

Board of Ethics and Government Accountability

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Table AG0-1

| Description | FY 2018 | FY 2019 | FY 2020 | FY 2021 | % Change |
|------------------|-------------|-------------|-------------|-------------|-----------------|
| | Actual | Actual | Approved | Approved | from FY 2020 |
| OPERATING BUDGET | \$2,111,717 | \$2,307,398 | \$2,778,108 | \$3,134,276 | 12.8 |
| FTEs | 13.0 | 15.3 | 17.5 | 20.5 | 17.1 |
| CAPITAL BUDGET | \$0 | \$0 | \$0 | \$0 | N/A |
| FTEs | 0.0 | 0.0 | 0.0 | 0.0 | N/A |

The District of Columbia's Board of Ethics and Government Accountability (BEGA) is responsible for overseeing the Office of Government Ethics and the Office of Open Government. The Office of Government Ethics administers and enforces the District of Columbia Code of Conduct. The Office of Open Government enforces government-wide compliance with the D.C. Freedom of Information Act and the Open Meetings Act.

Summary of Services

Specifically, BEGA is responsible for:

- Investigating alleged violations of the Code of Conduct, holding adversarial hearings and, where appropriate, levying sanctions;
- Issuing Advisory Opinions, providing “safe-harbor” for good-faith reliance on these opinions;
- Issuing Advisory Opinions on its own initiative;
- Conducting mandatory ethics training for District government employees;
- Updating and maintaining the District Ethics Manual;
- Receiving and reviewing public financial disclosure statements from public officials and certification statements from Advisory Neighborhood Commissioners;
- Overseeing compliance of certain government employees who must file confidential financial disclosure statements with their agency heads;
- Receiving and auditing lobbyist registration forms and lobbyist activity reports;
- Issuing binding opinions on compliance with the Open Meetings Act;
- Monitoring and providing advice on District agencies' compliance with the Freedom of Information Act; and
- Assisting government agencies in the implementation of open government policies and practices.

The agency's FY 2021 approved budget is presented in the following tables:

FY 2021 Approved Gross Funds Operating Budget and FTEs, by Revenue Type

Table AG0-2 contains the approved FY 2021 budget by revenue type compared to the FY 2020 approved budget. It also provides FY 2018 and FY 2019 actual data.

Table AG0-2

(dollars in thousands)

| Appropriated Fund | Dollars in Thousands | | | | | | Full-Time Equivalents | | | | | |
|-------------------------------|----------------------|-------------------|---------------------|---------------------|---------------------------|--------------|-----------------------|-------------------|---------------------|---------------------|---------------------------|-------------|
| | Actual FY 2018 | Actual FY 2019 | Approved FY 2020 | Approved FY 2021 | Change from FY 2020 | % Change* | Actual FY 2018 | Actual FY 2019 | Approved FY 2020 | Approved FY 2021 | Change from FY 2020 | % Change |
| GENERAL FUND | | | | | | | | | | | | |
| Local Funds | 2,099 | 2,255 | 2,625 | 2,953 | 328 | 12.5 | 13.0 | 15.3 | 16.5 | 19.5 | 3.0 | 18.2 |
| Special Purpose | | | | | | | | | | | | |
| Revenue Funds | 13 | 53 | 153 | 181 | 28 | 18.2 | 0.0 | 0.0 | 1.0 | 1.0 | 0.0 | 0.0 |
| TOTAL FOR GENERAL FUND | 2,112 | 2,307 | 2,778 | 3,134 | 356 | 12.8 | 13.0 | 15.3 | 17.5 | 20.5 | 3.0 | 17.1 |
| GROSS FUNDS | 2,112 | 2,307 | 2,778 | 3,134 | 356 | 12.8 | 13.0 | 15.3 | 17.5 | 20.5 | 3.0 | 17.1 |

*Percent change is based on whole dollars.

Note: If applicable, for a breakdown of each Grant (Federal and Private), Special Purpose Revenue type and Intra-District agreement, please refer to **Schedule 80 Agency Summary by Revenue Source** in the **FY 2021 Operating Appendices** located on the Office of the Chief Financial Officer's website.

FY 2021 Approved Operating Budget, by Comptroller Source Group

Table AG0-3 contains the approved FY 2021 budget at the Comptroller Source Group (object class) level compared to the FY 2020 approved budget. It also provides FY 2018 and FY 2019 actual expenditures.

Table AG0-3

(dollars in thousands)

| Comptroller Source Group | Actual FY 2018 | Actual FY 2019 | Approved FY 2020 | Approved FY 2021 | Change from FY 2020 | Percentage Change* |
|--|-------------------|-------------------|---------------------|---------------------|---------------------------|-----------------------|
| 11 - Regular Pay - Continuing Full Time | 1,350 | 1,328 | 1,676 | 2,039 | 364 | 21.7 |
| 12 - Regular Pay - Other | 65 | 172 | 171 | 177 | 5 | 3.0 |
| 13 - Additional Gross Pay | 26 | 2 | 0 | 0 | 0 | N/A |
| 14 - Fringe Benefits - Current Personnel | 312 | 317 | 400 | 478 | 78 | 19.6 |
| 15 - Overtime Pay | 1 | 8 | 0 | 0 | 0 | N/A |
| SUBTOTAL PERSONAL SERVICES (PS) | 1,754 | 1,827 | 2,247 | 2,694 | 447 | 19.9 |
| 20 - Supplies and Materials | 18 | 50 | 60 | 20 | -40 | -67.3 |
| 31 - Telecommunications | 8 | 1 | 0 | 0 | 0 | N/A |
| 40 - Other Services and Charges | 262 | 420 | 421 | 421 | -1 | -0.1 |
| 41 - Contractual Services - Other | 50 | 0 | 0 | 0 | 0 | N/A |
| 70 - Equipment and Equipment Rental | 20 | 11 | 50 | 0 | -50 | -100.0 |
| SUBTOTAL NONPERSONAL SERVICES (NPS) | 358 | 481 | 531 | 440 | -91 | -17.1 |
| GROSS FUNDS | 2,112 | 2,307 | 2,778 | 3,134 | 356 | 12.8 |

*Percent change is based on whole dollars.

FY 2021 Approved Operating Budget and FTEs, by Division/Program and Activity

Table AG0-4 contains the approved FY 2021 budget by division/program and activity compared to the FY 2020 approved budget. It also provides FY 2018 and FY 2019 actual data. For a more comprehensive explanation of divisions/programs and activities, please see the Division/Program Description section, which follows the table.

Table AG0-4

(dollars in thousands)

| Division/Program and Activity | Dollars in Thousands | | | | | Full-Time Equivalents | | | | |
|--|----------------------|-------------------|---------------------|---------------------|---------------------------|-----------------------|-------------------|---------------------|---------------------|---------------------------|
| | Actual FY 2018 | Actual FY 2019 | Approved FY 2020 | Approved FY 2021 | Change from FY 2020 | Actual FY 2018 | Actual FY 2019 | Approved FY 2020 | Approved FY 2021 | Change from FY 2020 |
| (1000) OFFICE OF OPEN GOVERNMENT | | | | | | | | | | |
| (1100) Office of Open Government | 478 | 439 | 603 | 798 | 195 | 3.2 | 3.0 | 4.0 | 6.0 | 2.0 |
| SUBTOTAL (1000) OFFICE OF OPEN GOVERNMENT | 478 | 439 | 603 | 798 | 195 | 3.2 | 3.0 | 4.0 | 6.0 | 2.0 |
| (2000) BOARD OF ETHICS | | | | | | | | | | |
| (2010) Board of Ethics | 1,634 | 1,868 | 2,175 | 2,337 | 162 | 9.8 | 12.3 | 13.5 | 14.5 | 1.0 |
| SUBTOTAL (2000) BOARD OF ETHICS | 1,634 | 1,868 | 2,175 | 2,337 | 162 | 9.8 | 12.3 | 13.5 | 14.5 | 1.0 |
| TOTAL APPROVED OPERATING BUDGET | 2,112 | 2,307 | 2,778 | 3,134 | 356 | 13.0 | 15.3 | 17.5 | 20.5 | 3.0 |

(Change is calculated by whole numbers and numbers may not add up due to rounding)

Note: For more detailed information regarding the approved funding for the activities within this agency's programs, please see **Schedule 30-PBB Program Summary by Activity** in the **FY 2021 Operating Appendices** located on the Office of the Chief Financial Officer's website. "No Activity Assigned" indicates budget or actuals that are recorded at the division/program level.

Program Description

The Board of Ethics and Government Accountability operates through the following 2 programs:

Office of Open Government – Receives and resolves all Open Meetings Act complaints against public bodies; oversees compliance of public bodies and enforces all requirements of the Open Meetings Act; issues advice to public bodies on compliance with the Open Meetings Act; issues advice to District government agencies on compliance with the Freedom of Information Act; conducts mandatory trainings for the Open Meetings Act and Freedom of Information Act; and provides policy recommendations to government agencies on transparency best practices.

Board of Ethics – receives, investigates, assesses, and adjudicates violations of the Code of Conduct; provides mandatory ethics training; issues rules and regulations governing the ethical conduct of employees and public officials; provides ethics guidance and safe harbor advice to government employees; provides for anonymous and confidential receipt of information related to violations of the Code of Conduct or other information with regard to its administration or enforcement; oversees all lobbyist registration and activity in the District; and oversees and enforces all Financial Disclosure Statement filing by District public officials and government employees.

Program Structure Change

The Board of Ethics and Government Accountability has no program structure changes in the FY 2021 approved budget.

FY 2020 Approved Budget to FY 2021 Approved Budget, by Revenue Type

Table AG0-5 itemizes the changes by revenue type between the FY 2020 approved budget and the FY 2021 approved budget. For a more comprehensive explanation of changes, please see the FY 2021 Approved Budget Changes section, which follows the table.

Table AG0-5

(dollars in thousands)

| DESCRIPTION | DIVISION/PROGRAM | BUDGET | FTE |
|---|-------------------|--------------|-------------|
| LOCAL FUNDS: FY 2020 Approved Budget and FTE | | 2,625 | 16.5 |
| Removal of One-Time Costs | Multiple Programs | -113 | 0.0 |
| LOCAL FUNDS: FY 2021 Recurring Budget | | 2,512 | 16.5 |
| Increase: To align personal services and Fringe Benefits with projected costs | Multiple Programs | 148 | 0.0 |
| Decrease: To align resources with operational spending goals | Multiple Programs | -65 | 0.0 |
| Enhance: To support the costs of mission-critical programmatic initiatives | Board of Ethics | 98 | 0.0 |
| Reduce: To realize programmatic cost savings in nonpersonal services | Multiple Programs | -11 | 0.0 |
| Reduce: To recognize savings in personal services | Multiple Programs | -68 | 0.0 |
| LOCAL FUNDS: FY 2021 Mayor's Proposed Budget | | 2,614 | 16.5 |
| Enhance: To support additional FTE(s) | Multiple Programs | 339 | 3.0 |
| LOCAL FUNDS: FY 2021 District's Approved Budget | | 2,953 | 19.5 |
| SPECIAL PURPOSE REVENUE FUNDS: FY 2020 Approved Budget and FTE | | 153 | 1.0 |
| Increase: To align personal services and Fringe Benefits with projected costs | Multiple Programs | 28 | 0.0 |
| SPECIAL PURPOSE REVENUE FUNDS: FY 2021 Mayor's Proposed Budget | | 181 | 1.0 |
| No Change | | 0 | 0.0 |
| SPECIAL PURPOSE REVENUE FUNDS: FY 2021 District's Approved Budget | | 181 | 1.0 |
| GROSS FOR AG0 - BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY | | 3,134 | 20.5 |

(Change is calculated by whole numbers and numbers may not add up due to rounding)

FY 2021 Approved Budget Changes

The Board of Ethics and Government Accountability's (BEGA) approved FY 2021 gross budget is \$3,134,276, which represents a 12.8 percent increase over its FY 2020 approved gross budget of \$2,778,108. The budget is comprised of \$2,952,892 in Local funds and \$181,384 in Special Purpose Revenue funds.

Recurring Budget

The FY 2021 budget for BEGA includes a reduction of \$113,000 to account for the removal of one-time funding appropriated in FY 2020 to support the replacement of audio and video equipment in the agency's board room.

Mayor's Proposed Budget

Increase: BEGA's FY 2021 Local funds budget proposal reflects a net increase of \$148,486 in personal services to support salary steps, Fringe Benefits, and other position-related adjustments across multiple programs. In Special Purpose Revenue funds, the agency proposes a net increase of \$27,897 to support salary step and Fringe benefits increases, as well as other personal services adjustments primarily in the Board of Ethics program.

Decrease: In Local funds, BEGA's budget proposal reflects a net decrease of \$64,860 in nonpersonal services across multiple programs, primarily to recognize savings in Supplies and Materials.

Enhance: BEGA's Local funds budget proposal includes an increase of \$97,632 in the Board of Ethics program to support the agency's community outreach initiatives, processing of service fees for subpoenas, and the annual purchase of updates to the bound copies of the D.C. Official Code.

Reduce: In Local funds, the proposed budget includes a reduction of \$10,768 to reflect cost saving adjustments in nonpersonal services. In addition, the agency proposes personal services savings of \$68,258 in the Office of Open Government and Board of Ethics programs.

District's Approved Budget

Enhance: BEGA's approved budget reflects a personal services increase of \$339,039 and 3.0 FTEs in the Office of Open Government and Board of Ethics programs. This funding supports two Attorney Advisor positions and one Trial Attorney position to support case management, Open Meetings Act enforcement, and implementation of the School Financial Transparency Amendment Act of 2020.

Agency Performance Plan*

The Board of Ethics and Government Accountability (BEGA) has the following strategic objectives for FY 2021:

Strategic Objectives

Strategic Objectives describe what the agency will do, at a high level, to achieve its mission. These are action-based sentences that define what an agency does for its customers, whether the customers are residents or other District agencies, and how that improves the District.

Objectives

1. Issue ethics advice in an expeditious and consistent fashion.
2. Conduct timely and appropriate investigations and enforcement actions.
3. Conduct mandatory training on the Code of Conduct and produce ethics training materials.
4. Create and maintain a highly efficient, transparent, and responsive District government.

ACTIVITIES

Activities include the work that happens on a daily basis to help achieve the Strategic Objectives. Activity names come from the budget line items. This is further divided into “daily services” (ex. sanitation disposal), and long-term “key projects” that are high profile, one-time and span several years, (ex. redevelopment of Walter Reed Army Medical Center). Many agencies will mostly have daily services, whereas some agencies that have more of their budget come from capital funding will have several key projects.

1. Issue ethics advice in an expeditious and consistent fashion. (1 Activity)

| Activity Title | Activity Description | Type of Activity |
|--|--|------------------|
| Render Timely Advice. Respond to requests for informal ethics advice in a substantive and useful manner. | Work with staff to ensure that ethics guidance is provided to government employees who seek ethics guidance. | Daily Service |

2. Conduct timely and appropriate investigations and enforcement actions. (1 Activity)

| Activity Title | Activity Description | Type of Activity |
|---|--|------------------|
| Monitor and support ongoing investigations to ensure timely completion. | Track progress throughout the year and work with staff to ensure movement. | Daily Service |

3. Conduct mandatory training on the Code of Conduct and produce ethics training materials. (1 Activity)

| Activity Title | Activity Description | Type of Activity |
|--|---|------------------|
| Increase Training Sessions. Increase number of trainings available to District government employees. | Allocate staff time to ensure availability when requests are made from client agencies. | Daily Service |

4. Create and maintain a highly efficient, transparent, and responsive District government. (1 Activity)

| Activity Title | Activity Description | Type of Activity |
|---|--|------------------|
| Ensure that every request for advice or information is acknowledged within 24 hours of receipt. | Work with staff to ensure that either a substantive response is provided or, where that is not possible, an acknowledgment that the request is under review. | Daily Service |

KEY PERFORMANCE INDICATORS

Key Performance Indicators measure how well an agency is achieving its Strategic Objectives. They are outcome-oriented and should be used to answer the question, “What does the agency need to measure to determine success?”

1. Issue ethics advice in an expeditious and consistent fashion. (3 Measures)

| Measure | New Measure/ Benchmark Year | FY 2018 Actual | FY 2019 Target | FY 2019 Actual | FY 2020 Target | FY 2021 Target |
|---|--------------------------------|-------------------------------|-------------------|-------------------|-------------------|-------------------|
| Percent of advice queries received that were handled as informal rather than formal advice | No | 99.9% | 10% | 99.4% | 10% | 10% |
| Percent of formal written Advisory Opinions appealed to the Ethics Board | No | No Applicable Incidents | 85% | 0% | 85% | 85% |
| Percent of formal written Advisory Opinions issued within 30 days of receipt of complete information from requester | No | 100% | 85% | 75% | 85% | 85% |

2. Conduct timely and appropriate investigations and enforcement actions. (3 Measures)

| Measure | New Measure/ Benchmark Year | FY 2018 Actual | FY 2019 Target | FY 2019 Actual | FY 2020 Target | FY 2021 Target |
|---|--------------------------------|-------------------|-------------------|-------------------------------|-------------------|-------------------|
| Percent of enforcement actions that result in a sanction | No | 100% | 85% | 100% | 85% | 85% |
| Percent of final Ethics Board Orders issued within 45 days of close of hearing record | No | 100% | 85% | No Applicable Incidents | 85% | 85% |
| Percent of investigations resolved by dismissal, negotiated disposition, or issuance of Notice of Violation within 120 days of initiation | No | 80.8% | 80% | 56.2% | 80% | 80% |

3. Conduct mandatory training on the Code of Conduct and produce ethics training materials. (3 Measures)

| Measure | New Measure/ Benchmark Year | FY 2018 Actual | FY 2019 Target | FY 2019 Actual | FY 2020 Target | FY 2021 Target |
|---|--------------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| Percent of agency trainings held within 90 days of agency making the request | No | 100% | 90% | 100% | 90% | 90% |
| Percent of evaluations completed by attendees with an overall positive rating of “3” or higher on the BEGA training evaluation form | No | 97.6% | 80% | 97.9% | 80% | 80% |
| Percent of off site agency training requests granted | No | 100% | 90% | 100% | 90% | 90% |

WORKLOAD MEASURES

Workload Measures, also called inputs or outputs, quantify an activity, effort or process that is necessary to make progress towards the Strategic Objectives. They help answer the question; “How much are we doing?”

1. Render Timely Advice. Respond to requests for informal ethics advice in a substantive and useful manner.

| Measure | New Measure/ Benchmark Year | FY 2017 Actual | FY 2018 Actual | FY 2019 Actual |
|--|--------------------------------|-------------------|-------------------|-------------------|
| Number of formal written advisory opinions issued on the agency’s own initiative | No | 2 | 0 | 0 |
| Number of formal written advisory opinions issued pursuant to a request | No | 12 | 1 | 4 |
| Number of requests for informal ethics advice | No | 700 | 805 | 761 |

2. Monitor and support ongoing investigations to ensure timely completion.

| Measure | New Measure/ Benchmark Year | FY 2017 Actual | FY 2018 Actual | FY 2019 Actual |
|---|--------------------------------|-------------------|-------------------|-------------------|
| Number of complaints received | No | 183 | 123 | 144 |
| Number of formal investigations dismissed | No | 12 | 11 | 4 |
| Number of formal investigations initiated on intake | No | 14 | 9 | 8 |
| Number of formal investigations resolved after an evidentiary hearing | No | 1 | 0 | 0 |
| Number of formal investigations resolved with a negotiated disposition | No | 3 | 1 | 2 |
| Number of preliminary investigations converted to formal investigations | No | 1 | 5 | 3 |
| Number of preliminary investigations dismissed | No | 24 | 12 | 31 |
| Number of preliminary investigations opened based on information provided by means other than the hotline | No | 33 | 37 | 56 |
| Number of preliminary investigations opened based on tips to the hotline | No | 0 | 0 | 1 |
| Number of preliminary investigations resolved after an evidentiary hearing | No | 0 | 1 | 0 |
| Number of preliminary investigations resolved with a negotiated disposition | No | 9 | 4 | 14 |

3. Increase Training Sessions. Increase number of trainings available to District government employees.

| Measure | New Measure/ Benchmark Year | FY 2017 Actual | FY 2018 Actual | FY 2019 Actual |
|-------------------------------|--------------------------------|-------------------|-------------------|-------------------|
| Number of trainings conducted | No | 129 | 101 | 80 |

4. Ensure that every request for advice or information is acknowledged within 24 hours of receipt.

| Measure | New Measure/ Benchmark Year | FY 2017 Actual | FY 2018 Actual | FY 2019 Actual |
|---|--------------------------------|-------------------|-------------------|-------------------|
| Number of formal advisory opinions issued | No | 9 | 1 | 3 |

Performance Plan End Notes:

*For more information about the structure and components of FY 2021 draft performance plans, please see the FY 2021 Approved Budget and Financial Plan, Volume 1, Appendix E.

**Key performance indicators that are new may not have historical data and may only have FY 2021 targets.

***For the final versions of agency FY 2021 performance plans when they become available in December 2020, see the OCA website at <https://oca.dc.gov/>.