

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING A CODE) ORDINANCE No. 99-795B
OF ETHICS FOR METRO OFFICIALS AND) Introduced by Councilors McLain and
REQUIRING REGISTRATION OF LOBBYISTS) Monroe

The Metro Council ordains as follows:

SECTION 1.

Chapter 2.17, Code of Ethics for Metro Officials and Requirements for Lobbyists, is added to and made a part of Metro Code Title II, to be numbered, titled, and to read as follows:

Chapter 2.17

Code of Ethics for Metro Officials and Requirements for Lobbyists

Code Section 2.17.010 Purpose and Policy.

(a) The Metro Council hereby declares that the purpose of this Chapter is to ensure that Metro serves the public and informs the public fully concerning its decision making. In accordance with such purposes, this Chapter establishes a Code of Ethics for Metro and requirements for lobbyists appearing before Metro.

(b) In adopting this Chapter, the Metro Council intends:

(1) to be consistent with and to add to current public policy established by the Oregon Legislative Assembly;

(2) to require Metro officials to operate under high ethical standards;

(3) to require Metro officials to treat their offices and positions as a public trust whose powers and resources are to be used for the benefit of the public and not for any personal benefit; and

(4) to require individuals and entities appearing before Metro to identify themselves and the interests they represent.

(c) It is the policy of Metro that all Metro officials and employees strictly comply with the Code of Ethics contained in ORS 244.040.

Code Section 2.17.020 Definitions.

For the purposes of this Chapter, unless the context requires otherwise, the following terms shall have the meaning indicated:

(a) "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity operated for economic gain.

(b) "Business with which the Metro official is associated" means any business of which the person or the person's relative is a director, officer, owner or employee, or agent or any corporation in which the person or the person's relative owns or has owned stock worth \$1,000 or more at any point in the preceding calendar year, but excluding any income-producing not-for-profit corporation that is tax exempt under Section 501(c) of the Internal Revenue Code with which a public official is associated in a nonremunerative capacity.

(c) "Consideration" includes a gift, payment, distribution, loan, advance or deposit of money or anything of value, and includes a contract, promise or agreement, whether or not legally enforceable.

(d) "Department director" means any person employed by Metro in a position on a permanent basis which is subject to appointment by the executive officer and confirmation by the Metro council.

(e) "Doing business" means entering into a direct contractual relationship with a business with which the Metro official is associated.

(f) "Elected official" means any person elected or appointed as a member of the Metro council, the executive officer, or the auditor.

(g) "Employer of a lobbyist" means the individual or entity required to grant official authorization to a lobbyist to lobby on their behalf pursuant to Section 2.17.110 (a) (2).

(h) "Ethics" means positive principles of conduct, some of which are also enforced by federal, state or other local law.

(i) "Exercise of official authority" means: Metro elected officials and the General Counsel have authority to exercise official responsibility over any Metro matter. Appointed commissioners have authority over any matter over which the relevant commission has jurisdiction. Department directors have authority over any matter related to the department they administer. Metro employees have authority over matters as assigned to them by their supervisors.

(j) "Gift" means "Gift" as defined in ORS 244.020(8). However, for the purpose of this chapter, "Gift" does not include plaques, mementos or similar items with little or no intrinsic value.

(k) "Legislative action" means introduction, sponsorship, testimony, debate, voting or any other official action on any ordinance, resolution, amendment, nomination, appointment or report, or any matter which may be the subject of action by the Metro Council or any committee thereof.

(l) "Legislative or administrative interest" means an economic interest, distinct from that of the general public, in one or more ordinances, resolutions, regulations, proposals or other matters subject to the action or vote of a Metro official or Metro employee.

(m) "Lobbying" means influencing, or attempting to influence, legislative action through oral or written communication with Metro officials, solicitation of others to influence or attempt to influence legislative action or attempting to obtain the good will of Metro Councilors.

(n) "Lobbyist" means: (a) Any individual who agrees to provide personal services for money or any other consideration for the purpose of lobbying; and (b) Any employee of a business, not-for-profit corporation, association, organization or other group, who engages in lobbying.

(o) "Metro" means all of Metro including any department or branch of Metro including any Metro commission.

(p) "Metro commissioner" means any person appointed to a position on the Metropolitan Exposition Recreation Commission.

(q) "Metro facilities" means meeting rooms, meeting areas or other Metro property generally available to the public.

(r) "Metro official" means any department director, elected official or Metro commissioner.

(s) "Person" means any individual, business, association, corporation, organization or other group.

(t) "Public agency" means any governmental body, including but not limited to the Federal Government, the State of Oregon, any other state of the United States of America, or any public agency or municipal corporation thereof.

(u) "Public official" means any member or member-elect of any public agency and any member of the staff or an employee thereof.

(v) "Whistleblowing" means disclosing information pursuant to the protective provision of The Oregon Whistleblower Law (ORS 659.505 through 659.545). In addition, whistleblowing shall include disclosing information regarding the violation of any provision of the Metro Charter or Metro Code.

Code Section 2.17.030 Giving and Receiving Gifts Prohibited by Lobbyists Registered with Metro.

(a) All Metro officials, lobbyists and employers of lobbyists registered with Metro shall comply strictly with the following requirements:

(1) No Metro official shall solicit or receive, whether directly or indirectly, a gift from any lobbyist or employer of a lobbyist registered with Metro..

(2) No lobbyist or employer of a lobbyist registered with Metro shall offer any gift to any Metro official or Metro employee.

Code Section 2.17.040 Whistleblowing.

(a) The Council specifically recognizes the provisions of The Oregon Whistleblowing Law (ORS 659.505 through ORS 659.545). The Council directs the Executive Officer, pursuant to ORS 659.540, to establish for Metro the specific regulations and procedures to implement the Oregon Whistleblowing Law.

(b) Metro officials shall recognize whistle-blowing as appropriate. However, this provision shall not preclude taking disciplinary action against any Metro employee when it is appropriate to do so for independent reasons.

Code Section 2.17.050 Financial Reporting Requirements.

(a) Elected officials shall comply with the reporting requirements established by ORS 244.060, including the filing of a Statement of Economic Interest on an annual basis as required by state law. A copy of the Statement of Economic Interest shall be filed with the council clerk at the time of filing with the appropriate state agency.

(b) All department directors and Metro commissioners shall file annually with the council clerk a Statement of Economic Interest which is substantially consistent with that required by ORS 244.060.

(c) In addition, the Statement of Economic Interest shall disclose the ownership of any real property outside the Metro boundary and within Multnomah, Clackamas or Washington County.

Code Section 2.17.060 Restrictions on Meals and Entertainment.

(a) No Metro official shall solicit or receive entertainment from any lobbyist or employer of a lobbyist registered with Metro .

(b) No lobbyist or employer of a lobbyist registered with Metro shall furnish to a Metro official admission to entertainment.

(c) Metro officials shall not solicit or receive meals from any lobbyist or employer of a lobbyist registered with Metro if the cost of the meal exceeds the amount allowed by the United States Internal Revenue Service as a deductible business travel expense.

(d) No lobbyist or employer of a lobbyist registered with Metro shall furnish a Metro official meals if the cost of the meal exceeds the amount allowed by the United States Internal Revenue Service as a deductible business travel expense.

(e) However, subject to the limits of ORS Chapter 244, Metro officials may attend fundraising events benefiting non-profit tax exempt entities as guests of lobbyists or employers of lobbyists registered with Metro . Lobbyists or employers of lobbyists registered with Metro may pay the cost of Metro officials attending such fundraising events.

Code Section 2.17.070 Reimbursement for Attendance at Events.

Metro officials may not accept food, lodging and travel from any person with a legislative or administrative interest in Metro when participating in an event which bears a relationship to the Metro officials' office when appearing in their official capacities unless the cost of the food, lodging, or travel would have been eligible for payment as a Metro expense and the incurrence of the expense with Metro funds has been approved prior to the event by the appropriate authority.

Code Section 2.17.090 Prohibition Against Doing Business With Metro Officials.

(a) Except as provided for in subsections (b) and (c), Metro may not do business with any Metro official while the official is in office or within one year after the Metro official ceases to be a Metro official if the official had authority to exercise official responsibility in the matter. Any contract entered into in violation of this provision is void.

(b) Upon the request of the executive officer or a Metro commission, the council may waive the effect of the prohibition contained in subsection (a) upon making written findings that:

(1) It is in the best interests of Metro to do business with the Metro official.

(2) The Metro official took no action while in office that directly related to the preparation of the terms and conditions in the contract documents that may give an appearance of impropriety or favoritism.

(3) Other factors exist which are explicitly found by the council to benefit Metro that outweigh the policy considerations of ensuring that no appearance of favoritism exists in the award of Metro contracts.

(c) This section applies only to Metro officials who first take office or are re-elected or re-appointed to an office after September 7, 1995. This section shall not be construed to permit any activity that is otherwise prohibited by any other statute, rule, ordinance, or other law.

Code Section 2.17.110 Registration of Lobbyists.

(a) Within three working days after exceeding the limit of time specified in Code Section 2.17.120 (a)(5), each lobbyist shall register with the Oregon Government Standards

and Practices Commission by filing with the Commission and Council a statement containing the following information:

(1) The name and address of the lobbyist.

(2) The name and address of each person or agency by whom the lobbyist is employed or in whose interest the lobbyist appears or works, a description of the trade, business, profession or area of endeavor of that person or agency, and a designation by each such person or agency that the lobbyist is officially authorized to lobby for that person or agency.

(3) The name of any member of the Metro Council who is in any way employed by the lobbyist employer designated in paragraph (b) of this subsection or who is employed by the lobbyist or whether the lobbyist and member are associated with the same business. Ownership of stock in a publicly traded corporation in which a member of the Metro Council also owns stock is not a relationship which need be stated.

(4) The general subject or subjects of the legislative interest of the lobbyist.

(b) The designation of official authorization to lobby shall be signed by an officer of each such corporation, association, organization or other group or by each individual by whom the lobbyist is employed or in whose interest the lobbyist appears or works.

(c) A lobbyist must revise the statements required by subsection (a) of this section, if any of the information contained therein changes within 30 days of the change.

(d) A lobbyist registration expires one year after the date of filing or refiling.

Code Section 2.17.120 Exemptions to lobbyist registration requirements.

(a) The requirements of Code Section 2.17.110 through Code Section 217.140 do not apply to the following:

(1) News media or their employees or agents, who in the ordinary course of business publish or broadcast news items, editorials or other comments or paid advertisements which directly or indirectly urge legislative action if such persons engage in no other activities in connection with such legislative action.

(2) Any Metro Official acting in an official capacity.

(3) Public Officials acting in their official capacity as a member or employee of a public agency.

(4) Any individual who receives no additional consideration for lobbying and who limits lobbying activities solely to formal appearances to give testimony

before Metro Council or any of its committees, and who, if the individual testifies, registers an appearance in the records of the Council or its committees.

(5) Any person who spends not more than 5 hours during any calendar quarter lobbying, excluding travel time.

Code Section 2.17.130 Statements of Lobbying Expenses.

(a) Any lobbyist who engages in any lobbying activities shall file with the Oregon Standards and Practices Commission and The Council on January 31 of each year a statement showing:

The name of any Metro official who attended a fund raising event for a non-profit tax exempt entity as a guest of the lobbyist including the date, name of the non-profit entity and amount of that expenditure.

Code Section 2.17.140 Employers of Lobbyists Expense Statements.

Any person which employs a lobbyist who was registered, or who was required to register with the Oregon Standard and Practices Commission shall file with the Commission and the Council by January 31, a statement showing, for the preceding calendar year:

The name of any Metro official who attended a fund raising event for a non-profit tax exempt entity as a guest of the employer of a lobbyist, but not including information previously reported in compliance with Section 2.17.130 and the date, name of the non-profit entity and amount of expenditure.

Code Section 2.17.150 Verification of Reports, Registrations and Statements.

(a) Each report, registration or statement required by this Chapter shall contain or be verified by a written declaration that it is made under the penalties of false swearing.

(b) No person shall willfully make and subscribe any document which contains or is verified by a written declaration for false swearing which the person does not believe to be true and correct to every matter.

Code Section 2.17.160 Public Nature of Reports, Registrations and Statements.

All information submitted to the Oregon Government Standards and Practices Commission or Council in any report, registration or statement required by this Chapter is a public record.

Code Section 2.17.170 Sanctions for Violations.

Pending the Oregon Government Standards and Practices Commission obtaining jurisdiction to enforce this chapter, and notwithstanding any other provision of the Metro Code, a person who violates any provision of this Chapter or fails to file any report, registration or statement or to furnish any information required by this Chapter shall be subject to a civil penalty in an

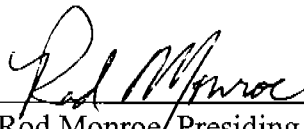
amount not greater than \$500. When authorized by law the Commission shall require that any person who violates any provision of this Chapter is subject to the provisions of ORS 171.990 and ORS 171.992.

“However no Metro official shall be subject to any sanction for a violation of this chapter that resulted from the receipt of any gift, meal, or entertainment from any person who is not currently registered with Metro as a lobbyist or is not designated on a lobbyist’s registration as the employer of a lobbyist.”

Code Section 2.17.180 Pending Enforcement by Oregon Government Standards and Practices Commission

Prior to the Oregon Government Standards and Practices Commission becoming the administrative and enforcement authority for the provisions of this Chapter pursuant to an intergovernmental agreement or action of the Oregon Legislative as appropriate, all reports and registrations required by this Chapter shall be filed solely with the Council.

ADOPTED by the Metro Council this 4th day of March, 1999.



Rod Monroe, Presiding Officer

APPROVED AS TO FORM:



Daniel B. Cooper, General Counsel

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BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING A CODE) ORDINANCE No. 99-795AB
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Code Section 2.17.010 Purpose and Policy.

(a) The Metro Council hereby declares that the purpose of this Chapter is to ensure that Metro serves the public and informs the public fully concerning its decision making. In accordance with such purposes, this Chapter establishes a Code of Ethics for Metro and requirements for lobbyists appearing before Metro.

(b) In adopting this Chapter, the Metro Council intends:

(1) to be consistent with and to add to current public policy established by the Oregon Legislative Assembly;

(2) to require Metro officials to operate under high ethical standards;

(3) to require Metro officials to treat their offices and positions as a public trust whose powers and resources are to be used for the benefit of the public and not for any personal benefit; and

(4) to require individuals and entities appearing before Metro to identify themselves and the interests they represent.

(c) It is the policy of Metro that all Metro officials and employees strictly comply with the Code of Ethics contained in ORS 244.040.

Code Section 2.17.020 Definitions.

For the purposes of this Chapter, unless the context requires otherwise, the following terms shall have the meaning indicated:

(a) "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity operated for economic gain.

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(c) "Consideration" includes a gift, payment, distribution, loan, advance or deposit of money or anything of value, and includes a contract, promise or agreement, whether or not legally enforceable.

(d) "Department director" means any person employed by Metro in a position on a permanent basis which is subject to appointment by the executive officer and confirmation by the Metro council.

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(f) "Elected official" means any person elected or appointed as a member of the Metro council, the executive officer, or the auditor.

(g) "Employer of a lobbyist" means the individual or entity required to grant official authorization to a lobbyist to lobby on their behalf pursuant to Section 2.17.110 (a) (2).

(h) "Ethics" means positive principles of conduct, some of which are also enforced by federal, state or other local law.

(i) "Exercise of official authority" means: Metro elected officials and the General Counsel have authority to exercise official responsibility over any Metro matter. Appointed commissioners have authority over any matter over which the relevant commission has jurisdiction. Department directors have authority over any matter related to the department they administer. Metro employees have authority over matters as assigned to them by their supervisors.

(j) "Gift" means "Gift" as defined in ORS 244.020(8). However, for the purpose of this chapter, "Gift" does not include plaques, mementos or similar items with little or no intrinsic value.

(k) "Legislative action" means introduction, sponsorship, testimony, debate, voting or any other official action on any ordinance, resolution, amendment, nomination, appointment or report, or any matter which may be the subject of action by the Metro Council or any committee thereof.

(l) "Legislative or administrative interest" means an economic interest, distinct from that of the general public, in one or more ordinances, resolutions, regulations, proposals or other matters subject to the action or vote of a Metro official or Metro employee.

(m) "Lobbying" means influencing, or attempting to influence, legislative action through oral or written communication with Metro officials, solicitation of others to influence or attempt to influence legislative action or attempting to obtain the good will of Metro Councilors.

(n) "Lobbyist" means: (a) Any individual who agrees to provide personal services for money or any other consideration for the purpose of lobbying; and (b) Any employee of a business, not-for-profit corporation, association, organization or other group, who engages in lobbying.

(o) "Metro" means all of Metro including any department or branch of Metro including any Metro commission.

(p) "Metro commissioner" means any person appointed to a position on the Metropolitan Exposition Recreation Commission.

(q) "Metro facilities" means meeting rooms, meeting areas or other Metro property generally available to the public.

(r) "Metro official" means any department director, elected official or Metro commissioner.

(s) "Person" means any individual, business, association, corporation, organization or other group.

(t) "Public agency" means any governmental body, including but not limited to the Federal Government, the State of Oregon, any other state of the United States of America, or any public agency or municipal corporation thereof.

(u) "Public official" means any member or member-elect of any public agency and any member of the staff or an employee thereof.

(v) "Whistleblowing" means disclosing information pursuant to the protective provision of The Oregon Whistleblower Law (ORS 659.505 through 659.545). In addition, whistleblowing shall include disclosing information regarding the violation of any provision

of the Metro Charter or Metro Code.

Code Section 2.17.030 Giving and Receiving Gifts Prohibited by Lobbyists Registered with Metro.

(a) All Metro officials, lobbyists and employers of lobbyists registered with Metro shall comply strictly with the following requirements:

(1) No Metro official shall solicit or receive, whether directly or indirectly, a gift from any lobbyist or employer of a lobbyist registered with Metro..

(2) No lobbyist or employer of a lobbyist registered with Metro shall offer any gift to any Metro official or Metro employee.

~~(b) Ceremonial gifts received by Metro officials on behalf of Metro from foreign delegations or similar visitors to the region are Metro property.~~

Code Section 2.17.040 Whistleblowing.

(a) The Council specifically recognizes the provisions of The Oregon Whistleblowing Law (ORS 659.505 through ORS 659.545). The Council directs the Executive Officer, pursuant to ORS 659.540, to establish for Metro the specific regulations and procedures to implement the Oregon Whistleblowing Law.

(b) Metro officials shall recognize whistle-blowing as appropriate. However, this provision shall not preclude taking disciplinary action against any Metro employee when it is appropriate to do so for independent reasons.

Code Section 2.17.050 Financial Reporting Requirements.

(a) Elected officials shall comply with the reporting requirements established by ORS 244.060, including the filing of a Statement of Economic Interest on an annual basis as required by state law. A copy of the Statement of Economic Interest shall be filed with the council clerk at the time of filing with the appropriate state agency.

(b) All department directors and Metro commissioners shall file annually with the council clerk a Statement of Economic Interest which is substantially consistent with that required by ORS 244.060.

(c) In addition, the Statement of Economic Interest shall disclose the ownership of any real property outside the Metro boundary and within Multnomah, Clackamas or Washington County.

Code Section 2.17.060 Restrictions on Meals and Entertainment.

(a) No Metro official shall solicit or receive entertainment from any lobbyist or employer of a lobbyist registered with Metro .

(b) No lobbyist or employer of a lobbyist registered with Metro shall furnish to a Metro official admission to entertainment.

(c) Metro officials shall not solicit or receive meals from any lobbyist or employer of a lobbyist registered with Metro if the cost of the meal exceeds the amount allowed by the United States Internal Revenue Service as a deductible business travel expense.

(d) No lobbyist or employer of a lobbyist registered with Metro shall furnish a Metro official meals if the cost of the meal exceeds the amount allowed by the United States Internal Revenue Service as a deductible business travel expense.

(e) However, subject to the limits of ORS Chapter 244, Metro officials may attend fundraising events benefiting non-profit tax exempt entities as guests of lobbyists or employers of lobbyists registered with Metro . Lobbyists or employers of lobbyists registered with Metro may pay the cost of Metro officials attending such fundraising events.

Code Section 2.17.070 Reimbursement for Attendance at Events.

Metro officials may not accept food, lodging and travel from any person with a legislative or administrative interest in Metro when participating in an event which bears a relationship to the Metro officials' office when appearing in their official capacities unless the cost of the food, lodging, or travel would have been eligible for payment as a Metro expense and the incurrence of the expense with Metro funds has been approved prior to the event by the appropriate authority.

Code Section 2.17.090 Prohibition Against Doing Business With Metro Officials.

(a) Except as provided for in subsections (b) and (c), Metro may not do business with any Metro official while the official is in office or within one year after the Metro official ceases to be a Metro official if the official had authority to exercise official responsibility in the matter. Any contract entered into in violation of this provision is void.

(b) Upon the request of the executive officer or a Metro commission, the council may waive the effect of the prohibition contained in subsection (a) upon making written findings that:

(1) It is in the best interests of Metro to do business with the Metro official.

(2) The Metro official took no action while in office that directly related to the preparation of the terms and conditions in the contract documents that may give an

appearance of impropriety or favoritism.

(3) Other factors exist which are explicitly found by the council to benefit Metro that outweigh the policy considerations of ensuring that no appearance of favoritism exists in the award of Metro contracts.

(c) This section applies only to Metro officials who first take office or are re-elected or re-appointed to an office after September 7, 1995. This section shall not be construed to permit any activity that is otherwise prohibited by any other statute, rule, ordinance, or other law.

Code Section 2.17.110 Registration of Lobbyists.

(a) Within three working days after exceeding the limit of time specified in Code Section 2.17.120 (a)(5), each lobbyist shall register with the Oregon Government Standards and Practices Commission by filing with the Commission and Council a statement containing the following information:

- (1) The name and address of the lobbyist.
- (2) The name and address of each person or agency by whom the lobbyist is employed or in whose interest the lobbyist appears or works, a description of the trade, business, profession or area of endeavor of that person or agency, and a designation by each such person or agency that the lobbyist is officially authorized to lobby for that person or agency.
- (3) The name of any member of the Metro Council who is in any way employed by the lobbyist employer designated in paragraph (b) of this subsection or who is employed by the lobbyist or whether the lobbyist and member are associated with the same business. Ownership of stock in a publicly traded corporation in which a member of the Metro Council also owns stock is not a relationship which need be stated.
- (4) The general subject or subjects of the legislative interest of the lobbyist.

(b) The designation of official authorization to lobby shall be signed by an officer of each such corporation, association, organization or other group or by each individual by whom the lobbyist is employed or in whose interest the lobbyist appears or works.

(c) A lobbyist must revise the statements required by subsection (a) of this section, if any of the information contained therein changes within 30 days of the change.

(d) A lobbyist registration expires one year after the date of filing or refiling.

Code Section 2.17.120 Exemptions to lobbyist registration requirements.

(a) The requirements of Code Section 2.17.110 through Code Section 217.140 do not apply to the following:

(1) News media or their employees or agents, who in the ordinary course of business publish or broadcast news items, editorials or other comments or paid advertisements which directly or indirectly urge legislative action if such persons engage in no other activities in connection with such legislative action.

(2) Any Metro Official acting in an official capacity.

(3) Public Officials acting in their official capacity as a member or employee of a public agency.

(4) Any individual who receives no additional consideration for lobbying and who limits lobbying activities solely to formal appearances to give testimony before Metro Council or any of its committees, and who, if the individual testifies, registers an appearance in the records of the Council or its committees.

(5) Any person who spends not more than 5 hours during any calendar quarter lobbying, excluding travel time.

Code Section 2.17.130 Statements of Lobbying Expenses.

(a) Any lobbyist who engages in any lobbying activities shall file with the Oregon Standards and Practices Commission and The Council on January 31 of each year a statement showing:

The name of any Metro official who attended a fund raising event for a non-profit tax exempt entity as a guest of the lobbyist including the date, name of the non-profit entity and amount of that expenditure.

Code Section 2.17.140 Employers of Lobbyists Expense Statements.

Any person which employs a lobbyist who was registered, or who was required to register with the Oregon Standard and Practices Commission shall file with the Commission and the Council by January 31, a statement showing, for the preceding calendar year:

The name of any Metro official who attended a fund raising event for a non-profit tax exempt entity as a guest of the employer of a lobbyist, but not including information previously reported in compliance with Section 2.17.130 and the date, name of the non-profit entity and amount of expenditure.

Code Section 2.17.150 Verification of Reports, Registrations and Statements.

(a) Each report, registration or statement required by this Chapter shall contain or be verified by a written declaration that it is made under the penalties of false swearing.

(b) No person shall willfully make and subscribe any document which contains or is verified by a written declaration for false swearing which the person does not believe to be true and correct to every matter.

Code Section 2.17.160 Public Nature of Reports, Registrations and Statements.

All information submitted to the Oregon Government Standards and Practices Commission or Council in any report, registration or statement required by this Chapter is a public record.

Code Section 2.17.170 Sanctions for Violations.

Pending the Oregon Government Standards and Practices Commission obtaining jurisdiction to enforce this chapter, and notwithstanding any other provision of the Metro Code, a person who violates any provision of this Chapter or fails to file any report, registration or statement or to furnish any information required by this Chapter shall be subject to a civil penalty in an amount not greater than \$500. When authorized by law the Commission shall require that any person who violates any provision of this Chapter is subject to the provisions of ORS 171.990 and ORS 171.992.

“However no Metro official shall be subject to any sanction for a violation of this chapter that resulted from the receipt of any gift, meal, or entertainment from any person who is not currently registered with Metro as a lobbyist or is not designated on a lobbyist’s registration as the employer of a lobbyist.”

Code Section 2.17.180 Pending Enforcement by Oregon Government Standards and Practices Commission

Prior to the Oregon Government Standards and Practices Commission becoming the administrative and enforcement authority for the provisions of this Chapter pursuant to an intergovernmental agreement or action of the Oregon Legislative as appropriate, all reports and registrations required by this Chapter shall be filed solely with the Council.

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APPROVED AS TO FORM:

Daniel B. Cooper, General Counsel

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For the purposes of this Chapter, unless the context requires otherwise, the following terms shall have the meaning indicated:

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(b) "Business with which the Metro official is associated" means any business of which the person or the person's relative is a director, officer, owner or employee, or agent or any corporation in which the person or the person's relative owns or has owned stock worth \$1,000 or more at any point in the preceding calendar year, but excluding any income-producing not-for-profit corporation that is tax exempt under Section 501(c) of the Internal Revenue Code with which a public official is associated in a nonremunerative capacity.

(c) "Consideration" includes a gift, payment, distribution, loan, advance or deposit of money or anything of value, and includes a contract, promise or agreement, whether or not legally enforceable.

(d) "Department director" means any person employed by Metro in a position on a permanent basis which is subject to appointment by the executive officer and confirmation by the Metro council.

(e) "Doing business" means entering into a direct contractual relationship with a business with which the Metro official is associated.

(f) "Elected official" means any person elected or appointed as a member of the Metro council, the executive officer, or the auditor.

(g) "Employer of a lobbyist" means the individual or entity required to grant official authorization to a lobbyist to lobby on their behalf pursuant to Section 2.17.110 (a) (2).

(h) "Ethics" means positive principles of conduct, some of which are also enforced by federal, state or other local law.

(i) "Exercise of official authority" means: Metro elected officials and the General Counsel have authority to exercise official responsibility over any Metro matter. Appointed commissioners have authority over any matter over which the relevant commission has jurisdiction. Department directors have authority over any matter related to the department they administer. Metro employees have authority over matters as assigned to them by their supervisors.

(j) "Gift" means "Gift" as defined in ORS 244.020(8). However, for the purpose of this chapter, "Gift" does not include plaques, momentos or similar items with little or no intrinsic value, ~~that cost less than \$25.00 to produce.~~

(k) "Legislative action" means introduction, sponsorship, testimony, debate, voting or any other official action on any ordinance, resolution, amendment, nomination, appointment or report, or any matter which may be the subject of action by the Metro Council

or any committee thereof.

(l) "Legislative or administrative interest" means an economic interest, distinct from that of the general public, in one or more ordinances, resolutions, regulations, proposals or other matters subject to the action or vote of a Metro official or Metro employee.

(m) "Lobbying" means influencing, or attempting to influence, legislative action through oral or written communication with Metro officials, solicitation of others to influence or attempt to influence legislative action or attempting to obtain the good will of Metro Councilors.

(n) "Lobbyist" means: (a) Any individual who agrees to provide personal services for money or any other consideration for the purpose of lobbying; and (b) Any employee of a business, not-for-profit corporation, association, organization or other group, who engages in lobbying.

(o) "Metro" means all of Metro including any department or branch of Metro including any Metro commission.

(p) "Metro commissioner" means any person appointed to a position on a ~~commission created pursuant to an ordinance adopted by the Metro council whose appointment is subject to confirmation by the Metro council.~~ the Metropolitan Exposition Recreation Commission.

~~(q) "Metro employee" means any person other than a Metro official who receives wages or salary from Metro.~~

~~(+)(q)~~ "Metro facilities" means meeting rooms, meeting areas or other Metro property generally available to the public.

~~(s)(r)~~ "Metro official" means any department director, elected official or Metro commissioner.

~~(+)(s)~~ "Person" means any individual, business, association, corporation, organization or other group.

~~(+)(t)~~ "Public agency" means any governmental body, including but not limited to the Federal Government, the State of Oregon, any other state of the United States of America, or any public agency or municipal corporation thereof.

~~(+)(u)~~ "Public official" means any member or member-elect of any public agency and any member of the staff or an employee thereof.

~~(+)(v)~~ "Whistleblowing" means disclosing information pursuant to the protective provision of The Oregon Whistleblower Law (ORS 659.505 through 659.545). In addition, whistleblowing shall include disclosing information regarding the violation of any provision

of the Metro Charter or Metro Code.

Code Section 2.17.030 Giving and Receiving Gifts Prohibited by Lobbyists Registered with Metro.

(a) All Metro officials, ~~Metro employees and persons with a legislative or administrative interest~~ lobbyists and employers of lobbyists registered with Metro shall comply strictly with the following requirements:

(1) No Metro official ~~or Metro employee~~ shall solicit or receive, whether directly or indirectly, a gift from any ~~source~~ lobbyist or employer of a lobbyist registered with Metro ~~who could reasonably be known to have a legislative or administrative interest in Metro over which the Metro official or Metro employee exercises any official authority.~~

(2) No ~~person~~ lobbyist or employer of a lobbyist registered with Metro shall offer any gift to any Metro official or Metro employee. ~~if the person lobbyist has a legislative or administrative interest in Metro over which the Metro official or Metro employee exercises any official authority.~~

(b) Ceremonial gifts received by Metro officials on behalf of Metro from foreign delegations or similar visitors to the region are Metro property.

Code Section 2.17.040 Whistleblowing.

(a) The Council specifically recognizes the provisions of The Oregon Whistleblowing Law (ORS 659.505 through ORS 659.545). The Council directs the Executive Officer, pursuant to ORS 659.540, to establish for Metro the specific regulations and procedures to implement the Oregon Whistleblowing Law.

(b) Metro officials shall recognize whistle-blowing as appropriate. However, this provision shall not preclude taking disciplinary action against any Metro employee when it is appropriate to do so for independent reasons.

Code Section 2.17.050 Financial Reporting Requirements.

(a) Elected officials shall comply with the reporting requirements established by ORS 244.060, including the filing of a Statement of Economic Interest on an annual basis as required by state law. A copy of the Statement of Economic Interest shall be filed with the council clerk at the time of filing with the appropriate state agency.

(b) All department directors and Metro commissioners shall file annually with the council clerk a Statement of Economic Interest which is substantially consistent with that required by ORS 244.060.

(c) In addition, the Statement of Economic Interest shall disclose the ownership of any real property outside the Metro boundary and within Multnomah, Clackamas or

Washington County.

Code Section 2.17.060 Restrictions on Meals and Entertainment.

(a) No Metro official shall solicit or receive entertainment from any ~~person~~lobbyist or employer of a lobbyist registered with Metro ~~who has a legislative or administrative interest in Metro~~ ~~if the Metro official exercises any authority over the legislative or administrative interest of the person~~ lobbyist.

(b) No ~~person~~lobbyist or employer of a lobbyist registered with Metro ~~who has a legislative or administrative interest in Metro~~ shall furnish to a Metro official admission to entertainment. ~~if the Metro official exercises any authority over the legislative or administrative interest of the person~~lobbyist.

(c) ~~However, subject to the limits of ORS Chapter 244 Metro officials may accept admission to entertainment at events held at Metro owned or operated facilities if the cost of admission is borne by the facility or a non-profit tax exempt corporation that is the producer of the event held at the Metro owned or operated facility.~~

(d)(c) Metro officials shall not solicit or receive meals from any ~~person~~lobbyist or employer of a lobbyist registered with Metro ~~who has a legislative or administrative interest in Metro~~ ~~if the Metro official exercises any authority over the legislative or administrative interest of the person~~lobbyist if the cost of the meal exceeds the amount allowed by the United States Internal Revenue Service as a deductible business travel expense.

(e)(d) No ~~person~~lobbyist or employer of a lobbyist registered with Metro ~~who has a legislative or administrative interest in Metro~~ shall furnish a Metro official meals if ~~the Metro official exercises any authority over the legislative or administrative interest of the person~~lobbyist if the cost of the meal exceeds the amount allowed by the United States Internal Revenue Service as a deductible business travel expense.

~~(f)(e) However, subject to the limits of ORS Chapter 244, Metro officials may attend fundraising events benefiting non-profit tax exempt entities as guests of lobbyists or employers of lobbyists registered with Metro who have a legislative or administrative interest in Metro. Lobbyists or employers of lobbyists registered with Metro who have a legislative or administrative interest may pay the cost of Metro officials attending such fundraising events.~~

Code Section 2.17.070 Reimbursement for Attendance at Events.

Metro officials may not accept food, lodging and travel from any person with a legislative or administrative interest in Metro when participating in an event which bears a relationship to the Metro officials' office when appearing in their official capacities unless the cost of the food, lodging, or travel would have been eligible for payment as a Metro expense and the incurrence of the expense with Metro funds has been approved prior to the event by the appropriate authority.

Code Section 2.17.080 Abuse of Public Office.

~~(a) — No Metro official or Metro employee shall use Metro furnished offices, equipment, or Metro facilities for personal gain or to avoid the occurrence of personal expense.~~

~~(b) — Metro officials and Metro employees shall not remove Metro equipment from Metro facilities or enter or remain at their place of work at other than normal work hours except when specifically authorized to do so.~~

Code Section 2.17.090 Prohibition Against Doing Business With ~~Certain Former~~ Metro Officials.

(a) Except as provided for in subsections (b) and (c), Metro may not do business with any Metro official while the official is in office or within one year after the Metro official ceases to be a Metro official if the official had authority to exercise official responsibility in the matter. Any contract entered into in violation of this provision is void.

(b) Upon the request of the executive officer or a Metro commission, the council may waive the effect of the prohibition contained in subsection (a) upon making written findings that:

(1) It is in the best interests of Metro to do business with the Metro official.

(2) The Metro official took no action while in office that directly related to the preparation of the terms and conditions in the contract documents that may give an appearance of impropriety or favoritism.

(3) Other factors exist which are explicitly found by the council to benefit Metro that outweigh the policy considerations of ensuring that no appearance of favoritism exists in the award of Metro contracts.

(c) This section applies only to Metro officials who first take office or are re-elected or re-appointed to an office after September 7, 1995. This section shall not be construed to permit any activity that is otherwise prohibited by any other statute, rule, ordinance, or other law.

Code Section 2.17.100 Council Employees.

~~(a) — In addition to the requirements of this Chapter, all employees of the Metro Council shall comply strictly with the following requirements:~~

~~(1) — In the event that the financial or personal interest of any employee of the Metro Council is specifically affected by a resolution or ordinance before the Council, that individual shall provide written notice of such interest affected to the Presiding Officer of the Council. A copy of the notice should be placed on file with~~

~~the Office of General Counsel. For purposes of this subsection, "personal interest" means an interest evidenced by an affiliation with an advocacy organization outside of Metro which may create the perception of bias.~~

~~(2) — Employees of the Metro Council shall avoid the appearance of bias or favoritism and shall respect cultural differences.~~

Code Section 2.17.110 Registration of Lobbyists.

(a) Within three working days after exceeding the limit of time specified in Code Section 2.17.120 (a)(5), each lobbyist shall register with the Oregon Government Standards and Practices Commission~~Chief of Staff of the Council~~ by filing with the ~~Chief of Staff~~Commission and Council a statement containing the following information:

- (1) The name and address of the lobbyist.
- (2) The name and address of each person or agency by whom the lobbyist is employed or in whose interest the lobbyist appears or works, a description of the trade, business, profession or area of endeavor of that person or agency, and a designation by each such person or agency that the lobbyist is officially authorized to lobby for that person or agency.
- (3) The name of any member of the Metro Council who is in any way employed by the lobbyist employer designated in paragraph (b) of this subsection or who is employed by the lobbyist or whether the lobbyist and member are associated with the same business. Ownership of stock in a publicly traded corporation in which a member of the Metro Council also owns stock is not a relationship which need be stated.
- (4) The general subject or subjects of the legislative interest of the lobbyist.

(b) The designation of official authorization to lobby shall be signed by an officer of each such corporation, association, organization or other group or by each individual by whom the lobbyist is employed or in whose interest the lobbyist appears or works.

(c) A lobbyist must revise the statements required by subsection (a) of this section, if any of the information contained therein changes within 30 days of the change.

(d) A lobbyist registration expires ~~two years~~one year after the date of filing or refiling, ~~and must be renewed by application accompanied by the fees described in Code Section 2.17.130.~~

Code Section 2.17.120 Exemptions to lobbyist registration requirements.

(a) The requirements of Code Section 2.17.110 through Code Section ~~2.17.120~~2.17.140 do not apply to the following:

(1) News media or their employees or agents, who in the ordinary course of business publish or broadcast news items, editorials or other comments or paid advertisements which directly or indirectly urge legislative action if such persons engage in no other activities in connection with such legislative action.

(2) Any Metro Official acting in an official capacity.

(3) Public Officials acting in their official capacity as a member or employee of a public agency.

(4) Any individual who receives no additional consideration for lobbying and who limits lobbying activities solely to formal appearances to give testimony before Metro Council or any of its committees, and who, if the individual testifies, registers an appearance in the records of the Council or its committees.

(5) Any person who spends not more than 5 hours during any calendar quarter lobbying, excluding travel time.

Code Section 2.17.130 Statements of Lobbying Expenses.

(a) Any lobbyist who engages in any lobbying activities shall file with the Oregon Standards and Practices Commission and The Council on January 31 of each year a statement showing:

The name of any Metro official who attended a fund raising event for a non-profit tax exempt entity as a guest of the lobbyist including the date, name of the non-profit entity and amount of that expenditure.

Code Section 2.17.140 Employers of Lobbyists Expense Statements.

Any person which employs a lobbyist who was registered, or who was required to register with the Oregon Standard and Practices Commission shall file with the Commission and the Council by January 31, a statement showing, for the preceding calendar year:

The name of any Metro official who attended a fund raising event for a non-profit tax exempt entity as a guest of the employer of a lobbyist, but not including information previously reported in compliance with Section 2.17.130 and the date, name of the non-profit entity and amount of expenditure.

Code Section ~~2.17.130~~ 2.17.150 Verification of Reports, Registrations and Statements.

(a) Each report, registration or statement required by this Chapter shall contain or be verified by a written declaration that it is made under the penalties of false swearing.

(b) No person shall willfully make and subscribe any document which contains or

is verified by a written declaration for false swearing which the person does not believe to be true and correct to every matter.

Code Section ~~2.17.140~~2.17.160 Public Nature of Reports, Registrations and Statements.

All information submitted to the ~~Executive Officer~~ Oregon Government Standards and Practices Commission or Council ~~Clerk~~ in any report, registration or statement required by this Chapter is a public record.

Code Section ~~2.17.150~~2.17.170 Sanctions for Violations.

Pending the Oregon Government Standards and Practices Commission obtaining jurisdiction to enforce this chapter, and notwithstanding any other provision of the Metro Code, a person who violates any provision of this Chapter or fails to file any report, registration or statement or to furnish any information required by this Chapter shall be subject to a civil penalty in an amount not greater than \$500. When authorized by law the Commission shall require that any person who violates any provision of this Chapter is subject to the provisions of ORS 171.990 and ORS 171.992.

“However no Metro official shall be subject to any sanction for a violation of this chapter that resulted from the receipt of any gift, meal, or entertainment from any person who is not currently registered with Metro as a lobbyist or is not designated on a lobbyist’s registration as the employer of a lobbyist.”

Code Section 2.17.180 Pending Enforcement by Oregon Government Standards and Practices Commission

Prior to the Oregon Government Standards and Practices Commission becoming the administrative and enforcement authority for the provisions of this Chapter pursuant to an intergovernmental agreement or action of the Oregon Legislative as appropriate, all reports and registrations required by this Chapter shall be filed solely with the Council.

Rod Monroe, Presiding Officer

APPROVED AS TO FORM:

Daniel B. Cooper, General Counsel

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METRO OPERATIONS COMMITTEE REPORT

CONSIDERATION OF ORDINANCE NO. 99-795A, FOR THE PURPOSE OF ADOPTING A CODE OF ETHICS FOR METRO OFFICIALS AND REQUIRING REGISTRATION OF LOBBYISTS.

Date: February 24, 1999

Prepared by: Michael Morrissey

Committee Action: The Metro Operations Committee amended Ordinance 99-795 over several meetings. In addition, several councilors not appointed to the committee sat in on each meeting and participated in discussion. At its February 22, 1999 meeting, the Committee voted 2-0-1 to send Ordinance 99-795A to the Metro Council with no recommendation. Voting in favor: Councilors Atherton and Washington. Abstaining: Councilor Kvistad.

Effect of Action: Ordinance 99-795A modifies existing Metro code by consolidating and adding to the current language, creating a more comprehensive code of ethics, applying to Metro officials. This new language is compiled in a discrete chapter, 2.17 within Title II, Administration and Procedures of the Metro Code.

Current Metro code ethics applications in chapter 2.02 Personnel Rules and chapter 2.04 Metro Contract Policies, are repealed and readopted as part of the new ethics code. At the same time, state ethics law in ORS Chapter 244, including code of ethics, reporting and conflict of interest continue to apply, as does ORS chapter 659, Whistleblowing. The new Metro ethics code goes beyond state law in its requirements and application.

Ordinance Summary

Summary of code sections in new Metro Code chapter 2.17, as exhibited in Ordinance 99-795A:

2.17.010 Purpose and Policy:

Summary: This section declares that the purpose of this chapter is to ensure that Metro serves and informs the public. The council intends for Metro officials to operate under high ethical standards and treat their offices as a public trust. The application of this chapter is largely focused on Metro officials (elected officials, department heads and MERC commissioners), and lobbyists and employers of lobbyists.

Relation to state law: This section explicitly states that it is intended to be consistent with, and add to current policy established in state law. All Metro officials and employees are specifically directed to strictly comply with ORS 244.040 (Code of ethics; prohibited actions; honoraria).

2.17.030 Giving and Receiving Gifts Prohibited by Lobbyists Registered with Metro

Summary: Adopts a new Metro code provision. Metro officials may not solicit or receive gifts from lobbyists registered with Metro, or their employers. Nor may gifts be offered by lobbyists registered with Metro or their employers.

Relation to state law: ORS 244.040 (2) continues to apply to public officials, and allows gifts up to \$100, in certain circumstances. This Metro code is more stringent than state law, allowing no gifts to Metro officials, from registered lobbyists, or their employers.

2.17.040 Whistleblowing

Summary: This section is new to Metro code. It recognizes and calls out state law, and directs the Metro Executive to establish procedures and regulations related to employee disclosure of information, and protection for the discloser.

Relation to state law: See above. Relevant state law is ORS 659.505 through ORS 659.545.

2.17.050 Financial Reporting Requirements

Summary: This section carries forward existing Metro code. Elected officials must annually file a Statement of Economic Interest in compliance with state law, and other Metro officials must file a similar document. The Metro Operations committee added a requirement to disclose ownership of property outside the Metro boundary and within Multnomah, Clackamas or Washington Counties.

Relation to state law: The requirement for filing the Statement of Economic Interest meets ORS 244.060. The requirements for other Metro officials to file, and disclosure of property referred to above, exceed state law. State law pertaining to handling and recording actual or perceived conflict of interest, ORS 244.120-130, also apply.

2.17.060 Restrictions on Meals and Entertainment

Summary: This section is a new to Metro code section. As applied to Metro officials: entertainment may not be solicited or received from a lobbyist or employer of a lobbyist registered with Metro; meals in excess of IRS deductible business expense limits may not be received or solicited by same. Limited exceptions exist, related to attendance sponsored by non-profit entities.

Relation to state law: The limitations on meals and entertainment, with respect to lobbyists and employers of lobbyists are more stringent than the state law in ORS 244.040.

2.17.070 Reimbursement for Attendance at Events

Summary: This section is new to Metro code. Metro officials acceptance of food, and travel from a person with a legislative or administrative interest in Metro is allowed if the expense would otherwise have been allowed and paid for with Metro funds.

Relation to state law: This section parallels ORS 244.020 (8)(c), but is more stringent in its application to Metro officials.

2.17.090 Prohibition Against Doing Business with Certain Former Metro Officials.

Summary: This section readopts current Metro code that restricts the ability of current Metro officials, and Metro officials out of office for one year to conduct business with Metro.

Relation to state law: Somewhat parallels ORS 244.045 Regulation of subsequent employment of public officials. In terms of actual application to Metro officials, this section is more stringent than state law requirements.

2.17.110 Registration of Lobbyists

Summary: This section is new to Metro code. Lobbyists meeting the definition and time requirements specified elsewhere in code, e.g. only paid lobbyists, are required to register annually with the Oregon Government Standards and Practices Commission. It was felt that the involvement of this Commission in the administration of lobbyist registration, filing, reporting and enforcement would indicate a higher level of objectivity in the application of this aspect of the ethics code. A request has been made to the Standards and Practices Commission as to their ability and authority to take on this work. An answer is still pending. Absent their agreement to perform these duties, all reporting will be done with the Metro Council.

Relation to state law: Parallels state law. However state law does not require lobbyist registration with local jurisdictions.

2.17.130 and 2.17.140 Statements of Expenses for Lobbyists and their Employers

Summary: This section is new to Metro code. Registered lobbyists and their employers are required to file annual expense statements, specifying information related to paying for Metro officials to attend fund-raising events for non-profit tax exempt entities, as guests of the lobbyist or their employer.

Relation to state law: Parallels state law. However state law does not require this reporting at the local jurisdiction level.

2.17.170 Sanctions for Violations

Summary: This section is new to Metro code, and applies to entire chapter 2.17. Civil penalties of up to \$500 may apply, as well as being subject to state provisions when authorized by law, and subject to the requirement of the Oregon Government Standards and Practices Commission.

Relation to state law: Parallels state laws in ORS 171.992 (Civil penalty for violation of lobby registration). However state law does not require these sanctions for lobby activity at the local jurisdiction level.

Additional Committee Action

Proposed code sections related to council employees and abuse of public office were deleted. Generally, Metro employees are not covered by the specifics of this code revision, with the exception of direction to strictly comply with ORS 244.040 (see earlier).

In addition, the Metro Operations Committee chose not to apply new requirements with regard to disclosure of campaign contributions, and subsequent ability to vote on land use or contractual legislation. Several councilors made reference to current campaign reporting requirements and economic disclosure statements that already apply to elected officials.

Conclusion

Ordinance 99-795A consolidates current Metro code and creates a distinct code chapter, 2.17. It moves beyond current metro code requirements for Metro officials, and acknowledges and is more stringent than state ethics code requirements, in many cases.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING A CODE) ORDINANCE No. 99-795A
OF ETHICS FOR METRO OFFICIALS AND) Introduced by Councilors McLain and
REQUIRING REGISTRATION OF LOBBYISTS) Monroe

The Metro Council ordains as follows:

SECTION 1.

Chapter 2.17, Code of Ethics for Metro Officials and Requirements for Lobbyists, is added to and made a part of Metro Code Title II, to be numbered, titled, and to read as follows:

Chapter 2.17

Code of Ethics for Metro Officials and Requirements for Lobbyists

Code Section 2.17.010 Purpose and Policy.

(a) The Metro Council hereby declares that the purpose of this Chapter is to ensure that Metro serves the public and informs the public fully concerning its decision making. In accordance with such purposes, this Chapter establishes a Code of Ethics for Metro and requirements for lobbyists appearing before Metro.

(b) In adopting this Chapter, the Metro Council intends:

(1) to be consistent with and to add to current public policy established by the Oregon Legislative Assembly;

(2) to require Metro officials to operate under high ethical standards;

(3) to require Metro officials to treat their offices and positions as a public trust whose powers and resources are to be used for the benefit of the public and not for any personal benefit; and

(4) to require individuals and entities appearing before Metro to identify themselves and the interests they represent.

(c) It is the policy of Metro that all Metro officials and employees strictly comply with the Code of Ethics contained in ORS 244.040.

Code Section 2.17.020 Definitions.

For the purposes of this Chapter, unless the context requires otherwise, the following terms shall have the meaning indicated:

(a) "Business" means any corporation, partnership, proprietorship, firm,

enterprise, franchise, association, organization, self-employed individual and any other legal entity operated for economic gain.

(b) "Business with which the Metro official is associated" means any business of which the person or the person's relative is a director, officer, owner or employee, or agent or any corporation in which the person or the person's relative owns or has owned stock worth \$1,000 or more at any point in the preceding calendar year, but excluding any income-producing not-for-profit corporation that is tax exempt under Section 501(c) of the Internal Revenue Code with which a public official is associated in a nonremunerative capacity.

(c) "Consideration" includes a gift, payment, distribution, loan, advance or deposit of money or anything of value, and includes a contract, promise or agreement, whether or not legally enforceable.

(d) "Department director" means any person employed by Metro in a position on a permanent basis which is subject to appointment by the executive officer and confirmation by the Metro council.

(e) "Doing business" means entering into a direct contractual relationship with a business with which the Metro official is associated.

(f) "Elected official" means any person elected or appointed as a member of the Metro council, the executive officer, or the auditor.

(g) "Employer of a lobbyist" means the individual or entity required to grant official authorization to a lobbyist to lobby on their behalf pursuant to Section 2.17.110 (a) (2).

(h) "Ethics" means positive principles of conduct, some of which are also enforced by federal, state or other local law.

(i) "Exercise of official authority" means: Metro elected officials and the General Counsel have authority to exercise official responsibility over any Metro matter. Appointed commissioners have authority over any matter over which the relevant commission has jurisdiction. Department directors have authority over any matter related to the department they administer. Metro employees have authority over matters as assigned to them by their supervisors.

(j) "Gift" means "Gift" as defined in ORS 244.020(8). However, for the purpose of this chapter, "Gift" does not include plaques, momentos or similar items with little or no intrinsic value.

(k) "Legislative action" means introduction, sponsorship, testimony, debate, voting or any other official action on any ordinance, resolution, amendment, nomination, appointment or report, or any matter which may be the subject of action by the Metro Council or any committee thereof.

(l) "Legislative or administrative interest" means an economic interest, distinct from that of the general public, in one or more ordinances, resolutions, regulations, proposals or other matters subject to the action or vote of a Metro official or Metro employee.

(m) "Lobbying" means influencing, or attempting to influence, legislative action through oral or written communication with Metro officials, solicitation of others to influence or attempt to influence legislative action or attempting to obtain the good will of Metro Councilors.

(n) "Lobbyist" means: (a) Any individual who agrees to provide personal services for money or any other consideration for the purpose of lobbying; and (b) Any employee of a business, not-for-profit corporation, association, organization or other group, who engages in lobbying.

(o) "Metro" means all of Metro including any department or branch of Metro including any Metro commission.

(p) "Metro commissioner" means any person appointed to a position on the Metropolitan Exposition Recreation Commission.

(q) "Metro facilities" means meeting rooms, meeting areas or other Metro property generally available to the public.

(r) "Metro official" means any department director, elected official or Metro commissioner.

(s) "Person" means any individual, business, association, corporation, organization or other group.

(t) "Public agency" means any governmental body, including but not limited to the Federal Government, the State of Oregon, any other state of the United States of America, or any public agency or municipal corporation thereof.

(u) "Public official" means any member or member-elect of any public agency and any member of the staff or an employee thereof.

(v) "Whistleblowing" means disclosing information pursuant to the protective provision of The Oregon Whistleblower Law (ORS 659.505 through 659.545). In addition, whistleblowing shall include disclosing information regarding the violation of any provision of the Metro Charter or Metro Code.

Code Section 2.17.030. Giving and Receiving Gifts Prohibited by Lobbyists Registered with Metro.

(a) All Metro officials, lobbyists and employers of lobbyists registered with Metro shall comply strictly with the following requirements:

(1) No Metro official shall solicit or receive, whether directly or indirectly, a gift from any lobbyist or employer of a lobbyist registered with Metro..

(2) No lobbyist or employer of a lobbyist registered with Metro shall offer any gift to any Metro official or Metro employee.

(b) Ceremonial gifts received by Metro officials on behalf of Metro from foreign delegations or similar visitors to the region are Metro property.

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(a) The Council specifically recognizes the provisions of The Oregon Whistleblowing Law (ORS 659.505 through ORS 659.545). The Council directs the Executive Officer, pursuant to ORS 659.540, to establish for Metro the specific regulations and procedures to implement the Oregon Whistleblowing Law.

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Code Section 2.17.050 Financial Reporting Requirements.

(a) Elected officials shall comply with the reporting requirements established by ORS 244.060, including the filing of a Statement of Economic Interest on an annual basis as required by state law. A copy of the Statement of Economic Interest shall be filed with the council clerk at the time of filing with the appropriate state agency.

(b) All department directors and Metro commissioners shall file annually with the council clerk a Statement of Economic Interest which is substantially consistent with that required by ORS 244.060.

(c) In addition, the Statement of Economic Interest shall disclose the ownership of any real property outside the Metro boundary and within Multnomah, Clackamas or Washington County.

Code Section 2.17.060 Restrictions on Meals and Entertainment.

(a) No Metro official shall solicit or receive entertainment from any lobbyist or employer of a lobbyist registered with Metro .

(b) No lobbyist or employer of a lobbyist registered with Metro shall furnish to a Metro official admission to entertainment.

(c) Metro officials shall not solicit or receive meals from any lobbyist or employer of a lobbyist registered with Metro if the cost of the meal exceeds the amount allowed by the United States Internal Revenue Service as a deductible business travel expense.

(d) No lobbyist or employer of a lobbyist registered with Metro shall furnish a Metro official meals if the cost of the meal exceeds the amount allowed by the United States Internal Revenue Service as a deductible business travel expense.

(e) However, subject to the limits of ORS Chapter 244, Metro officials may attend fundraising events benefiting non-profit tax exempt entities as guests of lobbyists or employers of lobbyists registered with Metro. Lobbyists or employers of lobbyists registered with Metro may pay the cost of Metro officials attending such fundraising events.

Code Section 2.17.070 Reimbursement for Attendance at Events.

Metro officials may not accept food, lodging and travel from any person with a legislative or administrative interest in Metro when participating in an event which bears a relationship to the Metro officials' office when appearing in their official capacities unless the cost of the food, lodging, or travel would have been eligible for payment as a Metro expense and the incurrence of the expense with Metro funds has been approved prior to the event by the appropriate authority.

Code Section 2.17.090 Prohibition Against Doing Business With Metro Officials.

(a) Except as provided for in subsections (b) and (c), Metro may not do business with any Metro official while the official is in office or within one year after the Metro official ceases to be a Metro official if the official had authority to exercise official responsibility in the matter. Any contract entered into in violation of this provision is void.

(b) Upon the request of the executive officer or a Metro commission, the council may waive the effect of the prohibition contained in subsection (a) upon making written findings that:

(1) It is in the best interests of Metro to do business with the Metro official.

(2) The Metro official took no action while in office that directly related to the preparation of the terms and conditions in the contract documents that may give an appearance of impropriety or favoritism.

(3) Other factors exist which are explicitly found by the council to benefit Metro that outweigh the policy considerations of ensuring that no appearance of favoritism exists in the award of Metro contracts.

(c) This section applies only to Metro officials who first take office or are re-elected or re-appointed to an office after September 7, 1995. This section shall not be construed to permit any activity that is otherwise prohibited by any other statute, rule,

ordinance, or other law.

Code Section 2.17.110 Registration of Lobbyists.

(a) Within three working days after exceeding the limit of time specified in Code Section 2.17.120 (a)(5), each lobbyist shall register with the Oregon Government Standards and Practices Commission by filing with the Commission and Council a statement containing the following information:

- (1) The name and address of the lobbyist.
- (2) The name and address of each person or agency by whom the lobbyist is employed or in whose interest the lobbyist appears or works, a description of the trade, business, profession or area of endeavor of that person or agency, and a designation by each such person or agency that the lobbyist is officially authorized to lobby for that person or agency.
- (3) The name of any member of the Metro Council who is in any way employed by the lobbyist employer designated in paragraph (b) of this subsection or who is employed by the lobbyist or whether the lobbyist and member are associated with the same business. Ownership of stock in a publicly traded corporation in which a member of the Metro Council also owns stock is not a relationship which need be stated.
- (4) The general subject or subjects of the legislative interest of the lobbyist.

(b) The designation of official authorization to lobby shall be signed by an officer of each such corporation, association, organization or other group or by each individual by whom the lobbyist is employed or in whose interest the lobbyist appears or works.

(c) A lobbyist must revise the statements required by subsection (a) of this section, if any of the information contained therein changes within 30 days of the change.

(d) A lobbyist registration expires one year after the date of filing or refiling.

Code Section 2.17.120 Exemptions to lobbyist registration requirements.

(a) The requirements of Code Section 2.17.110 through Code Section 2.17.140 do not apply to the following:

(1) News media or their employees or agents, who in the ordinary course of business publish or broadcast news items, editorials or other comments or paid advertisements which directly or indirectly urge legislative action if such persons engage in no other activities in connection with such legislative action.

(2) Any Metro Official acting in an official capacity.

(3) Public Officials acting in their official capacity as a member or employee of a public agency.

(4) Any individual who receives no additional consideration for lobbying and who limits lobbying activities solely to formal appearances to give testimony before Metro Council or any of its committees, and who, if the individual testifies, registers an appearance in the records of the Council or its committees.

(5) Any person who spends not more than 5 hours during any calendar quarter lobbying, excluding travel time.

Code Section 2.17.130 Statements of Lobbying Expenses.

(a) Any lobbyist who engages in any lobbying activities shall file with the Oregon Standards and Practices Commission and The Council on January 31 of each year a statement showing:

The name of any Metro official who attended a fund raising event for a non-profit tax exempt entity as a guest of the lobbyist including the date, name of the non-profit entity and amount of that expenditure.

Code Section 2.17.140 Employers of Lobbyists Expense Statements.

Any person which employs a lobbyist who was registered, or who was required to register with the Oregon Standard and Practices Commission shall file with the Commission and the Council by January 31, a statement showing, for the preceding calendar year:

The name of any Metro official who attended a fund raising event for a non-profit tax exempt entity as a guest of the employer of a lobbyist, but not including information previously reported in compliance with Section 2.17.130 and the date, name of the non-profit entity and amount of expenditure.

Code Section 2.17.150 Verification of Reports, Registrations and Statements.

(a) Each report, registration or statement required by this Chapter shall contain or be verified by a written declaration that it is made under the penalties of false swearing.

(b) No person shall willfully make and subscribe any document which contains or is verified by a written declaration for false swearing which the person does not believe to be true and correct to every matter.

Code Section 2.17.160 Public Nature of Reports, Registrations and Statements.

All information submitted to the Oregon Government Standards and Practices Commission or

Council in any report, registration or statement required by this Chapter is a public record.

Code Section 2.17.170 Sanctions for Violations.

Pending the Oregon Government Standards and Practices Commission obtaining jurisdiction to enforce this chapter, and notwithstanding any other provision of the Metro Code, a person who violates any provision of this Chapter or fails to file any report, registration or statement or to furnish any information required by this Chapter shall be subject to a civil penalty in an amount not greater than \$500. When authorized by law the Commission shall require that any person who violates any provision of this Chapter is subject to the provisions of ORS 171.990 and ORS 171.992.

“However no Metro official shall be subject to any sanction for a violation of this chapter that resulted from the receipt of any gift, meal, or entertainment from any person who is not currently registered with Metro as a lobbyist or is not designated on a lobbyist’s registration as the employer of a lobbyist.”

Code Section 2.17.180 Pending Enforcement by Oregon Government Standards and Practices Commission

Prior to the Oregon Government Standards and Practices Commission becoming the administrative and enforcement authority for the provisions of this Chapter pursuant to an intergovernmental agreement or action of the Oregon Legislative as appropriate, all reports and registrations required by this Chapter shall be filed solely with the Council.

Rod Monroe, Presiding Officer

APPROVED AS TO FORM:

Daniel B. Cooper, General Counsel

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METRO OPERATIONS COMMITTEE REPORT

CONSIDERATION OF ORDINANCE NO. 99-795A, FOR THE PURPOSE OF ADOPTING A CODE OF ETHICS FOR METRO OFFICIALS AND REQUIRING REGISTRATION OF LOBBYISTS.

Date: February 24, 1999

Prepared by: Michael Morrissey

Committee Action: The Metro Operations Committee amended Ordinance 99-795 over several meetings. In addition, several councilors not appointed to the committee sat in on each meeting and participated in discussion. At its February 22, 1999 meeting, the Committee voted 2-0-1 to send Ordinance 99-795A to the Metro Council with no recommendation. Voting in favor: Councilors Atherton and Washington. Abstaining: Councilor Kvistad.

Effect of Action: Ordinance 99-795A modifies existing Metro code by consolidating and adding to the current language, creating a more comprehensive code of ethics, applying to Metro officials. This new language is compiled in a discrete chapter, 2.17 within Title II, Administration and Procedures of the Metro Code.

Current Metro code ethics applications in chapter 2.02 Personnel Rules and chapter 2.04 Metro Contract Policies, are repealed and readopted as part of the new ethics code. At the same time, state ethics law in ORS Chapter 244, including code of ethics, reporting and conflict of interest continue to apply, as does ORS chapter 659, Whistleblowing. The new Metro ethics code goes beyond state law in its requirements and application.

Ordinance Summary

Summary of code sections in new Metro Code chapter 2.17, as exhibited in Ordinance 99-795A:

2.17.010 Purpose and Policy:

Summary: This section declares that the purpose of this chapter is to ensure that Metro serves and informs the public. The council intends for Metro officials to operate under high ethical standards and treat their offices as a public trust. The application of this chapter is largely focused on Metro officials (elected officials, department heads and MERC commissioners), and lobbyists and employers of lobbyists.

Relation to state law: This section explicitly states that it is intended to be consistent with, and add to current policy established in state law. All Metro officials and employees are specifically directed to strictly comply with ORS 244.040 (Code of ethics; prohibited actions; honoraria).

2.17.030 Giving and Receiving Gifts Prohibited by Lobbyists Registered with Metro

Summary: Adopts a new Metro code provision. Metro officials may not solicit or receive gifts from lobbyists registered with Metro, or their employers. Nor may gifts be offered by lobbyists registered with Metro or their employers.

Relation to state law: ORS 244.040 (2) continues to apply to public officials, and allows gifts up to \$100, in certain circumstances. This Metro code is more stringent than state law, allowing no gifts to Metro officials, from registered lobbyists, or their employers.

2.17.040 Whistleblowing

Summary: This section is new to Metro code. It recognizes and calls out state law, and directs the Metro Executive to establish procedures and regulations related to employee disclosure of information, and protection for the discloser.

Relation to state law: See above. Relevant state law is ORS 659.505 through ORS 659.545.

2.17.050 Financial Reporting Requirements

Summary: This section carries forward existing Metro code. Elected officials must annually file a Statement of Economic Interest in compliance with state law, and other Metro officials must file a similar document. The Metro Operations committee added a requirement to disclose ownership of property outside the Metro boundary and within Multnomah, Clackamas or Washington Counties.

Relation to state law: The requirement for filing the Statement of Economic Interest meets ORS 244.060. The requirements for other Metro officials to file, and disclosure of property referred to above, exceed state law. State law pertaining to handling and recording actual or perceived conflict of interest, ORS 244.120-130, also apply.

2.17.060 Restrictions on Meals and Entertainment

Summary: This section is a new to Metro code section. As applied to Metro officials: entertainment may not be solicited or received from a lobbyist or employer of a lobbyist registered with Metro; meals in excess of IRS deductible business expense limits may not be received or solicited by same. Limited exceptions exist, related to attendance sponsored by non-profit entities.

Relation to state law: The limitations on meals and entertainment, with respect to lobbyists and employers of lobbyists are more stringent than the state law in ORS 244.040.

2.17.070 Reimbursement for Attendance at Events

Summary: This section is new to Metro code. Metro officials acceptance of food, and travel from a person with a legislative or administrative interest in Metro is allowed if the expense would otherwise have been allowed and paid for with Metro funds.

Relation to state law: This section parallels ORS 244.020 (8)(c), but is more stringent in its application to Metro officials.

2.17.090 Prohibition Against Doing Business with Certain Former Metro Officials.

Summary: This section readopts current Metro code that restricts the ability of current Metro officials, and Metro officials out of office for one year to conduct business with Metro.

Relation to state law: Somewhat parallels ORS 244.045 Regulation of subsequent employment of public officials. In terms of actual application to Metro officials, this section is more stringent than state law requirements.

2.17.110 Registration of Lobbyists

Summary: This section is new to Metro code. Lobbyists meeting the definition and time requirements specified elsewhere in code, e.g. only paid lobbyists, are required to register annually with the Oregon Government Standards and Practices Commission. It was felt that the involvement of this Commission in the administration of lobbyist registration, filing, reporting and enforcement would indicate a higher level of objectivity in the application of this aspect of the ethics code. A request has been made to the Standards and Practices Commission as to their ability and authority to take on this work. An answer is still pending. Absent their agreement to perform these duties, all reporting will be done with the Metro Council.

Relation to state law: Parallels state law. However state law does not require lobbyist registration with local jurisdictions.

2.17.130 and 2.17.140 Statements of Expenses for Lobbyists and their Employers

Summary: This section is new to Metro code. Registered lobbyists and their employers are required to file annual expense statements, specifying information related to paying for Metro officials to attend fund-raising events for non-profit tax exempt entities, as guests of the lobbyist or their employer.

Relation to state law: Parallels state law. However state law does not require this reporting at the local jurisdiction level.

2.17.170 Sanctions for Violations

Summary: This section is new to Metro code, and applies to entire chapter 2.17. Civil penalties of up to \$500 may apply, as well as being subject to state provisions when authorized by law, and subject to the requirement of the Oregon Government Standards and Practices Commission.

Relation to state law: Parallels state laws in ORS 171.992 (Civil penalty for violation of lobby registration). However state law does not require these sanctions for lobby activity at the local jurisdiction level.

Additional Committee Action

Proposed code sections related to council employees and abuse of public office were deleted. Generally, Metro employees are not covered by the specifics of this code revision, with the exception of direction to strictly comply with ORS 244.040 (see earlier).

In addition, the Metro Operations Committee chose not to apply new requirements with regard to disclosure of campaign contributions, and subsequent ability to vote on land use or contractual legislation. Several councilors made reference to current campaign reporting requirements and economic disclosure statements that already apply to elected officials.

Conclusion

Ordinance 99-795A consolidates current Metro code and creates a distinct code chapter, 2.17. It moves beyond current metro code requirements for Metro officials, and acknowledges and is more stringent than state ethics code requirements, in many cases.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING A CODE) ORDINANCE No. 99-795
OF ETHICS FOR METRO OFFICIALS AND) Introduced by Councilors McLain
REQUIRING REGISTRATION OF LOBBYISTS) Monroe

The Metro Council ordains as follows:

SECTION 1.

Chapter 2.17, Code of Ethics and Requirements for Lobbyists, is added to and made a part of Metro Code Title II, to be numbered, titled, and to read as follows:

Chapter 2.17

Code of Ethics and Requirements for Lobbyists

Code Section 2.17.010 Purpose and Policy.

(a) The Metro Council hereby declares that the purpose of this Chapter is to ensure that Metro serves the public and informs the public fully concerning its decision making. In accordance with such purposes, this Chapter establishes a Code of Ethics for Metro and requirements for lobbyists appearing before Metro.

(b) In adopting this Chapter, the Metro Council intends:

(1) to be consistent with and to add to current public policy established by the Oregon Legislative Assembly;

(2) to require Metro officials and Metro employees to operate under high ethical standards;

(3) to require Metro officials and Metro employees to treat their offices and positions as a public trust whose powers and resources are to be used for the benefit of the public and not for any personal benefit; and

(4) to require individuals and entities appearing before Metro to identify themselves and the interests they represent.

Code Section 2.17.020 Definitions.

For the purposes of this Chapter, unless the context requires otherwise, the following terms shall have the meaning indicated:

(a) "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity operated for economic gain.

(b) "Business with which the Metro official is associated" means any business of which the person or the person's relative is a director, officer, owner or employee, or agent or any corporation in which the person or the person's relative owns or has owned stock worth \$1,000 or more at any point in the preceding calendar year, but excluding any income-producing not-for-profit corporation that is tax exempt under Section 501(c) of the Internal Revenue Code with which a public official is associated in a nonremunerative capacity.

(c) "Consideration" includes a gift, payment, distribution, loan, advance or deposit of money or anything of value, and includes a contract, promise or agreement, whether or not legally enforceable.

(d) "Department director" means any person employed by Metro in a position on a permanent basis which is subject to appointment by the executive officer and confirmation by the Metro council.

(e) "Doing business" means entering into a direct contractual relationship with a business with which the Metro official is associated.

(f) "Elected official" means any person elected or appointed as a member of the Metro council, the executive officer, or the auditor.

(g) "Ethics" means positive principles of conduct, some of which are also enforced by federal, state or other local law.

(h) "Exercise of official authority" means: Metro elected officials and the General Counsel have authority to exercise official responsibility over any Metro matter. Appointed commissioners have authority over any matter over which the relevant commission has jurisdiction. Department directors have authority over any matter related to the department they administer. Metro employees have authority over matters as assigned to them by their supervisors.

(i) "Gift" means "Gift" as defined in ORS 244.020(8). However, for the purpose of this chapter, "Gift" does not include plaques, momentos or similar items with little or no intrinsic value that cost less than \$25.00 to produce.

(j) "Legislative action" means introduction, sponsorship, testimony, debate, voting or any other official action on any ordinance, resolution, amendment, nomination, appointment or report, or any matter which may be the subject of action by the Metro Council or any committee thereof.

(k) "Legislative or administrative interest" means an economic interest, distinct from that of the general public, in one or more bills, resolutions, regulations, proposals or other matters subject to the action or vote of a Metro official or Metro employee.

(l) "Lobbying" means influencing, or attempting to influence, legislative action through oral or written communication with Metro officials, solicitation of others to influence or attempt to influence legislative action or attempting to obtain the good will of Metro Councilors.

(m) "Lobbyist" means: (a) Any individual who agrees to provide personal services for money or any other consideration for the purpose of lobbying; and (b) Any employee of a business, not-for-profit corporation, association, organization or other group, who engages in lobbying.

(n) "Metro" means all of Metro including any department or branch of Metro including any Metro commission.

(o) "Metro commissioner" means any person appointed to a position on a commission created pursuant to an ordinance adopted by the Metro council whose appointment is subject to confirmation by the Metro council.

(p) "Metro employee" means any person other than a Metro official who receives wages or salary from Metro.

(q) "Metro facilities" means meeting rooms, meeting areas or other Metro property generally available to the public.

(r) "Metro official" means any department director, elected official or Metro commissioner.

(s) "Person" means any individual, business, association, corporation, organization or other group.

(t) "Public agency" means any governmental body, including but not limited to the Federal Government, the State of Oregon, any other state of the United States of America, or any public agency or municipal corporation thereof.

(u) "Public official" means any member or member-elect of any public agency and any member of the staff or an employee thereof.

(v) "Whistleblowing" means disclosing information pursuant to the protective provision of The Oregon Whistleblower Law (ORS 659.505 through 659.545). In addition, whistleblowing shall include disclosing information regarding the violation of any provision of the Metro Charter or Metro Code.

Code Section 2.17.030 Giving and Receiving Gifts Prohibited.

(a) All Metro officials, Metro employees and persons with a legislative or administrative interest shall comply strictly with the following requirements:

(1) No Metro official or Metro employee shall solicit or receive, whether directly or indirectly, a gift from any source who could reasonably be known to have a legislative or administrative interest in Metro over which the Metro official or Metro employee exercises any official authority.

(2) No person shall offer any gift to any Metro official or Metro employee if the person has a legislative or administrative interest in Metro over which the Metro official or Metro employee exercises any official authority.

(b) Ceremonial gifts received by Metro officials on behalf of Metro from foreign delegations or similar visitors to the region are Metro property.

Code Section 2.17.040 Whistleblowing.

(a) The Council specifically recognizes the provisions of The Oregon Whistleblowing Law (ORS 659.505 through ORS 659.545). The Council directs the Executive Officer, pursuant to ORS 659.540(b), to establish for Metro the specific regulations and procedures to implement the Oregon Whistleblowing Law.

(b) Metro officials shall recognize whistle-blowing as appropriate. However, this provision shall not preclude taking disciplinary action against any Metro employee when it is appropriate to do so for independent reasons.

Code Section 2.17.050 Financial Reporting Requirements.

(a) Elected officials shall comply with the reporting requirements established by ORS 244.060, including the filing of a Statement of Economic Interest on an annual basis as required by state law. A copy of the Statement of Economic Interest shall be filed with the council clerk at the time of filing with the appropriate state agency.

(b) All department directors and Metro commissioners shall file annually with the council clerk a Statement of Economic Interest which is substantially consistent with that required by ORS 244.060.

Code Section 2.17.060 Restrictions on Meals and Entertainment.

(a) No Metro official shall solicit or receive entertainment from any person who has a legislative or administrative interest in Metro if the Metro official exercises any authority over the legislative or administrative interest of the person.

(b) No person who has a legislative or administrative interest in Metro shall furnish to a Metro official admission to entertainment if the Metro official exercises any authority over the legislative or administrative interest of the person.

(c) However, subject to the limits of ORS Chapter 244 Metro officials may accept admission to entertainment at events held at Metro owned or operated facilities if the cost of admission is born by the facility or a non-profit tax exempt corporation that is the producer of the event held at the Metro owned or operated facility.

(d) Metro officials shall not solicit or receive meals from any person who has a legislative or administrative interest in Metro if the Metro official exercises any authority over the legislative or administrative interest of the person if the cost of the meal exceeds the amount allowed by the United States Internal Revenue Service as a deductible business travel expense.

(e) No person who has a legislative or administrative interest in Metro shall furnish a Metro official meals if the Metro official exercises any authority over the legislative or administrative interest of the person if the cost of the meal exceeds the amount allowed by the United States Internal Revenue Service as a deductible business travel expense.

Code Section 2.17.070 Reimbursement for Attendance at Events.

Metro officials may not accept food, lodging and travel from any person with a legislative or administrative interest in Metro when participating in an event which bears a relationship to the Metro officials' office when appearing in their official capacities unless the cost of the food, lodging, or travel would have been eligible for payment as a Metro expense and the incurrence of the expense with Metro funds has been approved prior to the event by the appropriate authority.

Code Section 2.17.080 Abuse of Public Office.

(a) No Metro official or Metro employee shall use Metro furnished offices, equipment, or Metro facilities for personal gain or to avoid the occurrence of personal expense.

(b) Metro officials and Metro employees shall not remove Metro equipment from Metro facilities or enter or remain at their place of work at other than normal work hours except when specifically authorized to do so.

Code Section 2.17.090 Prohibition Against Doing Business With Certain Former Metro Officials.

(a) Except as provided for in subsection (e), Metro may not do business with any Metro official while the official is in office or within one year after the Metro official ceases

to be a Metro official if the official had authority to exercise official responsibility in the matter. Any contract entered into in violation of this provision is void.

(b) Upon the request of the executive officer or a Metro commission, the council may waive the effect of the prohibition contained in subsection (a) upon making written findings that:

(1) It is in the best interests of Metro to do business with the Metro official.

(2) The Metro official took no action while in office that directly related to the preparation of the terms and conditions in the contract documents that may give an appearance of impropriety or favoritism.

(3) Other factors exist which are explicitly found by the council to benefit Metro that outweigh the policy considerations of ensuring that no appearance of favoritism exists in the award of Metro contracts.

(c) This section applies only to Metro officials who first take office or are re-elected or re-appointed to an office after September 7, 1995. This section shall not be construed to permit any activity that is otherwise prohibited by any other statute, rule, ordinance, or other law.

Code Section 2.17.100 Council Employees.

(a) In addition to the requirements of this Chapter, all employees of the Metro Council shall comply strictly with the following requirements:

(1) In the event that the financial or personal interest of any employee of the Metro Council is specifically affected by a resolution or Chapter before the Council, that individual shall provide written notice of such interest affected to the Presiding Officer of the Council. A copy of the notice should be placed on file with the Office of General Counsel. For purposes of this subsection, "personal interest" means an interest evidenced by an affiliation with an advocacy organization outside of Metro which may create the perception of bias.

(2) Employees of the Metro Council shall avoid the appearance of bias or favoritism and shall respect cultural differences.

Code Section 2.17.110 Registration of Lobbyists.

(a) Within three working days after exceeding the limit of time specified in Code Section 2.17.120 (a)(5), each lobbyist shall register with the Chief of Staff of the Council by filing with the Chief of Staff a statement containing the following information:

(1) The name and address of the lobbyist.

(2) The name and address of each person or agency by whom the lobbyist is employed or in whose interest the lobbyist appears or works, a description of the trade, business, profession or area of endeavor of that person or agency, and a designation by each such person or agency that the lobbyist is officially authorized to lobby for that person or agency.

(3) The name of any member of the Metro Council who is in any way employed by the lobbyist employer designated in paragraph (b) of this subsection or who is employed by the lobbyist or whether the lobbyist and member are associated with the same business. Ownership of stock in a publicly traded corporation in which a member of the Metro Council also owns stock is not a relationship which need be stated.

(4) The general subject or subjects of the legislative interest of the lobbyist.

(b) The designation of official authorization to lobby shall be signed by an officer of each such corporation, association, organization or other group or by each individual by whom the lobbyist is employed or in whose interest the lobbyist appears or works.

(c) A lobbyist must revise the statements required by subsection (a) of this section, if any of the information contained therein changes within 30 days of the change.

(d) A lobbyist registration expires two years after the date of filing or refiling and must be renewed by application accompanied by the fees described in Code Section 2.17.130.

Code Section 2.17.120 Exemptions to lobbyist registration requirements.

(a) The requirements of Code Section 2.17.110 through Code Section 2.17.130 do not apply to the following:

(1) News media or their employees or agents, who in the ordinary course of business publish or broadcast news items, editorials or other comments or paid advertisements which directly or indirectly urge legislative action if such persons engage in no other activities in connection with such legislative action.

(2) Any Metro Official acting in an official capacity.

(3) Public Officials acting in their official capacity as a member or employee of a public agency.

(4) Any individual who receives no additional consideration for lobbying and who limits lobbying activities solely to formal appearances to give testimony before Metro Council or any of its committees, and who, if the individual testifies, registers an appearance in the records of the Council or its committees.

(5) Any person who spends not more than 5 hours during any calendar quarter lobbying, excluding travel time.

Code Section 2.17.140 Verification of Reports, Registrations and Statements.

(a) Each report, registration or statement required by this Chapter shall contain or be verified by a written declaration that it is made under the penalties of false swearing.

(b) No person shall willfully make and subscribe any document which contains or is verified by a written declaration for false swearing which the person does not believe to be true and correct to every matter.

Code Section 2.17.150 Public Nature of Reports, Registrations and Statements.

All information submitted to the Executive Officer or Council Clerk in any report, registration or statement required by this Chapter is a public record.

Code Section 2.17.160 Sanctions for Violations.

Notwithstanding any other provision of the Metro Code, a person who violates any provision of this Chapter or fails to file any report, registration or statement or to furnish any information required by this Chapter shall be subject to a civil penalty in an amount not greater than \$500.

SECTION 2

Metro Code Sections 2.02.240 and 2.04.032 are repealed.

ADOPTED by the Metro Council this _____ day of _____ 1999.

Rod Monroe, Presiding Officer

APPROVED AS TO FORM:

Daniel B. Cooper, General Counsel

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01/20/99

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 99-795, FOR THE PURPOSE OF ADOPTING A CODE OF ETHICS FOR METRO OFFICIALS AND REQUIRING REGISTRATION OF LOBBYISTS.

Date: January 27, 1999

Prepared by: Michael Morrissey

Proposed Action: Ordinance 99-795 modifies existing Metro code by consolidating and adding to the current language creating a more comprehensive, agency-wide code of ethics. This new language is compiled in a discrete chapter within Title II, Administration and Procedures of the Metro Code.

Factual Background and Analysis:

Existing Metro Ethics Requirements:

I. Metro Code, Title II Administration and Procedures:

A. Current code 2.02.240 in Chapter 2.02 Personnel Rules. "Ethical requirements for Employees, Officers, Elected and Appointed Officials." This section prescribes a code of behavior consistent with state law pertaining to soliciting or accepting gifts, conflict of interest and filing statements of economic interest. This section was revised in 1995.

B. Current code 2.04.032 in Chapter 2.04, Metro Contract Policies. "Prohibition Against Doing Business with Certain Former Metro Officials." This section was revised in 1997. This section limits the ability of Metro to do business with current Metro Officials or within one year after leaving office.

These current code provisions are repealed upon adoption of Ordinance 99-795. They are however substantially folded in to the new code.

II. Executive Directives

The Executive Officer, Presiding Officer and Metro Auditor have separately enacted a "code of ethics", separate from the above listed Metro code provisions. This "code of ethics" covers all Metro officials (except the Metro Council), staff, commissioners and certain volunteers. It consists of statements of ethical principles, such as Trust, and Accountability that serve as guideposts for Metro officials.

Ordinance 99-795 provides a more detailed approach to ethical behavior, does not comment on these executive directives, and could co-exist with them.

Application of Ethics Requirements in Ordinance 99-795 to Metro Officials and Employees.

	<u>Elected Official</u> Council, Executive Auditor	<u>Metro Official</u> Elected Official, Dept. Dirs., MERC Commissioners	<u>Metro Employees</u>	<u>Council Staff</u>
Giving and Receiving Gifts Prohibited	X	X	X	X
Whistleblowing		Shall recognize as (an) appropriate (activity)		
Financial Reporting Requirement	X	Similar requirement as for elected officials		
Restrictions on meals and entertainment	X	X		
Reimbursement for Attendance at events	Same as Metro Official	Highly conditional when accepting from person with legislative or administrative interest in Metro		
Abuse of Public Office	X	X		
Prohibition against doing business with certain former Metro Officials	X	X	X	X
Council Employees				Provide written notice of financial or personal interests in certain circumstances Avoid perception of bias Respect cultural differences
Registration of lobbyists				Chief of staff registers

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1/28/1999

Summary of select revisions to Metro Code as exhibited in Ordinance 99-795

2.17.020 Definitions

- Metro Commissioner—as a Metro Official currently means only a MERC commissioner. These code revisions are silent as to other Metro commission members and volunteers.
- Metro Officials—includes elected officials, department directors and MERC commissioners.

2.17.030 Giving and Receiving Gifts Prohibited

- Complies, and in some instances exceeds state law
- Prohibits receiving gifts, including gifts under \$100.
- “Gift” is used as per definition in ORS 244.020(8).
- Exclusion for under \$25.00 ceremonial gift is new to Metro code.
- Applies to all Metro officials and employees.

2.17.040 Whistleblowing

- New to Metro code
- Directs Executive Officer to Pursue regulations and implementation
- Reflects provisions in state law

2.17.050 Financial Reporting Requirements

- Carried over (similar to) current code
- Complies with state law
- Applies to Metro Officials
- Conflict of interest no longer specified in Metro code, but still applicable under state law

2.17.060 Restrictions on Meals and Entertainment

- Applies to Metro Officials
- Certain entertainment exceptions for non-profit sponsored events
- Meals subject to IRS allowance (Currently \$38.00/day, if in Portland—otherwise within range of \$28-\$56 depending on where in US meal is taken. Also limitations per meal, i.e. \$19.00 for dinner), if received from person with legislative & administrative interest in Metro, and Metro official exercises authority over that interest.
- New to Metro code, but consistent with state law.

2.17.070 Reimbursement for Attendance at Events

- New to Metro code.
- A prohibition against Metro officials going on expense paid trips in their official capacity is new to Metro code. An exception is allowed when the expense would otherwise have been allowable & paid for with Metro funds.

2.17.080 Abuse of Public Office

- New to Metro code.
- Parallels state law.

2.17.090 Prohibition Against Doing Business with Certain Former Metro Officials.

- Same as current code
- Also prohibits Metro from doing business with current Metro officials.

2.17.100 Council Employees

- New to Metro code

2.17.110-2.17.140 Related to Lobbying

- State law does not require at local level.
- New to Metro code.
- Includes only paid lobbyists.

2.17.160 Sanctions for Violations

Applies to entire chapter 2.17.

Subject to civil penalty up to \$500.

Silent as to enforcement process.