

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ESTABLISHING) ORDINANCE NO 00-838
A METRO CODE GOVERNING)
ELECTIONS.) Introduced by Councilor Atherton

WHEREAS, quality political campaigns provide a valuable public service in our democracy as all citizens of the region benefit when political campaigns communicate truthfully and fully the important choices on Metro issues; and

WHEREAS, large expenditures for political campaigns do not guarantee a clear understanding of Metro issues and candidates, and;

WHEREAS, the public interest is well served if political campaigns with low levels of financial resources are able to communicate with voters in ways other than the current Voter's Pamphlet; and

WHEREAS, modern communications technology allows Metro to offer opportunities, at minimal cost, for voters to reasonably review candidates and issues in political campaigns for Metro offices or issues; and

WHEREAS, the public interest is well served by limiting even the appearance of undue influence from large contributors who might have a direct interest in Metro contract or land use decisions; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the following Chapter 2.18 "Metro Elections " is hereby added to the Metro Code:

Section 2.18.010: Purpose and Intent.

This chapter is created to enhance citizens' participation in Metro elections. By adopting this Chapter, the Metro Council intends:

1. To reduce the appearance of undue influence of the political process with large financial contributions by individuals who may seek a decision by Metro elected officials to approve a contract or land use decision in which the individual has a direct financial interest.

2. To allow political campaigns to participate at some basic level in Metro elections without the need for very large contributions and expenditures of money.

3. To help assure that Metro voters are provided truthful information about candidates or issues by supporting Oregon Election Law that prohibits candidates or campaign organizations from making deliberate false statements about a political candidate, committee, or measure.

This chapter also provides for the Metro Committee for Citizen Involvement (MCCI) to promote public awareness of Metro candidates and campaign issues by using modern technology to provide, at a low cost, unbiased information that is useful to voters.

Section 2.18.020: Definitions

"Elected official" means any person elected or appointed as a member of the Metro Council, the Executive Officer, or the Metro Auditor.

Section 2.18.030: Disclosure

Prior to participating in any deliberation on a land use decision or contract approval, a Metro Councilor will disclose any immediate family or business relationship with any parties to the proposed contract or land use decision, or has received campaign contributions during the

previous four-year period with a combined value in excess of \$100 from the applicant for the land use decision or anyone who is a party or employee of a party to the proposed contract.

Section 2.18.040: Recusal from voting

Metro elected officials shall recuse themselves from voting on a land use decision or Metro contract approval if the official has:

- 1) A business or immediate family relationship with any person who is the applicant for the land use decision or who is employed by a party to the proposed metro contract, or
- 2) Received gifts or campaign contributions from a party or employee of the party to the proposed metro contract or an applicant for a land use decision, if the value of the gift or campaign contribution exceeds a combined value in excess of \$100 during the four-year period prior to the land use decision or contract approval.

Section 2.18.050: Timely challenge and appeal.

Any Metro Council decision made in violation of this Chapter is void if a timely appeal is upheld before the appropriate court, agency, board, or commission designated to review the decision.

Section 2.18.060: Metro Committee for Citizen Involvement (MCCI)

In conjunction with the requirements of this Chapter, MCCI may:

- 1) Prepare an estimated budget to publish a communication of one full page in the largest newspaper of general circulation in the Portland region that summarizes, perhaps in a matrix format, important information about candidates and issues in any Metro election.

2) Prepare an estimated budget to conduct and televise on public cable access television a public conversation on relevant Metro issues between candidates or political committees for each Metro election.

Section 2.18.080: Metro Auditor

The Metro Committee for Citizen Involvement (MCCI) may, at the request of the MCCI and with the approval of the Metro Auditor, operate in the Office of Metro Auditor. The MCCI may request that the Metro Auditor assist the members of the MCCI to prepare proposals to amend the by-laws and mission statement of the MCCI consistent with the requirements of this Chapter.

Section 2.18.090 Severability

The provisions of this ordinance are separate and severable. The invalidity of any clause, sentence, paragraph, section, subsection, or portion of this ordinance or the invalidity of the application thereof to any city, county, person or circumstance shall not affect the validity of the remaining provisions of this ordinance or its application to other cities, counties, persons or circumstances.

ADOPTED by the Metro Council this _____ day of _____ 2000.

Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

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STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 00-838, FOR THE PURPOSE OF ESTABLISHING A METRO CODE GOVERNING ELECTIONS.

Date: December 15, 1999

Prepared by: Michael Morrissey

Proposed Action: Ordinance No. 00-838 amends Metro code by adding a new chapter, number 2.18 Metro Elections, to Title II of the code, Administration and Procedures. This chapter would create requirements that exceed existing Metro and state law, with regard to disclosure of certain activities and voting. This chapter intends to enhance citizen participation in Metro elections by: 1) prescribing behavior of Metro elected officials in relation to land-use decisions and contract approvals, through disclosure of business or family relationships, or campaign or other gifts in excess of \$100 over a four-year period, and recusal from voting in relation to same; and 2) enhancing the role of the Metro Committee for Citizen Involvement (MCCI) in Metro related elections, in conjunction with the Metro Auditor.

Factual Background and Analysis:

Metro Code:

Existing metro code Title IX Elections contains two chapters concerned with vacancies in office (9.01), and ballot measures, initiative and referendum (9.02). They are not directly related to matters in Ordinance 00-838. Metro code chapter 2.17 Code of Ethics for Metro Officials and Requirements for Lobbyists, does contain provisions related to this ordinance, and was significantly revised in the Spring of 1999. Metro code does not require recusal from voting for any purpose, however it does make reference to strict compliance with ORS 244.040, which limits the solicitation or receipt of gifts by public officials.

Another section of Metro code related to disclosure of information (MC 2.17.050), requires elected officials to annually file a Statement of Economic Interest, in compliance with ORS 244.060. The statement must also include ownership of property outside the Metro boundary, but otherwise within Clackamas, Multnomah or Washington counties.

Metro Code section 2.12.020 defines the establishment of the Metro Committee for Citizen Involvement (MCCI). Section (a) declares "The Metro CCI will be responsible for assisting with the development, implementation and evaluation of Metro's citizen involvement program and advising the council, executive officer and appropriate Metro

committees in ways to involve citizens in regional planning activities and other Metro programs.” The council appoints MCCI members.

MCCI operates, in the Office of Citizen Involvement, by code. Operation in the Office of the Auditor directs a change of the operation of MCCI within the organization.

State Law

Various provisions of ORS Chapter 244, Government Standards and Practices, are referenced in relevant Metro code. Section 244.040 for example, prescribes the receipt of gifts or honoraria. ORS 244.120(2) describes the process that elected public officials are required to undertake in declaring a potential or actual conflict of interest, and limiting action, including recusal from voting, if an actual conflict is declared. However, this limitation does not apply to campaign contributions, but may apply to business or immediate family relationships.

State election statutes in ORS Chapter 260, call for the disclosure of campaign contributions over \$50 in C & E reports.