its limitation, and tracking revenues as they are collected from over 1,700 jurisdictions.

- Managing the staff of the agency.

- Performing all support functions for agency programs (training and investigations). Supporting Executive Director functions of administering budget (accounts payable, revenues received), and providing support functions of mailing, filing, answering telephone, preparing Commission meeting materials and sorting and organizing records held by agency.

- Representing agency for legislation, biennial budget, media and all special projects.

Cost Containment

- The agency has made an effort to reduce costs for public records requests. Many records are now immediately available to the public via the Electronic Filing System (SEIs, lobby registrations, lobbyist/client expenditure reports) or the Case Management System (case outcomes, advisory opinions). For files that are not available online, the agency scans paper documents into PDF files to email upon receipt of a public records request, which reduces costs to the agency and requestor. On frequently requested records, such as legislator's SEIs, the agency creates a single PDF file that can be used for the numerous requests, which saves the agency time and money in responding to the requests.

- Commission meetings are digitally recorded and available on the agency's website.

- The agency purchased a web cam and software to produce on-line, real-time webinars that public officials can attend from the comfort of their own workstations. These webinars allow the agency trainers to conduct trainings throughout the state, from the agency office, requiring no travel expenses. The training is also cost effective with the ability to train several public officials from multiple locations. The agency will continue to look for ways to utilize technology to deliver its training products.

- The agency continues to consolidate its expenses with other agencies. This includes sharing of office space, office equipment, meeting rooms, telephone and data lines, etc.

Performance Measures

- **The percentage of time used to complete preliminary reviews, investigations, staff and commission advisory opinions.** HB 2595, passed in 2009, set new time limits on these agency functions. The measure will give the agency information about the percentage of time used to complete tasks within these statutory time limits.

- **The number of complaints received and own motions actions taken by the Commission.** This measure will help the agency mange its resources and predict changes to the numbers in the future.

- **Training Effectiveness.** This measure will provide data on the amount learned by the participant through the agency's training effort. The agency will test participants before and after the training and compare the numbers. This measure will help the agency develop effective training programs.

- **Quality of Investigations.** A set of criteria for investigations will be measured. An outside auditor will review the investigations for compliance with the criteria. This measure will help the agency to develop effective and efficient investigation methods.

- **Customer Service.** The agency polls its customers each year on the required material for customer service survey. Availability, Helpfulness, Expertise, Timeliness, Accuracy, and Overall Satisfaction. The agency surveys it stakeholders through its own distribution network.

- **Best Practices.** The agency completes the required Best Practices Survey each year. The annual review is used to plan administrative changes needed in the next review period.

Budget Drivers

- Major Law revisions from 2007 and 2009 legislative sessions continue to drive the agency's budget. This includes publications, education, investigations and advice.

- On-line reporting and posting of the agency's information on the web began in 2016. The system allows filers to complete and submit their reports through the Electronic Filing System (EFS), and allows the public to review these reports through the agency's website.

- In the 2015-17 biennium, funding was made available for the development of the Commission's Case Management System (CMS). The CMS allows the agency to post final dispositions of investigations, and informal and formal written advice issued by the Commission on-line for public view, again eliminating the need for a public records request.

- The agency will focus resource on training public officials, lobbyists, entities that hire lobbyists, and the public about the EFS and CMS. This focus includes training public officials from many jurisdictions, such as cities, counties, special districts, school districts, and state agencies. The agency must expend enormous resources to ensure that all users of the EFS are trained on how to file their statutorily-required reports, and the general public is educated on how to access the information through the EFS and CMS.

- The required reports will no longer be filed on paper, saving lobbyists and the many businesses that hire lobbyists, and all public officials who are required to file Statements of Economic Interest (SEI), money and time.

- With the EFS, The agency will realize savings in postage, printing and filing expenses. The agency will no longer use its resource to simply mail, receive and file the reports. Instead, this resource will be redirected to auditing the information filed on the reports as required by ORS 244.290(2)(e).

Policy Package 90

- The reclassification of the Executive Director’s position from Principle Executive Manager D (PEMD) to Principle Executive Manager E.
- The Commission requested a review of the Executive Director’s position description and duties. Three years prior, the Commission had asked for the same review; however, DAS requested that the Commission hold its request until the Oregon Management Project (TOMP) review was complete.
- Last year, when TOMP’s completion was postponed, the Commission requested the review under the Hayes system.
- DAS Chief Human Resource Office completed its review and determined that the increased responsibilities and duties warranted the reclassification. Under the Hayes system, the position scored well within the range to move the position from PEMD to PEME.
- Increase Other Funds $25,308.

Policy Package 101

- The reclassification of the Program Analyst 1 (PA1) range 23 to Operations and Policy Analyst 2 (OPA2) range 27. The PA1 position was established in 2006. The position has continued to grow over the past several biennia, resulting in an increase of duties and responsibilities.
- The agency requested a review of the Program Analyst 1 position from the Department of Administrative Services Chief Human Resource Office (CHRO) in response to the job duty changes to the position resulting, in part, from the implementation of the Electronic Reporting System (EFS).
- The Position Description was updated to reflect the current duties and was submitted to CHRO Class and Compensation unit for review. The CHRO determined that the increased responsibilities and duties warranted the reclassification.
- The reclassification removes the position from Non-Supervisory Management (MMN) to Unrepresented position (UA).
- The Executive Director considered removing duties that were outside of the current PA1 level, but rejected that consideration because the higher level work is critical to the agency in meeting its increasing demands, performance measures and mission.
- Other Funds $8,100.

Agency Activity Cost Continuum

- Informal Calls / Requests for Advice
- Complaints
- Web-based Training
- Newsletters
- Conference Training
- Written Informal Advice
- Lobby Guide
- Preliminary Reviews
- In-Person Training
- Negotiated Settlements
- Written Staff Opinions
- Investigations
- Individual In-person Training
- Public Official Guide
- Formal Advisory Opinions
- Contested Case Hearings
- Court of Appeals
- Attorney General Opinions

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$ Costs $