Transparency Oregon Advisory Commission

Biennial Report



Legislative Fiscal Office February 2011

STATE OF OREGON LEGISLATIVE FISCAL OFFICE

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KEN ROCCO LEGISLATIVE FISCAL OFFICER

DARON HILL
DEPUTY LEGISLATIVE FISCAL OFFICER

To the Members of the Seventy-Sixth Oregon Legislative Assembly:

Following is the first biennial report of the Transparency Oregon Advisory Commission prepared by the Legislative Fiscal Office. The Commission was established by HB 2500 in the 2009 legislative session. The Commission is required to report to the Legislature each odd-numbered year.

Due to unforeseen circumstances, the Commission was not able to provide comments on this report in a public meeting or to have a public hearing on the draft report.

This report will be made available to the public on both the Legislative Fiscal Office website at www.leg.state.or.us/comm/lfo/publications.htm and the Oregon Transparency website at www.oregon.gov/transparency.

Ken Rocco Legislative Fiscal Officer

Transparency Oregon Advisory Commission Biennial Report

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Summary

This report fulfills the Transparency Oregon Advisory Commission's (TOAC) requirement to provide the Legislative Assembly with information on the status of the Oregon transparency website by January 15 of each odd-numbered year. This requirement is codified in ORS 184.486.

The report covers enhancements made to the Oregon transparency website during the 2009-11 biennium and identifies possible future enhancements to the website for the next biennium. This is the first report made by the Commission.

The Transparency Oregon Advisory Commission was established by HB 2500 (2009) and held its first meeting on December 17, 2009. The Commission met three times during the period between December 2009 and January 2011.

The Commission consists of nine members appointed by the Governor, the President of the Senate, the Speaker of the House, the Director of the Department of Administrative Services, and the Legislative Fiscal Officer. Membership is required to reflect a mixture of legislators, public members, and state agency representatives.

The Department of Administrative Services (DAS) was directed by HB 2500 to develop an Oregon transparency website by January 1, 2010. The website was to be designed so that any person could view the information on the site that is a public record and not exempt from disclosure under the state's public records laws. DAS complied with this direction by providing an initial website release in January 2010. DAS then worked with TOAC to make various changes and enhancements to the site during the following months.

Authority

HB 2500 was passed unanimously by the 2009 Legislature to create the Oregon transparency website and establish the Transparency Oregon Advisory Commission.

The measure was introduced due to interest in having Oregon join the growing number of states that have operational websites for posting state spending, detailing financial information, identifying performance measures and data, and providing interactive systems to model state budgets.

A copy of the enrolled bill can be found in Appendix A of this report.

The Transparency Oregon Advisory Commission was established by HB 2500 (2009) and held its first meeting on December 17, 2009. The Commission met three times during the period between December 2009 and January 2011.

As part of the enacted legislation, DAS was directed to develop an Oregon transparency website that would provide state budget, revenue, and other financial data and information to the public. State agencies were directed in the measure to provide the information required by DAS only when no additional cost would be incurred. This basically meant that only existing reports and databases would be used in the creation of the website. The measure also specified certain data elements to be included on the website.

DAS initiated work on the website in July 2009 by holding meetings with state agency stakeholders; creating a collaborative workspace for HB 2500 implementation on Oregon GovSpace; holding one-on-one meetings with each primary stakeholder; conducting awareness presentations for agency heads, administrative business services directors, public information officers, and others; and distributing newsletter articles and Exec Net messages. The initial transparency website mockup was prepared in September 2009.

The Commission reviewed this website mockup in December 2009 and made several suggestions for changes and improvements to the content on the website. During the period between January and March 2010, DAS released the website and made additional modifications. DAS also established reporting standards with respect to format, content, and timelines, and made agreements with agencies for report submission. DAS then continued to work on identifying and implementing improved data entry and classification methods for expenditure information, and developed procedures for the annual update of information.

Background

Membership

The Commission consists of nine members appointed by the Governor, the President of the Senate, the Speaker of the House, the Director of the Department of Administrative Services, and the Legislative Fiscal Officer. Membership is required to reflect a mixture of legislators, public members, and state agency representatives. Four of the members are required to be legislators, one each from the majority and minority parties in the Senate and the House, appointed by the President and Speaker, respectively. Two members are required to be from the public with experience in public finance, public relations, measurement of performance outcomes, or technology; one each appointed by the President and the Speaker. The Governor is required to appoint one member from an executive branch agency, and the DAS Director and Legislative Fiscal Officer are required to appoint one member each.

The term of office of each member is four years, but a member serves at the pleasure of the appointing authority. Before the term of any member expires, the appointing authority is required to appoint a successor whose term begins on the next January 1st. Members can be reappointed. If there is a vacancy, the appointing authority is required to make an appointment that is immediately effective for the remainder of the unexpired term.

A list of the original membership of the Commission by appointing authority with the length of term identified can be found in Appendix B of this report. Four of the original appointments are currently either vacant or expired and have not been reappointed.

Website Required Content

ORS 184.483 directs the Department of Administrative Services to develop and make available to the public a website that provides state agency information and other financial and budget data. The specified information includes:

- Annual state agency revenues
- Annual state agency expenditures
- Annual state agency human resources expenses, including compensation
- Annual state agency tax expenditures
- State agency contracting and subcontracting information

- A graphic representation of the primary funding categories and approximate number of individuals served by the state agency
- A description of the mission, function, and program categories of the state agency
- Information about the state agency from the Oregon Progress Board
- A copy of any audit report issued by the Secretary of State for the state agency

The statute also requires that the required content for each state agency, to the extent practicable and subject to laws relating to confidentiality, should consist of existing data using existing state agency resources without the reallocation of resources and without any additional cost to the agency. State agencies are directed to provide the information in the format and manner required by DAS by posting reports and providing links to existing information system applications. The reporting requirements apply to all state agencies, boards, and commissions in the Executive, Legislative, and Judicial branches of government, with the exception of the State Treasurer.

In order to provide the required information within confidentiality laws, DAS followed the guidelines of the Oregon ID Theft Act (definition of Personally Identifiable Information) and Public Records Law ORS 192. To provide the information at no additional cost, DAS developed the website using links to currently existing reports, systems, and databases. The primary reports initially used by DAS include the following:

- Revenue Reports DAS Budget and Management Division; Oregon State Lottery
- Expenditure Reports DAS State Controller's Division; Oregon State Lottery; Oregon Department of Transportation; Oregon University System
- Contracts Reports DAS State Procurement Office; Oregon State Lottery; Oregon Department of Transportation; Oregon University System; Oregon Judicial Department
- Human Resource Expenses/Salary Reports DAS Human Resource Services Division; Oregon University System
- Other Reports/Information Annual Tax Expenditure Reports; Secretary of State Audits Reports; Oregon Progress Board; Agency Mission, Function, Program

Categories from Oregon Blue Book; Stimulus Tracking and Reporting; Education Spending from Open Books Project; Economic and Revenue Forecasts; website links to miscellaneous other sources such as the Legislative Fiscal Office and DAS Budget and Management Division publications on the state budget

DAS was directed by HB 2500 to develop and make available the transparency website by January 1, 2010. The website was to be designed so that any person could view the information on the site that is a public record and not exempt from disclosure under the state's public records laws. DAS complied with this direction by providing an initial website release in January 2010. DAS then worked with TOAC to make various changes and enhancements to the site during the following months.

In December 2010, DAS updated the Oregon Transparency website with content for the 2009-10 fiscal year. Not all pages on the website required updating since the state is in the middle of the 2009-11 biennium. In addition, DAS preserved the content posted for the 2008-09 fiscal year in an archive located in the transparency website location.

A screen print of the website portal can be found in Appendix C of this report.

Commission Actions

At its first meeting in December 2009, the Commission reviewed the initial website mockup and made several recommendations to DAS for changes and enhancements:

- Delete state employee names on website data for salaries
- Include a display of state employee average benefits
- Include state employee names on lists of vendor payments
- Include data on union dues, fair share payments, and political action contributions
- Add contact information on the website for Commission members
- Provide links to local government websites
- Review possibilities for an improved display and standardization of lengthy reports included on the website

- Review possibilities of including data from Semi-Independent Boards and Commissions on the website
- Review the exemption of the State Treasurer

DAS reported on these issues and changes at the Commission's May 2010 meeting and presented the updated website for review. The Commission discussed adding additional links on the website to other entities such as the Committee on Performance Excellence, the Governor's Re-Set Cabinet, ORESTAR (Election Reporting), and other government efficiency sites. Interest was expressed in making the Tax Expenditure Report and data more accessible on the portal page of the website. The Commission also discussed including a web form to easily obtain public feedback on the website and enhancements that the public wants to have included.

At the September 2010 meeting of the Commission, DAS again presented the modified website that included the additional links and other information recommended by the Commission at the previous meeting. Most of these additional links to information were included on the website's "Resources" page. In addition, the Commission received a presentation on the transparency websites of several other government units as potential models for improvements to Oregon's site. These other transparency sites included examples from Kentucky, Texas, Missouri, Illinois, and the City of Albany. The key criteria for an effective website were identified as comprehensive (including contracts and non-contract spending, tax expenditures, quasi-public agencies, and local government); one-stop (all data on one site, not links to other sites, and in one master searchable database); one click searchable (with the ability to download search results to a spreadsheet); raw data access; context (data with explanations of purpose and with performance measures); and updated regularly.

Website Future Enhancements

While the Commission took no formal action to make recommendations on future website enhancements, the following is a summary of the major topics discussed by the Commission during its deliberations on the website and the changes that should be considered for future iterations:

• Remove the exemption for the inclusion of data from the State Treasurer

- Review the funding issue with the Legislature since a robust transparency website needs resources for development and maintenance
- Conduct a survey of the public to determine what is wanted for inclusion in the website
- Provide the ability for easy public feedback
- Improve the ability to search the data fields included on the website and on the data included on other websites linked to the transparency website
- Provide links to agency Key Performance Measures and other performance management data
- Provide a link either on the transparency website or on the Oregon.gov website to a clearinghouse of all public meetings scheduled in the state
- Provide webinars or online hearings using audio/web conferencing to obtain public input
- Provide the ability to drill down into databases such as the ORPIN site on procurement contracts to search for a particular contract or vendor
- Consider adding a new button and icon on the website main page for a direct link to Tax Expenditures

Due to the passage of Ballot Measure 71 in the November 2010 General Election, the Legislature now meets in annual sessions. The odd-numbered year session is comprised of an organizational session that met in 2011 between January 10th -12th. By rule, the organizational session is only meant for procedural activities and does not have the authority to take any action or have any committee activity. Also by rule, the regular session (now limited to 160 calendar days in the odd-numbered year) does not start until February 1st. Given this constitutional change to annual sessions and the manner in which the Legislature has implemented the change, the January 15th date for submittal of a report by the Commission in the original legislation establishing the Transparency Oregon Advisory Commission is no longer effective. The Legislative Fiscal Office recommends changing the date for submittal of the report to the Legislature to February 15th of the odd-numbered year. The Fiscal Office will work during the 2011 session to make this change to ORS 184.486(12).

Although not specifically addressed by the Commission, the required report to the Legislature is also directed to include the feasibility of including "an interactive application where citizens can simulate balancing a biennial budget for the state." The Legislative Fiscal Office looked at various state and local government sites that provide this interactive simulation of balancing a budget. Typically, there is an initial license fee, a cost to modify the simulation tool to a state's budget data, and then an ongoing maintenance fee. In order to provide the initial data in the format required by the contractor and then to provide regular updates to the data, there would be an additional staff cost to the Legislative Fiscal Office or to the DAS Budget and Management Division (depending on where the tool was housed). A rough estimate of cost is between \$25,000 and \$35,000 for the first biennium. Ongoing operation and maintenance costs would be approximately \$15,000 to \$20,000 per biennium.

Enrolled House Bill 2500

Sponsored by Representatives ROBLAN, J SMITH, THATCHER, WHISNANT, Senator DEVLIN; Representatives BENTZ, BRUUN, CAMERON, CANNON, DEMBROW, C EDWARDS, D EDWARDS, ESQUIVEL, FREEMAN, GARRARD, GILLIAM, GILMAN, HANNA, HARKER, HUFFMAN, KAHL, KENNEMER, KOMP, KRIEGER, MATTHEWS, RICHARDSON, G SMITH, STIEGLER, THOMPSON, VANORMAN, WEIDNER, WINGARD, Senators BONAMICI, FERRIOLI, GEORGE, KRUSE, MONNES ANDERSON, MORRISETTE, MORSE, SCHRADER, STARR, WALKER, WHITSETT, WINTERS

AN ACT

Relating to public finance; appropriating money; and declaring an emergency.

Whereas the Seventy-fifth Legislative Assembly finds that taxpayers should be able to easily access the details on how the state is spending their tax dollars and what performance results are achieved for those expenditures; and

Whereas Oregon is currently facing a deep budget shortfall and is seeking efficiencies wherever possible; and

Whereas there currently is no single, easily accessible interactive website that allows taxpayers to track state revenues and expenditures; and

Whereas current technology affords the state an opportunity to provide citizens with a transparent look at the state's finances; and

Whereas the Oregon Progress Board found in 2008 that only 12 percent of Oregonians could correctly identify both the income tax as Oregon's largest source of state income and education as the largest General Fund expenditure; and

Whereas future investments in state government information technology should strive for integrated systems and data exchange designed to provide meaningful information to the public, policy makers and state agencies; and

Whereas the Seventy-fifth Legislative Assembly finds that the creation of an interactive website detailing the location, purpose and results of taxpayer investments in state government is beneficial to our state; now, therefore,

Be It Enacted by the People of the State of Oregon:

SECTION 1. As used in sections 1 to 4 of this 2009 Act, "state agency" means any officer, board, commission, department, division or institution of state government, as defined in ORS 174.111. "State agency" does not mean the State Treasurer.

SECTION 2. (1) The Oregon Department of Administrative Services shall develop and make available an Oregon transparency website. The website shall allow any person to view information that is a public record and not exempt from disclosure under ORS 192.410 to 192.505, including but not limited to information described in subsection (3) of this section.

Enrolled House Bill 2500 (HB 2500-B)

- (2) State agencies, to the extent practicable and subject to laws relating to confidentiality, when at no additional cost, using existing data and existing state agency resources and without reallocation of resources, shall:
- (a) Furnish information to the Oregon transparency website by posting reports and providing links to existing information system applications in accordance with standards established by the Oregon Department of Administrative Services; and
- (b) Provide the information in the format and manner required by the Oregon Department of Administrative Services.
- (3) To the extent practicable and subject to laws relating to confidentiality, when at no additional cost, using existing data and existing state agency resources and without reallocation of resources, the Oregon transparency website shall contain information about each state agency, including but not limited to:
 - (a) Annual state agency revenues;
 - (b) Annual state agency expenditures;
 - (c) Annual state agency human resources expenses, including compensation;
- (d) Annual state agency tax expenditures, including, where possible, the identity of the recipients of each tax expenditure;
- (e) State agency contracting and subcontracting information, to the extent allowed by law;
- (f) A prominently placed graphic representation of the primary funding categories and approximate number of individuals served by the state agency;
 - (g) A description of the mission, function and program categories of the state agency;
 - (h) Information about the state agency from the Oregon Progress Board; and
 - (i) A copy of any audit report issued by the Secretary of State for the state agency.
- (4) In creating, operating, refining and recommending enhancements to the Oregon transparency website, the Oregon Department of Administrative Services and the Transparency Oregon Advisory Commission created in section 3 of this 2009 Act shall consider and, to the extent practicable, adhere to the following principles:
 - (a) The website must be accessible without cost and be easy to use;
- (b) Information included on the Oregon transparency website must be presented using plain, easily understandable language; and
- (c) The website should teach users about how state government works and provide users with the opportunity to learn something about how state government raises and spends revenue.
- (5) If a state agency is not able to include information described in this section on the Oregon transparency website because of the lack of availability of information or cost in acquiring it, the Transparency Oregon Advisory Commission created in section 3 of this 2009 Act shall list the information that is not included for that state agency in the commission's report to the Legislative Assembly required under section 3 of this 2009 Act.
- <u>SECTION 3.</u> (1) There is created the Transparency Oregon Advisory Commission consisting of nine members appointed as follows:
- (a) The President of the Senate shall appoint two members from among members of the Senate, one from the majority party and one from the minority party.
- (b) The Speaker of the House of Representatives shall appoint two members from among members of the House of Representatives, one from the majority party and one from the minority party.
 - (c) The Governor shall appoint one member from an executive branch agency.
- (d) The Director of the Oregon Department of Administrative Services shall appoint one member.
 - (e) The Legislative Fiscal Officer shall appoint one member.

Enrolled House Bill 2500 (HB 2500-B)

- (f) The President of the Senate and the Speaker of the House of Representatives shall each appoint one member of the public with experience or interest in public finance, public relations, measurement of performance outcomes or technology.
- (2) The commission shall advise and make recommendations to the Oregon Department of Administrative Services regarding the creation, contents and operation of, and enhancements to, the Oregon transparency website.
- (3) A majority of the members of the commission constitutes a quorum for the transaction of business.
- (4) Official action by the commission requires the approval of a majority of the members of the commission.
- (5) The commission shall elect one of its members to serve as chairperson. The chairperson shall be selected not later than October 1 of each odd-numbered year.
- (6) If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective.
- (7) The commission shall meet at times and places specified by the call of the chairperson or of a majority of the members of the commission.
 - (8) The commission may adopt rules necessary for the operation of the commission.
- (9) The commission shall use the services of permanent staff of the Legislative Fiscal Office to the greatest extent practicable to staff the commission. The Oregon Department of Administrative Services may provide additional assistance.
- (10) Members of the commission who are not members of the Legislative Assembly are not entitled to compensation or reimbursement for expenses and serve as volunteers on the commission.
- (11) All agencies of state government, as defined in ORS 174.111, are directed to assist the commission in the performance of its duties and, to the extent permitted by laws relating to confidentiality, to furnish such information and advice as the members of the commission consider necessary to perform their duties.
- (12) The commission shall report to the Legislative Assembly not later than January 15 of each odd-numbered year. The report shall describe:
- (a) Enhancements made to the Oregon transparency website during the previous two calendar years;
- (b) Possible future enhancements to the website, including but not limited to the inclusion of information relating to:
- (A) Performance outcomes that measure the success of state agency programs in achieving goals;
 - (B) State agency bond debt;
 - (C) State agency expenses for capital improvements;
- (D) Numbers and descriptions of jobs created through state agency contracts and sub-contracts;
- (E) Lists of businesses and individuals receiving tax credits, deductions, refunds, rebates and other subsidies from a state agency;
- (F) Lists of the names of contractors who received a contract from a state agency, including the number of contracts and compensation received; and
- (G) Lists by contracting state agency of the number of contracts entered into during a biennium and the amount of moneys spent on the contracts; and
- (c) The feasibility of including an interactive application where citizens can simulate balancing a biennial budget for the state.
- (13) The term of office of each member is four years, but a member serves at the pleasure of the appointing authority. Before the expiration of the term of a member, the appointing authority shall appoint a successor whose term begins on January 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the appointing

authority shall make an appointment to become immediately effective for the unexpired term.

<u>SECTION 4.</u> (1) The Transparency Oregon Advisory Commission may accept contributions of moneys and assistance from the United States Government or its agencies or from any other source, public or private, and agree to conditions placed on the moneys not inconsistent with the duties of the commission.

(2) There is established in the State Treasury, separate and distinct from the General Fund, the Transparency Oregon Advisory Commission Fund. The fund consists of moneys received by the commission under this section and such other moneys as may otherwise be made available by law. Interest earned on the fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the commission and may be used only for the performance of the functions of the commission.

SECTION 5. (1) Section 2 of this 2009 Act becomes operative on January 1, 2010.

(2) The Oregon Department of Administrative Services may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the department to exercise, on and after the operative date specified in subsection (1) of this section, all the duties, functions and powers conferred on the department by this 2009 Act.

SECTION 6. Notwithstanding the term of office specified by section 3 of this 2009 Act, of the members first appointed to the Transparency Oregon Advisory Commission:

- (1) Three shall serve for terms ending January 1, 2011.
- (2) Three shall serve for terms ending January 1, 2012.
- (3) Three shall serve for terms ending January 1, 2013.

SECTION 7. This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect on its passage.

Passed by House April 29, 2009	Received by Governor:
Repassed by House June 29, 2009	, 2009
	Approved:
Chief Clerk of House	, 2009
Speaker of House	Governor
Passed by Senate June 27, 2009	Filed in Office of Secretary of State:
	, 2009
President of Senate	
	Secretary of State

Enrolled House Bill 2500 (HB 2500-B)

Executive Appointments Board Roster

Transparency Oregon Advisory Commission

Agency: None Ken Rocco

Legislative Fiscal Office Authorization: ORS 184.486 900 Court Street NE, H-178 Members: Min: 9 Max: 9 Term length: # year(s): 4 Limit: None Salem, OR 97301-4048

Senate confirmation required?: No 503-986-1828

Member Name and Address Phones

Home: (8) Jonathan Bartholomew

Work: 503-231-4181 2034 NE 40th Avenue, Apt 411

E-Mail· Portland, OR 97212

House Speaker's Public Member Appointment

Term(s): 11/02/2009 - 01/01/2012

Home: 541-967-8965 (5) Michael J. Green

Work: 541-737-2092 3386 NW Summerhill Place

E-Mail: michael green@ous.edu Albany, OR 97321

Governor's Executive Branch Appointment Term(s): 11/02/2009 - 01/01/2013

Home: 503-348-7738

(9) Ben Matasar Work:

2704 SE 48th Avenue

E-Mail: matasar@gmail.com Portland, OR 97206

Senate President's Public Member Appointment

Term(s): 11/12/2009 - 01/01/2013

Home: (7) Theresa McHugh

Work: 503-378-4691 988 Leeward Court N

E-Mail:

Keizer, OR 97303 Legislative Fiscal's Appointment

Term(s): 11/02/2009 - 01/01/2013

Home:

(6) Dugan A. Petty Work: 503-378-2128

Department of Administrative Services E-Mail: dugan.a.petty@state.or.us

955 Center Street NE, Room 470

Salem, OR 97301

DAS Director's Appointment Term(s): 11/02/2009 - 01/01/2011

Home: (1) Martha Schrader

Work: 503-986-1720 State Senator

E-Mail: sen.marthaschrader@state.or.us 900 Court Street NE, S-425

Salem, OR 97301

Senate President's Appointment Term(s): 11/02/2009 - 01/01/2012

Executive Appointments Board Roster

Home:

APPENDIX B

Transparency Oregon Advisory Commission

House Speaker's Appointment

Senate President's Appointment Term(s): 11/02/2009 - 01/01/2011

(3) Jefferson Smith

State Representative Work: 503-986-1447

333 SE 2nd Avenue E-Mail: rep.jeffersonsmith@state.or.us Portland, OR 97214

Term(s): 11/02/2009 - 01/01/2012

Home: 541-678-3370

(2) Chris Telfer
State Senator

Work: 503-986-1727

155 NW Irving Avenue, #D E-Mail: sen.christelfer@state.or.us

Bend, OR 97701

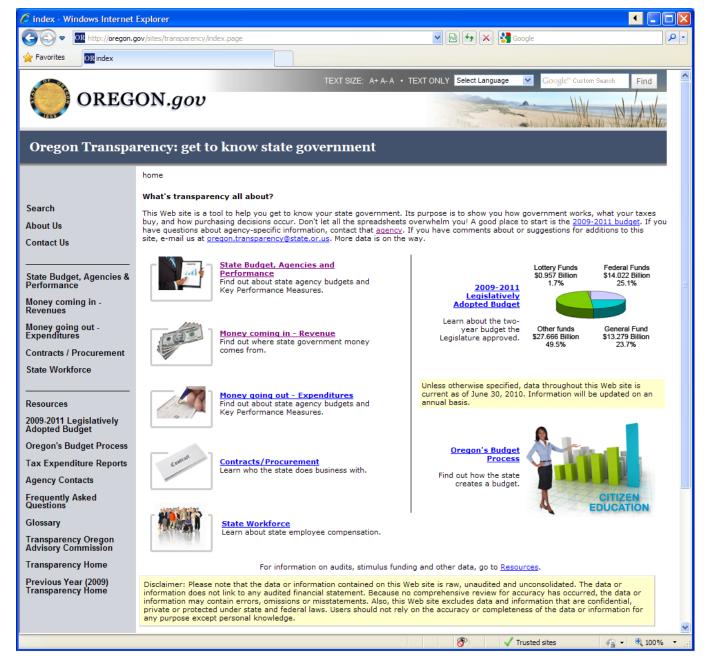
(4) Kim Thatcher Home: 503-932-6382
State Penragentative Work: 503-986-1425

State Representative Work: 503-986-1425

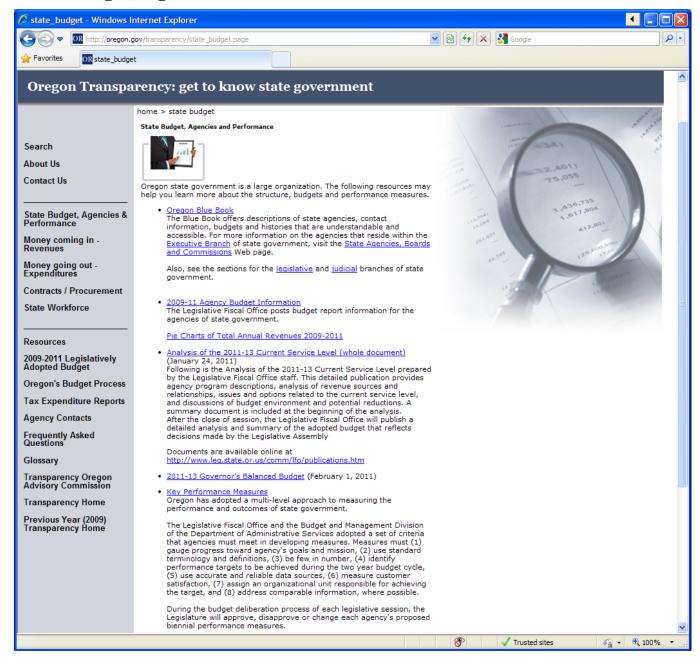
900 Court Street NE, H-490 E-Mail: rep.kimthatcher@state.or.us Salem, OR 97301

House Speaker's Appointment
Term(s): 11/02/2009 - 01/01/2011

Oregon Transparency: Home Page – What's Transparency About?



State Budget, Agencies and Performance



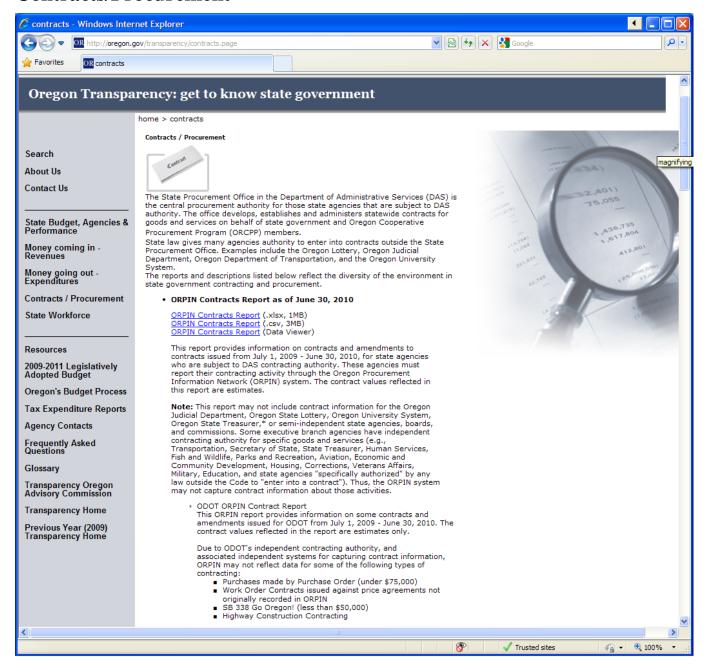
Money Coming In - Revenues



Money Going Out - Expenditures



Contracts/Procurement



State Workforce

