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Information Report on Update of Report on Government Ethics Commission

City Club of Portland (Portland, Or.)

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Information Report on
UPDATE OF REPORT ON GOVERNMENT ETHICS COMMISSION

Although the legislature, in the 1983 regular session, did not adopt changes to existing Oregon ethics legislation, proponents of those changes are now circulating petitions to place an initiative measure on the November 1984 ballot. Sponsors are Senator Jan Wyers, Senator L. B. Day and Don Willner.

Supported by a group known as Oregonians for Better Government Ethics, the measure adopts the key provisions of the unsuccessful Senate Bill 10 (SB 10), which included many of the recommendations of the City Club's January 14, 1983 report on "The Oregon Government Ethics Commission." The initiative measure: (1) prohibits gifts to legislative and executive officials, (2) regulates lobbying of administrative and executive actions, and (3) makes influence peddling a crime.

The major recommendations for legislative change in the Club's report were:

- 1) A less political method for funding the Commission.
- 2) A prohibition on gifts to public officials.
- 3) A new method of appointment of Ethics Commission members.
- 4) A revision of the adjudicatory process to provide for confidentiality and require the use of the Administrative Procedures Act provisions.
- 5) A definition of "the use of public office for private gain" and a clarification of the relationship between ethics prohibitions and criminal statutes.
- 6) A requirement that lobbying of administrative agencies be subject to the same prohibitions and disclosures as legislative lobbying.

With regard to the programs of the Government Ethics Commission, the major recommendations were to:

- 1) Develop an educational program.
- 2) Re-vamp the enforcement process to, among other things, use trained investigators.
- 3) Improve recordkeeping and the availability of statements of economic interest.

Initially considered by the Senate Judiciary Committee (Senator Jan Wyers, Chair), SB 10 addressed most of the issues identified in the Club's report and in reports from Common Cause and a legislative interim committee, chaired by Don Willner. Narrowly passed in the Senate, debate on the floor centered on the following issues:

- (1) confidentiality of procedures leading to a decision that probable cause exists that an ethics violation has occurred;
- (2) independent legal counsel for the Ethics Commission; and
- (3) expansion of the ethics law to cover lobbying administrative agencies as well as legislative lobbying.

Senate Bill 10, as passed by the Senate, was characterized as a broad revision of Oregon ethics law that required stricter reporting by public

officials and lobbyists and an expansion and clarification of what constitutes unethical behavior.

Following passage by the Senate, SB 10 was assigned to the House Judiciary Committee (Representative Hardy Myers, Chair), which could not reach consensus on the bill. A majority of the members of the Committee sent a greatly revised version of the bill to the House floor, accompanied by two minority reports. One of the minority reports, carried by Rep. Dick Springer, was very close to the version of SB 10 adopted by the Senate. The second minority report was viewed as a compromise bill, and included administrative lobbying within its coverage. The House voted on all three proposals, adopting the majority proposal, which is the least inclusive of the three reports and, for example, excluded administrative lobbying from coverage of the ethics laws.

Both versions of the bill were then sent to a Conference Committee, comprised of Senate and House members, to determine if a compromise between the two varied proposals passed by the House and the Senate could be devised. The Conference Committee was unable to reach such a compromise, and the bill died in committee.

Discussions with participants in the legislative process indicate that the Senate perceived ethics reform as an important issue and strongly supported comprehensive revisions, in the main. On the other hand, House members were less inclined to see revision of the Ethics Commission and ethics laws as an important issue and there was no strong support for making significant revisions.

Very few administrative changes have been made by the Ethics Commission, although its recordkeeping activities have become better organized. Educational efforts with lobbyists and elected officials seem to be improving.

Respectfully submitted,

Kenneth Maul
Susan I. Stoltenberg
John M. Wight, Vice Chairman
GOVERNMENT & TAXATION STANDING COMMITTEE

Information Report on
UNITED WAY-COLUMBIA WILLAMETTE

I. BACKGROUND

The Club's Board of Governors approved a study of United Way-Columbia Willamette (United Way-CW) in May, 1979. The charge was to study: 1) Policies and procedures relative to determining priorities for funding allocations, 2) Related functions of United Way-CW and Tri-County Community Council (TCCC) in setting priorities, and 3) The differing views of United Way as a donor's organization whose purpose is to limit the scope and number of fund drives, or as a conduit to deliver charitable dollars to highest priorities.

The City Club Study was approved by the membership on April 9, 1982. Subsequently, United Way commissioned a full review of its policies and procedures, which was completed April 28, 1983. Since then, United Way-CW has acted on various parts of its review. This Information Report, completed in December, 1983, compares the actions taken by United Way-CW with the 1982 City Club Study recommendations, and notes those issues yet to be considered.

II. REPORT

Club Recommendation: "1. United Way-CW should cease to define the community's needs as just the needs of its member agencies. United Way-CW should aggressively seek to discover the needs of the community, and it should base its allocations on such needs rather than merely funding each agency at nearly the same level year after year. Specifically:

"a) Prior to the 1982 campaign, if time allows, United Way should budget adequate funds for a substantive community needs study, contracted from a private agency.

"b) United Way-CW should set aside a small percentage (e.g., 1 percent) of each year's funds for subsequent annual community needs assessments.

"c) Needs assessments should reflect services required by the community rather than services offered by agencies.

"d) United Way-CW should contract for objective and independent annual evaluations of agencies' performance on a five-year cycle, to be contracted to an external source."

United Way Action: The United Way-CW Board acted on April 28, 1983 to direct its funding allocations to community needs and to establish funding priorities. This decision was incorporated in the larger action to consolidate United Way-CW and the Tri-County Community Council.

The consolidation decision also calls for development of a planning unit to conduct needs assessment and set funding allocation priorities. The decision finally includes establishment of a Board Committee and procedure to monitor and evaluate performance of both funded service providers and United Way-CW itself.

Club Recommendation: "2. United Way-OW should use information from the needs assessment for setting allocation priorities. This may well eliminate the need for the Demonstration and Development Fund altogether. Therefore, those funds should be absorbed into the general fund. As an alternative, these funds could be earmarked as a reserve to meet short-term, ad hoc needs."

United Way Action: As noted under number 1 above, United Way-OW has decided to both conduct needs assessments and through those assessments, set funding allocations priorities.

No decision has been made to eliminate the Demonstration and Development fund (the fund used to meet emerging needs). Discussions are being held on the question of emergency service and capital needs. Suggestions have been made to redefine the Demonstration and Development fund to include such emergency needs.

Club Recommendation: "3. All agencies should be invited to bid every two to three years for contracts to meet the needs identified in the community needs assessment."

United Way Action: A proposal has been developed to implement three year funding allocations. The proposal includes a provision for competitive bidding for the three year period. The proposal is directed at services only and does not include community needs assessment. As noted under number 1 above, the needs assessment will be conducted by United Way-OW staff and a Board Committee.

Final Board action is expected soon on the three year allocation proposal.

Club Recommendation: "4. United Way-OW should re-evaluate - and consider terminating - special agreements with Heart, Cancer, and Red Cross. From now on such agreements should be avoided. Future allocations should reflect a true needs assessment."

United Way Action: No decision has been made relative to special fund allocation agreements.

Discussions are underway to renegotiate those agreements. Those discussions are being conducted under the letter and intent of the decision to allocate funds based on needs and priorities. United Way-OW feels the decision to allocate funds based on needs and priorities directs it away from such special agreements now and in the future.

Club Recommendation: "5. The allocation process should be improved by:

a) Reducing the number of members in the allocation committee and the supporting conference panels.

b) Organizing the panels around needs rather than related agencies.

c) Changing the composition of these committees so that each more accurately reflects the various constituent groups in the Portland area community."

United Way Action: No decisions have been made to reduce the number of fund allocation panels and/or panel members. The panels will, however, be reorganized around needs.

Discussions are underway regarding the number of need areas (or emphasis) to be identified. Those discussions may lead to reductions both in the number of panels and/or panel members.

No specific decisions have been made relative to the composition of panels. United Way-CW acknowledges the desirability of panel composition reflecting constituent groups.

Club Recommendation: "6. The organization of United Way-CW should be changed so that the functions of a) fundraising, b) allocation, and c) needs assessment and evaluation are seen as equally important, each with an executive committee responsible to the Board."

United Way Action: The consolidation decision calls for a redesign of the committee structure. The new structure will include 1) an Executive Committee, 2) a Program Review Committee, 3) a Campaign and Resources Committee, 4) a Communications Committee, 5) a Finance and Administration Committee, 6) a Community Organization and Planning Committee, and 7) a Community Services and Allocations Committee.

No date has been set for reorganizing the committee structure, nor have committee responsibilities been determined. Discussions are underway to determine dates and responsibilities.

Club Recommendation: "7. With an eye to increasing total community giving, employers should experiment with methods of opening workplace solicitation to non-United Way agencies during the United Way campaign."

United Way Action: Discussions are underway to allow donors to designate their gifts using the United Way solicitation mechanisms. If such a process were implemented, United Way would simply act as a conduit between donors and the designated recipient organization.

Other options relative to the concept of donor gift designations are being discussed. No date has been determined for Board action on this subject.

Club Recommendation: "8. In order to increase minority participation, employers should create more opportunities for their minority employees to assume leadership positions in their company's United Way activities."

United Way Action: United Way-CW has no set policy relative to the composition of employer United Way activities. United Way-CW acknowledges the desirability of including all segments of the community in United Way activities, but has no specific plans to discuss the issue or to develop a related policy.

Club Recommendation: "9. In spite of their special relationship with United Way-OW, TCCC, along with other service providers, should be invited to compete for United Way-OW contracts, including the contract to carry out a community need assessment."

United Way Action: As noted under numbers 1 and 3 above, United Way-OW has decided to conduct needs assessments through its planning staff and Board Committee. Depending on circumstances, United Way-OW may contract various planning activities with outside organizations and would consider developing those contracts through competitive bids. United Way-OW further will seek volunteer assistance from various planning and research organizations.

With the consolidation agreement between United Way-OW and TCCC, TCCC is officially dissolved and, therefore, cannot be considered for contractual activities. All willing TCCC staff were transferred to the United Way, and by and large will become the planning staff of United Way.

Respectfully submitted,

Irene Fischer-Davidson

Bob Holdridge

Subcommittee on United Way, HUMAN SERVICES STANDING COMMITTEE