

EXECUTIVE ORDER NO. 66

EFFECTIVE DATE: **January 21, 1997**

SUBJECT: **CODE OF ETHICS**

Purpose.

The purpose of this Executive Order is to provide a statement of ethical principles that shall serve as guideposts for Metro officials.

For the purpose of this Order:

1. "Metro official" means the Executive Officer and Executive Officer's staff; any Metro employee other than employees of the Council, Auditor or Metro Exposition-Recreation Commission (MERC); and any appointee to a board or commission, or citizen volunteer authorized to act on behalf of Metro, who was appointed by the Executive Officer.
2. "Ethics" means positive principles of conduct. Some ethical requirements are enforced by federal, state, or local law. Others rely on training, or on individuals' desire to do the right thing. The provisions of this Order which are not elsewhere enforced by law shall be considered advisory only.

General Principles.

The following statements regarding trust, objectivity, accountability and leadership should be considered as moral and ethical guideposts for actions by Metro officials.

Trust.

The purpose of Metro is to serve the public. Metro officials should treat their office as a public trust.

1. Metro's powers and resources are used for the benefit of the public rather than any official's personal benefit.
2. Metro officials ensure public respect by avoiding even the appearance of impropriety.
3. Policymakers place long-term benefit to the public as a whole above all other considerations, including important individuals and special interests. The public interest includes protecting the rights of under-represented minorities.
4. Administrators implement policies in good faith, as equitably and economically as possible, regardless of their personal views.
5. Whistle-blowing is appropriate on unlawful or improper actions and should be done with no threat of reprisals.
6. Citizens have a fair and equal opportunity to express their views to Metro officials.
7. Metro officials do not give the appearance or impropriety of personal gain by accepting personal gifts. Individuals should refer to relative law regarding acceptance of gifts in current Oregon statutes, and/or review the propriety of any anticipated action with the Office of General Counsel.
8. Metro officials devote Metro resources, including paid time, working supplies, and capital assets to benefit the public.

9. Political campaigns will not be conducted on Metro time or property. Relative federal and state statutes apply. If any official has questions regarding these laws, that official should review the matter with the office of General Counsel.

Objectivity.

Metro decisions are based on the merits of the issues. Judgment is independent and objective.

1. Metro officials avoid financial conflict of interest and do not accept benefits from people wanting to affect decisions.
2. If an individual official's financial interests will be specifically affected by a decision, that official will give written notice to be placed on file with the Office of General Counsel and will then withdraw from further participation on the matter.
3. Metro officials avoid bias or favoritism and respect cultural differences as part of decision-making.
4. Intervention on behalf of constituents or friends is limited to assuring fairness of procedures, clarifying policies or improving service for citizens.

Accountability.

Open government allows citizens to make informed judgments and to hold officials accountable.

1. Metro officials exercise their authority with open meetings and accessible public records.
2. Officials who delegate responsibilities also follow up to make sure the work is carried out efficiently and ethically.
3. Campaigns for election should allow the voters to make an informed choice on appropriate criteria.
4. Each Metro official is encouraged to improve Metro systems by identifying problems and proposing improvements.
5. Metro government systems are self-monitoring, with procedures in place to ensure appropriate actions.
6. All Metro departments and work teams will develop detailed ethical standards, training, and enforcement procedures, and submit work plans to the Executive Officer concurrent with the annual budget year.

Leadership.

Ethical leadership sets a good example and treats all citizens with respect.

1. Metro officials obey both the letter and the spirit of all laws and regulations.
2. Leadership facilitates, rather than blocks, open discussion.

Examples and explanatory statements:

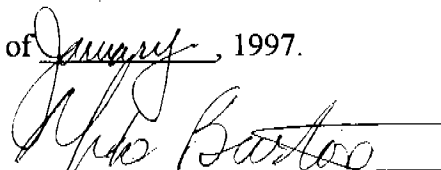
Past experience has shown that certain activities by Metro officials may create the appearance of ethical conflicts. This section of this Executive Order sets forth examples of questionable behavior that should be avoided where possible. The use of these examples is not intended to be exhaustive or to limit the scope of the standards expected and created by the adoption of the statement of principles by this Executive Order.

- Maintain a clear separation of your personal life and your Metro activities.
The work space you are provided at Metro is where you work. Personal activity should not be centered here. Many Metro officials work after hours on Metro business. Metro officials should limit their work hour activity to Metro business. Use of Metro facilities after hours should also be limited to Metro business. Evening or weekend use of Metro facilities for personal use should be avoided.
- The use of telephone equipment, computers, E-Mail, or other Metro owned devices is limited to Metro business. Metro officials should refer to pertinent Metro Code, Executive Orders and other directives (such as the Computer User's Handbook) that may be issued regarding use of these types of devices.
- Don't let friendships create the appearance of favoritism.
Your friends, coworkers and former coworkers may be considered by some of Metro's citizens and stakeholders to represent special interests. Metro officials should avoid creating the appearance that their friendships will result in biased decisions or disparate treatment.
- Avoid the appearance that the personal, political or social agenda of non-elected officials is a substitute for Metro's policy decision process.
Metro policymakers are elected by the public. Some Metro officials are delegated discretionary authority as well, subject to approval and supervision of elected officials. All Metro officials should be careful to act only within the authority for decision-making they have. Personal involvement with political or social activities by Metro officials is acceptable. However, all Metro officials should avoid taking actions on behalf of Metro that create the impression that their own personal agendas are guiding their official actions at Metro, rather than being subject to Metro's policymaking procedures.

Conclusion.

From time to time the Executive Office may supplement this Executive Order with further principles and examples. This Executive Order is not intended to limit the authority of the Executive or supervisors to take disciplinary action where they deem it appropriate.

Ordered by the Executive Officer this 21 day of January, 1997.



Mike Burton, Executive Officer

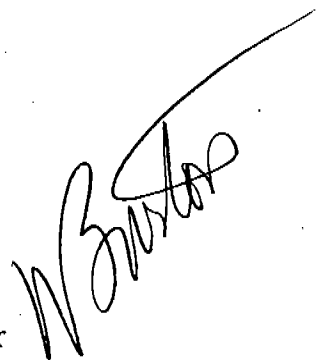
MetroMemo

TO: All Department Directors

FROM: Mike Burton, Executive Officer

DATE: January 22, 1997

RE: Executive Order #66



Attached is a copy of Executive Order #66, establishing a code of ethics for Metro employees and appointees.

Please share this Executive Order with your staff. This order is effective as of January 21, 1997.



METRO

00 NE Grand Ave.
Portland, OR
97232-2736

tel (503) 797-1700
fax (503) 797-1797

Recycled paper



METRO

OK

Date: January 8, 1997
To: Mike Burton, Executive Officer
From: Dan Cooper, General Counsel /s/ DANIEL B. COOPER
Subject: Draft Ethics Executive Order

Enclosed is a draft of an Executive Order to establish a code of ethics for Metro employees and persons appointed to boards and commissions by the Executive Officer. The format of the principles set forth in the Executive Order was borrowed from a code of ethics adopted by the City of Portland. The examples and explanation is material that I have added because I believe it is useful to provide some more plainly worded descriptions of situations an employee should avoid.

It may be useful to ask if department heads or Human Resources have any additional concerns or suggestions for additions or deletions to this draft.

cc: Carol Kelsey
Doug Butler
Judy Gregory
Jennifer Sims
Andy Cotugno
John Fregonese
Charlie Ciecko
Bruce Warner
Sherry Sheng

jep
I:\DOCS#03.EMETHICMEM.1-8

EXECUTIVE ORDER NO. _____

D R A F T

EFFECTIVE DATE: _____

SUBJECT: CODE OF ETHICS

Purpose.

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2. "Ethics" means positive principles of conduct. Some ethical requirements are enforced by federal, state, or local law. Others rely on training, or on individuals' desire to do the right thing. The provisions of this Order which are not elsewhere enforced by law shall be considered advisory only.

General Principles.

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3. Policymakers place long-term benefit to the public as a whole above all other considerations, including important individuals and special interests. However, the public interest includes protecting the rights of under-represented minorities.
4. Administrators implement policies in good faith, as equitably and economically as possible, regardless of their personal views.
5. Whistle-blowing is appropriate on unlawful or improper actions.
6. Citizens have a fair and equal opportunity to express their views to Metro officials.
7. Metro officials do not give the appearance or impropriety or personal gain by accepting personal gifts.
8. Metro officials devote Metro resources, including paid time, working supplies, and capital assets, to benefit the public.
9. Political campaigns are not conducted on Metro time or property.

Objectivity.

Metro decisions are based on the merits of the issues. Judgment is independent and objective.

1. Metro officials avoid financial conflict of interest and do not accept benefits from people requesting to affect decisions.
2. If an individual official's financial or personal interests will be specifically affected by a decision, the official is to withdraw from participating in the decision.
3. Metro officials avoid bias or favoritism, and respect cultural differences as part of decision-making.
4. Intervention on behalf of constituents or friends is limited to assuring fairness of procedures, clarifying policies or improving service for citizens.

Accountability.

Open government allows citizens to make informed judgments and to hold officials accountable.

1. Metro officials exercise their authority with open meetings and public records.
2. Officials who delegate responsibilities also follow up to make sure the work is carried out efficiently and ethically.
3. Campaigns for election should allow the voters to make an informed choice on appropriate criteria.
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Leadership.

Ethical leadership sets a good example and treats all citizens with respect.

1. Metro officials obey both the letter and the spirit of all laws and regulations.
2. Leadership facilitates, rather than blocks, open discussion.
3. All Metro departments and work teams are encouraged to develop detailed ethical standards, training, and enforcement.

Examples and explanatory statements:

Past experience has shown that certain activities by Metro officials may create the appearance of ethical conflicts. This section of this Executive Order sets forth examples of questionable behavior that should be avoided where possible. The use of these examples is not intended to be exhaustive or to limit the scope of the standards expected and created by the adoption of the statement of principles by this Executive Order.

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DRAFT

after hours should also be limited to Metro business. Evening or weekend use of Metro facilities for personal use should be avoided.

- Don't let friendships create the appearance of favoritism. Your friends and former coworkers may be considered by some of Metro's citizens and stakeholders to represent special interests. Metro officials should avoid creating the appearance that their friendships will result in biased decisions or disparate treatment.
- Avoid the appearance that the personal political or social agenda of non-elected officials is a substitute for Metro's policy decision process. Metro policymakers are elected by the public. Some Metro officials are delegated discretionary authority as well, subject to approval and supervision of elected officials. All Metro officials should be careful to act only within the authority for decision-making they have. Personal involvement with political or social activities by Metro officials is acceptable. However, all Metro officials should avoid taking actions on behalf of Metro which create the impression that their own personal agendas are guiding their official actions at Metro, rather than being subject to Metro's policy-making procedures.

Conclusion.

From time to time the Executive Office may supplement this Executive Order with further principles and examples. This Executive Order is not intended to limit the authority of the Executive or supervisors to take disciplinary action where they deem it appropriate.

Ordered by the Executive Officer this ____ day of _____, 1997.

Mike Burton, Executive Officer



METRO

RECORDED
JAN 10 1997

EXECUTIVE OFFICER

Date: January 8, 1997

To: Mike Burton, Executive Officer

From: Dan Cooper, General Counsel /s/ DANIEL B. COOPER

Subject: Draft Ethics Executive Order

TO:
FROM: BA WARNER

Enclosed is a draft of an Executive Order to establish a code of ethics for Metro employees and persons appointed to boards and commissions by the Executive Officer. The format of the principles set forth in the Executive Order was borrowed from a code of ethics adopted by the City of Portland. The examples and explanation is material that I have added because I believe it is useful to provide some more plainly worded descriptions of situations an employee should avoid.

It may be useful to ask if department heads or Human Resources have any additional concerns or suggestions for additions or deletions to this draft.

- cc: Carol Kelsey
- Doug Butler
- Judy Gregory
- Jennifer Sims
- Andy Cotugno
- John Fregonese
- Charlie Ciecko
- Bruce Warner
- Sherry Sheng

jep
I:\DOCS#03.EM\ETHICMEM.1-8

Mike --
I support this
draft -- It is fine
as drafted.
However, you must
make sure that we
(all mgt's) roll this
out in the same
manner and with
the same message!
BAW
1/15



METRO

Date: April 8, 1996
To: Dan Cooper, General Counsel
From: Mike Burton, Executive Officer
Re: Code of Ethics

As indicated in the attached report titled "Observations Related to Loaned Employees and Metro's Code of Ethics" prepared by the Office of the Auditor, some refinement and clarifications are needed. Please draft revisions to Metro's code of ethics addressing the issues raised in this audit report. If you are aware of other needed changes, please include them. Your response by May 1, 1996 would be appreciated.



METRO

Daniel B. Cooper
Tele: (503) 797-1528
Fax: (503) 797-1792

April 11, 1996

The Honorable Mike Burton
Metro Executive Officer
600 N.E. Grand Avenue
Portland, OR 97232-2736

Re: Code of Ethics

Dear Mike:

I am in receipt of your memo of April 8, 1996, requesting that I review and draft revisions to Metro's current Code of Ethics to address the issues raised in the Report from the Auditor entitled, "Observations Related to Loaned Employees and Metro's Code of Ethics."

Your request formalizes the request you made to me in September of 1995 to look into this matter at the time the Auditor's Report was issued.

Metro's current Code of Ethics is modeled upon and virtually readopts as a Metro Ordinance the current provisions of Oregon law establishing a code of ethics for public employees that is designed at prohibiting financial conflicts of interest. The issues raised by the Auditor in her report of September 1995 go beyond the issue of financial conflicts of interest and, instead, deal with perceptions of fairness.

Numerous agencies, public and private, have dealt with this issue and adopted codes of ethics that go beyond the current provisions of Oregon law. One such example is the City of Portland which adopted a new code of ethics in April 1994 for all city elected officials, employees, appointees to boards and commissions, and other volunteers. I am enclosing a draft Metro Code Chapter establishing a Metro code of ethics that is based on the provisions adopted by the City of Portland in 1994. Also included for your information is material furnished by the City of Portland's Auditor's Office which explains the City Code of Ethics and what provisions are intended to mean.

It is common for organizations that consider adopting a Code of Ethics to engage in a customized value setting and internal review process. The Portland Ethics Code may be a good starting point for Metro.

You should note that in this draft, as well as in the City's Code, the provisions are considered advisory except as they are elsewhere enforced by law. This means that the references in this Code of Ethics to financial conflicts of interest or other direct improprieties regarding contracting, etc., are enforceable under existing law. The more general statements regarding expectations as to appearances and actions taken in good faith may not be legally enforceable.

I will be pleased to work with you and other Metro officials, department heads and employees in refining this code of ethics and helping to carry it out.

Yours very truly,

A handwritten signature in black ink, appearing to read "D. Cooper". The signature is fluid and cursive, with the first name "Daniel" and last name "Cooper" clearly distinguishable.

Daniel B. Cooper
General Counsel

jep
2123

Attachment

cc: Alexis Dow

BEFORE THE METRO COUNCIL

D R A F T

FOR THE PURPOSE OF ADOPTING)
METRO CODE CHAPTER 2.16 CODE)
OF ETHICS)
)
)

Ordinance No. 96-_____
Introduced by
Executive Officer Mike Burton

THE METRO COUNCIL ORDAINS AS FOLLOWS:

A new Chapter is hereby added to the Metro Code to read as follows:

"CHAPTER 2.16

CODE OF ETHICS

Sections:

- 2.16.010 Definitions
- 2.16.020 Trust
- 2.16.030 Objectivity
- 2.16.040 Accountability
- 2.16.050 Leadership

2.16.010 Definitions.

1. "Metro official" means any elected official, employee, appointee to a board or commission, or citizen volunteer authorized to act on behalf of Metro.

2. "Ethics" means positive principles of conduct. Some ethical requirements are enforced by federal, state, or local law. Others rely on training, or on individuals' desire to do the right thing.

The provisions of this chapter which are not elsewhere enforced by law shall be considered advisory only.

2.16.020 Trust.

The purpose of Metro is to serve the public. Metro officials treat their office as a public trust.

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7. Metro officials do not give the appearance of impropriety or personal gain by accepting personal gifts.
8. Metro officials devote Metro resources, including paid time, working supplies, and capital assets, to benefit the public.
9. Political campaigns are not conducted on Metro time or property.

2.16.030 Objectivity.

Metro decisions are based on the merits of the issues. Judgment is independent and objective.

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2.16.040 Accountability.

Open government allows citizens to make informed judgments and to hold officials accountable.

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5. Metro government systems are self-monitoring, with procedures in place to ensure appropriate actions.

2.16.050 Leadership.

Ethical leadership sets a good example and treats all citizens with respect.

1. Metro officials obey both the letter and the spirit of all laws and regulations.
2. Leadership facilitates, rather than blocks, open discussion.

3. All Metro departments and work teams are encouraged to develop detailed ethical standards, training, and enforcement.
4. The Metro Auditor will publish a pamphlet containing explanations and examples of ethical principles."

ADOPTED by the Metro Council this ____ day of _____, 1996.

Jon Kvistad, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

jep
r-o/1266