

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE RELATING TO PUBLIC) ORDINANCE NO. 85-188
CONTRACT PROCEDURES AND AMENDING)
CODE SECTION 2.04.030 (i))

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Code Section 2.04.030 (i) is hereby amended to read
as follows:

(i) Code of Conduct:

(1) No employee, [officer] elected official or agent of Metro shall participate in the selection, award or administration of a contract if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the employee, [officer] elected official or agent, any member of his [/] or her immediate family, his or her partner, or an organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award. No [Metro officer,] employee, elected official or agent of Metro shall solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements[.] to influence any decision, recommendation or other official act. No Metro employee, elected official or member of their household shall accept, whether directly or indirectly, during any calendar year, gifts with an aggregate value in excess of \$100 from any single individual or organization who could reasonably be known to have a legislative or administrative interest in any Metro activity.

(2) Violations of this Code of Conduct shall subject an [officer] elected official or employee to disciplinary action pursuant to the Metro Personnel Rules and may be grounds for other civil or criminal penalties provided by law.

ADOPTED by the Council of the Metropolitan Service District

this _____ day of _____, 1985.

WITHDRAWN
Ernie Bonner, Presiding Officer

ATTEST:

Clerk of the Council

ESB/amn/3491C/411-2
05/06/85

CONSIDERATION OF ORDINANCE NO. 85-188, RELATING
TO CONTRACT PROCEDURES AND AMENDING CODE SECTION
2.04.030(i)

Date: May 2, 1985

Presented By: Don Carlson

FACTUAL BACKGROUND AND ANALYSIS

Under the current Metro Code, Metro employees and officers are prohibited from accepting gifts from potential or actual contractors. That prohibition is absolute, and it applies to any situation, no matter how small the value of the gift involved.

The changes which are proposed in the attached Ordinance are designed to serve two purposes. First, the intent of the Code of Conduct is emphasized: gifts are absolutely prohibited if they are used "to influence any decision, recommendation or other official act." Such an act would be a violation of ethical standards.

Secondly, wording is added which would allow Metro employees and elected officials to accept some things of value under highly limited, specific circumstances. This is in recognition of the fact that the interaction of contracting parties could be expected to produce situations in the normal course of business which would be violations of the current code (e.g. contractors paying for a business lunch).

The intent is to allow some latitude in the Code for situations where the acceptance of an incidental gift could only be construed as an expression of good will on the part of both parties involved. For example, the current operator of the St. Johns Landfill hosts an annual picnic for solid waste system users and Metro officials. Participation in this event by Metro employees and elected officials is technically in violation of the Metro Code as currently adopted.

ORS 244.040 (Code of Ethics for Public Officers and Employees) reads in part:

"No public official or candidate for office or a member of his household shall solicit or receive, whether directly or indirectly, during any calendar year, any gift or gifts with an aggregate value in excess of \$100 from any single source who could reasonably be known to have a legislative or administrative interest in any governmental agency in which the official has any official position or over which the official exercises any authority.

"No public official shall solicit or receive, either directly or indirectly, and no person shall offer to give to any public official any pledge or promise of future employment, based on any understanding that such public official's vote, official action or judgment would be influenced thereby."

The proposed language is consistent with ORS 244.040.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Ordinance No. 85-188.

amn
5/2/85