Commission on Streamlining Government survey

Department: Ethics Administration Program

Louis Simon

9/14/2009

COMMISSION ON STREAMLINING GOVERNMENT SURVEY

Department: Ethics Administration Program

SECTION 1: AGENCY OVERVIEW

Overarching reform goal(s) for the agency:

The overarching reform goals for the agency center around accountability and transparency to ensure the public's confidence in the public servants elected, appointed and employed to serve the citizens of the State of Louisiana. The Louisiana Board of Ethics is constitutionally and statutorily charged with administering and enforcing the State's conflict of interest, campaign finance and lobbying laws. The Louisiana Board of Ethics, with the staff support of the Ethics Administration Program, seeks to maintain the following goals:

I. To improve the level of education and awareness by public servants in order to ensure compliance with conflicts of interest standards, campaign finance disclosure requirements and lobbyist registration and disclosure requirements.
II. To ensure that the administrative duties of the Louisiana Board of Ethics are carried out in a timely and efficient manner by the staff in order to increase public confidence relative to the accountability of public servants, candidates, political committees and lobbyists.
III. To enhance timely public access to disclosed information.

Constitutional and Statutory Mandates:

Article X, Section 21 of the Louisiana Constitution provides for the creation of a board of ethics to administer "a code of ethics for all officials and employees of the state and its political subdivisions." The Ethics Administration Program ("EAP") provides staff support for the Louisiana Board of Ethics. The Louisiana Board of Ethics administers and enforces the following laws:

1. LSA-R.S. 42:1101, et seq., establishes the Code of Governmental Ethics and creates the Board of Ethics.

2. LSA-R.S. 18:1481, et seq., establishes the Campaign Finance Disclosure Act and designates the Board of Ethics to administer the provisions thereof.
3. LSA-R.S. 24:50 et seq., establishes the Legislative Lobbyist Registration and Disclosure Act and provides for the enforcement thereof by the Board of Ethics.
4. LSA-R.S. 49:71 et seq., establishes the Executive Branch Lobbyist Registration and Disclosure Act and provides for the enforcement thereof by the Board of Ethics.
5. LSA-R.S. 18:41, et seq., establishes the Louisiana Elections Integrity Law and provides for the enforcement thereof by the Board of Ethics.

Furthermore, R.S. 42:1158 provides for the establishment of the Board of Ethics Computerized Data Management System to provide for the efficient and economical dissemination of information. R.S. 42:1159 provides for the Board of Ethics' maintenance of a website that allows the public to gather information easily regarding the conduct of those regulated by the board, and to quickly and easily review disclosure reports, and agenda, opinions and decisions of the board. The EAP regularly reviews and updates its website to improve access to its public information.

Also, the Board of Ethics is required to keep records as to compliance by public servants receiving the requisite training on the provisions of the Code of Governmental Ethics, Campaign Finance laws (by candidates), and Lobbying Disclosure laws (by lobbyists). R.S. 42:1170E. R.S. 42:1170 requires that the following individuals receive the following education and training:

1. By January 1, 2008, statewide elected officials, legislators and public service commissioners shall receive 1 hour on the Code of Governmental Ethics during each year of his term of office. Newly elected officials are required to receive the training within 90 days after taking the oath of office. A minimum of one hour of education and training on the Campaign Finance Disclosure laws is required during their term of office.
2. By January 1, 2010, elected officials, other than those in Paragraph 1, shall receive 1 hour on the Code of Governmental Ethics during each year of his term of office. Newly elected officials are required to receive the training within 90 days after taking the oath of office. A minimum

of one hour of education and training on the Campaign Finance Disclosure laws is required during their term of office.

3. By January 1, 2012, public servants, other than those in Paragraphs 1 and 2, shall receive 1 hour on the Code of Governmental Ethics during each year of his public employment.
4. By January 1, 2009, each registered lobbyist shall receive 1 hour on the provisions of the Code of Governmental Ethics during each year each year he is registered.

In a 1995 report of the Public Affairs Research Council of Louisiana, it was reported that there were approximately 250,000 individuals subject to the Code of Governmental Ethics. By 2012, the EAP will be required to track who has and has not received the requisite education and training. If this statutory mandate remains in effect, by 2012, the EAP will be required to establish and maintain, for compliance purposes, a database of all public servants at the state, parish, and local government levels, their years of service and their compliance with the statute. No such database is maintained at this time for all levels of government and there is no central source to obtain this information. Therefore, if the EAP is required to track such compliance, the agency will be required to develop such a system, which will require additional monetary and personnel resources in future fiscal years.

Also, R.S. 42:1124.2.1 requires members of board and commissions that have the authority to expend, invest or disburse more than $10,000 to file personal financial disclosure reports. R.S. 42:1124.4E requires the Board to post on its website a list of all persons who have failed to file, failed to timely file, and failed to accurately file personal financial disclosure reports. In order to accurately comply with the mandate, the EAP will be required to develop a database of all such boards and commissions and their respective members and terms of office. Also the monetary authority for a particular board or commission may change from year to year, which will require an update of the database. There is no central source to obtain this information, so if such a requirement is maintained in the statute, the EAP will be required to develop such a system, which will require additional monetary and personnel resources in future fiscal years.

SECTION TWO: EFFICIENCY AND BENCHMARKING

The Ethics Administration has only one program, which is to provide the staff support for the Louisiana Board of Ethics. As such the EAP serves as the contact agency for the public and the Board of Ethics. Not only does the EAP provide information to the public on its website, it also receives and reviews all documents, registrations and reports filed with the Board of Ethics. The EAP prepares and distributes the monthly agenda for the Board of Ethics. Opinions issued by the Board of Ethics are drafted and disseminate by the EAP. Investigations and enforcement actions as ordered by the Board are conducted by the EAP. Furthermore, education and training on the laws administered by the Board are provided through the EAP, either in person or through Internet options that are being developed by the EAP.

SECTION THREE: OUTSOURCING AND PRIVATIZATION

A function of the EAP that can be outsourced in part is the development of online training tools that can be used by individuals to obtain the requisite statutory education and training on the laws administered by the Board of Ethics. The ability to receive such training online will alleviate the need to provide the training in person by a staff member. Currently, there is one staff member who provides live training opportunities. If development of Internet training is outsourced, it will alleviate the need to hire additional personnel by 2012 to provide training to all public servants throughout the state at the state, parish and local levels.

To provide the online training tools, it will require different types of instructional materials, including different types of video/audio instruction, along with hard copy publications. To cut the costs for video studio and professional publication equipment, LBOE is seeking to outsource these services from third party vendors.

Also, with the additional disclosure requirements that were enacted through the Ethics reform initiatives that resulted from the 2008 Legislative Sessions, the EAP has used, and can continue to use, temporary employees engaged through a Weststaff contract. Such temporary personnel have been utilized to assist during reporting deadline periods to provide data entry and scanning services.

Also, it is anticipated that the EAP will outsource the scanning of documents into its new data-management system rather than hiring additional employees to scan the documents.

SECTION FOUR: INFORMATION TECHNOLOGY INTEGRATION

After the enactment of the Ethics reform initiatives of the 2008 Legislative Sessions, the EAP dramatically updated its Information Technology infrastructure. A key component was the enhancement of its IT Department. Prior to 2008, there was only one employee in the agency's IT department. An IT Director and programmer were hired to implement the new disclosure, online electronic filing and key infrastructure requirements. The following key points of updates have been made by the EAP's IT staff:

- Most of the databases have been moved or are currently in transition to Microsoft SQL 2008 with a .net environment. This environment is providing easy solutions to manage the increased amount of data collected, which allows the IT department to build more user-friendly interfaces.
- The EAP's website has been changed with up to date technology components.
- A new reporting system has been implemented (Crystal Report Server) to accommodate necessary reports for the agency and the public.
- A Virtual Private Networking system has been installed to provide information access for all EAP staff outside the state network (home or other Internet access points).
- A web-based portal has been created for board members, which increases the efficiency of agenda distribution and reduces the cost of agenda printing/shipping.
- A lobbyist online web system was developed and implemented in January 2009, which has received a lot of positive feedback from stakeholders and similar agencies across the United States.
- A new document management system (Laserfiche) and agenda management system (Novus Agenda) have been purchased and are currently in implementation process. The systems will be maintained by the existing IT staff.

- All the computers and peripherals more than 6 years old have been replaced with up to date equipment.
- A new fax server with PRI connection has been installed to accommodate high traffic volume of faxes.
- The EAP has moved most of its servers into a virtual environment. VMware Technology enables enterprise-class performance while saving space, reducing costs and increasing productivity. The EAP is a leader among all state agencies in creating and transferring physical servers into a virtual environment. During the summer of 2009, the IT staff implemented a virtual environment (vSphere 4.0) that dramatically reduced costs by 60% for new server hardware. Most of the EAP's servers have been moved into the virtual environment which reduced power consumption and highly increased reliability of the systems.

All of the new projects implemented and developed have been done "in-house" by the EAP's small IT staff, which significantly decreased IT expenses, and will provide savings in the future by alleviating the need to outsource future updates and enhancements to the EAP's IT systems.

The EAP is intensely working on implementing distance education tools to improve outreach programs and to cut the cost of traveling. Currently, EAP staff schedules and conducts seminars in different parts of the State, such as Shreveport, Monroe, New Orleans Lafayette and etc., to transfer knowledge about campaign finance, lobbying and general ethic rules and regulations. The seminars involve travel-related costs, not just for EAP staff, but also for participants. Besides seminar expenditures, EAP outreach efforts have been limited to local residents. Distance education tools will allow the EAP to meet the needs of out-of-state stakeholders. To reduce educational costs and to improve outreach programs, the EAP has implemented the following distance education tools: web-based instructions and webinars, and compressed and IP videoconferencing (Polycom TCP/IP video conferencing camera with media server).

SECTION FIVE: ELIMINATION OF DUPLICATIVE AND UNNECESSARY SERVICES

The Ethics Administration Program currently has the following three activities: Administrative Support, Compliance and Education. The EAP, through its three activities, performs only those constitutionally and statutorily mandated duties and responsibilities of the Louisiana Board of

Ethics. Elimination of any of the activities would have a detrimental effect on the administration and enforcement of the conflict of interest and disclosure laws that provide transparency and accountability of governmental officials.

SECTION SIX: CIVIL SERVICE AND EMPLOYEE BENEFITS

The employees of the EAP are all classified state employees; therefore, employee benefits, hirings and promotions, as well as other employee regulations, are handled in accordance with the rules and guidelines set forth by the State Civil Service Department. Pursuant to Civil Service requirements, the agency's supervisory staff conducts Performance and Planning Reviews (PPR) for each employee on an annual basis to measure the employee's job performance during the preceding year.

SECTION SEVEN: STUDIES AND OTHER RESOURCES

The Louisiana Board of Ethics has been an active member of the Council of Governmental Ethics Laws (COGEL) (www.cogel.org) for over twenty years and has hosted its annual conference twice. COGEL is a professional organization for government agencies, organizations, and individuals with responsibilities or interests in governmental ethics, elections, campaign finance, lobbying laws and freedom of information. COGEL is an active organization which works to ensure that ethics professionals are connected to each other and aware of new developments in the field.

Center for Public Integrity (CPI) (www.publicintegrity.org) – CPI is a non-partisan, non-advocacy, nonprofit organization, which produces investigative journalism on issues of public concern and transparent and comprehensive reporting. CPI conducts a nationwide survey of legislative financial disclosure laws. Prior to the reform initiatives to the public disclosure laws enacted during the 2008 Regular Legislative Sessions, Louisiana ranked 44th in the nation. In the survey released in 2009, Louisiana ranked number 1 and received a grade of "A."

Better Government Association (BGA) (www.bettergov.org) – BGA is an independent, non-partisan government watchdog group, which fights waste, corruption and inefficiency in government. BGA's Integrity Index ranks all fifty states on the strength of their laws relating to transparency, ethics, and accountability in government. Prior to the reform initiatives to the public

disclosure laws enacted during the 2008 Regular Legislative Sessions, Louisiana ranked 46 out of 50 states. In the most recent index released by BGA, Louisiana is ranked in the top five states.

Public Affairs Research Council of Louisiana (PAR) (www.la-par.org) – PAR is a nonprofit research organization that offers solutions to critical public issues in Louisiana serves as a government watchdog.

SECTION EIGHT: AGENCY BEST PRACTICES

1. The eleven (11) members of the Louisiana Board of Ethics meet on a monthly basis with each member receiving an agenda of items to be considered ten (10) days prior to the meeting. Historically, the agendas were submitted by the staff to the Board members in three (3) ring binders, with each member receiving a minimum of two (2) binders. The agendas contained approximately 1,200 pages of material. Hours of staff time were involved in the compilation, copying, collating, reviewing and mailing of the binders to the Board members. Due to the size of the agenda binders, the United Parcel Service (UPS) was used to deliver the binders to the members statewide.

Beginning in June, 2008 the agenda materials were converted from paper documents in three (3) ring binders to electronic versions on thumb drives. This process dramatically decreased the costs associated with paper, copier usage, postage and staff resources used in the monthly distribution of the Board members' agendas.

In April, 2009 the agency's IT department created a web portal for Board members to access monthly agendas via Internet connectivity. Agenda documents are currently scanned and uploaded to the Board members' web portal for review. This method completely eliminated all paper, copier and postage expenditures associated with the distribution of the Board's monthly agendas. The Board's IT staff is in the process of incorporating an agenda online management system, Novus Agenda, to provide more efficient access to the agenda items by Board members and to allow for improved access for members of the general public.

2. The EAP's IT department has successfully developed and implemented the mandated online registration and monthly expenditure reporting for lobbyists. Additionally, lobbyists are now electronically notified of due dates for registrations and reports, as well as notices of delinquencies which

eliminates costs associated with mailing out correspondence/notices (paper, postage and staff resources used to prepare mailouts). Due to the recent increase in the IT staff from one to three, which includes an IT Director and a programmer, this project did not require any outsourcing resources but was instead designed and implemented internally resulting in a cost savings to the agency.

3. The agency does not have a full time receptionist position; therefore, a retired employee is used to fulfill the duties of the receptionist position which includes answering a multi-line telephone, routing calls to the appropriate staff member, greeting visitors to the agency and providing basic information to callers. The use of a rehired retiree in this position results in a salary and related benefits cost saving.