

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO)	ORDINANCE NO. 14-1343
CODE CHAPTER 2.17 TO COMPLY WITH)	
CURRENT STATE LAW AND DECLARING AN)	Introduced by Metro Attorney Alison R. Kean
EMERGENCY)	in concurrence with Council President Tom
)	Hughes

WHEREAS, Metro Code Chapter 2.17 was originally adopted by the Metro Council on March 4, 1999 by Ordinance 99-795B to establish a Code of Ethics for Metro and set forth requirements for lobbyists appearing before Metro; and

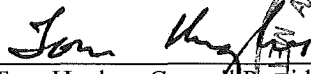
WHEREAS, Oregon Revised Statutes (ORS) Chapter 244, specifically the Oregon Ethics Act, has been substantially revised since the Metro Code of Ethics was first adopted; and

WHEREAS, revisions have been proposed by the Metro Attorney to update Metro Code Chapter 2.17 in order to conform the Metro Code with the current Oregon Ethics Act; now therefore,

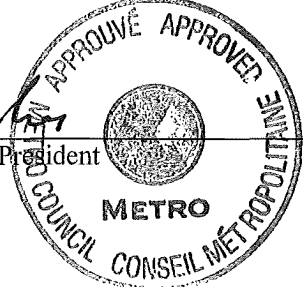
THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro Code Amendment. Metro Code Chapter 2.17 (Code of Ethics for Metro Officials and Requirements for Lobbyists) is hereby amended as set forth to in Exhibit A attached hereto; and
2. That this Ordinance being necessary for the health, safety, and welfare of the Metro area and to ensure effective and ethical governance as required by state law, an emergency is declared to exist, and this Ordinance shall take effect immediately, in accordance with the provisions of Metro Charter Section 38(1).

ADOPTED by the Metro Council this 30th day of October 2014.

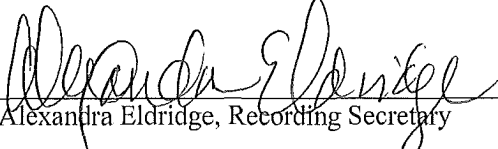


 Tom Hughes, Council President




Attest:

Approved as to Form:



 Alexandra Eldridge, Recording Secretary



 Alison R. Kean, Metro Attorney

CHAPTER 2.17

CODE OF ETHICS ~~FOR METRO OFFICIALS~~; STATEMENTS OF ECONOMIC INTEREST;
AND REQUIREMENTS FOR LOBBYISTS

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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 Chapter 244.040.

(Ordinance No. 99-795B, Sec. 1.)

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 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 or a relative of the public official is associated only as a member or board director or in a nonremunerative capacity.

(b) "Business with which the Metro official is associated" means ~~any:~~

- (1) Any private business or closely held corporation of which the person or the ~~person's~~ person's

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relative is a director, officer, owner or employee, or agent or any private business or closely held corporation in which the person or the ~~person's~~ relative owns or has owned stock, another form of equity interest, stock options or debt instruments 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;~~

- (2) Any publicly held corporation in which the person or the person's relative owns or has owned \$100,000 or more in stock or another form of equity interest, stock options or debt instruments at any point in the preceding calendar year;
- (3) Any publicly held corporation of which the person or the person's relative is a director or officer; or
- (4) For public official is associated in officials required to file a nonremunerative capacity statement of economic interest under ORS 244.050, any business listed as a source of income as required under ORS 244.060 (3).

(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 authority is to administer a department of Metro as designated by the Chief Operating Officer.

(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, 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 2.17.110200(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 Chief Operating Office and Metro Attorney 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 "~~(i) "Gift" means something of economic value given to a public official, a candidate or a relative or member of the household of the public official or candidate:

(1) Without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not public officials or candidates or the relatives or members of the household of public officials or candidates on the same terms and conditions; or

(2) For valuable consideration less than that required from others who are not public officials or candidates.

(3) "Gift" as defined in "does not mean those items excluded by ORS 244.020(6)(a). ~~However, b)~~".

~~(j) "Honorarium" means a payment or something of economic value given to a public official in exchange for the purpose of this chapter, "Gift" does not services upon which custom or propriety prevents the setting of a price. Services include plaques, mementos or similar items, but are not limited to, speeches or other services rendered in connection with little or no intrinsic value. an event.~~

(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 contracts, agreements, relationships, ordinances, resolutions, regulations, proposals or any other matters subject to the action or vote of ~~a Metro official or Metro employee~~ the specific Public Official.

(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: (i) Any individual who agrees to provide personal services for money or any other consideration for the purpose of lobbying; and (ii) 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 or venue.

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

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

(r) "Metro official" means any Department Director, manager, 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~~ person who, when an alleged violation of any public agency and any member of the staff or an this chapter occurs, is

servicing Metro as an elected official, appointed official, employee thereof, or agent, irrespective of whether the person is compensated for such services.

~~—~~ (v) "Relative" means:

- (1) The spouse, parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the public official or candidate;
- (2) The parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the spouse of the public official or candidate;
- (3) Any individual for whom the public official or candidate has a legal support obligation;
- (4) Any individual for whom the public official provides benefits arising from the public official's public employment or from whom the public official receives benefits arising from that individual's employment; or
- (5) Any individual from whom the candidate receives benefits arising from that individual's employment.

(w) "Whistleblowing" means disclosing information pursuant to the protective provision of The Oregon Whistleblower Law (renumbered in 2001: ORS 659A.200 through 659A.224). In addition, whistleblowing shall include disclosing information regarding the violation of any provision of the Metro Charter or Metro Code.

(Ordinance No. 99-795B, Sec. 1. Amended by Ordinance No. 02-967, Sec. 1.)

2.17.025 Gift Exceptions "Gift" does not include those exceptions set forth in ORS 244.020(6)(b).

~~2.17.030 —Giving and Receiving Gifts Prohibited by Lobbyists Registered with Metro~~ Gift Limit

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

official, a candidate, or a relative or member of the household of the public official or candidate, may not solicit or receive, directly or indirectly, any Gift or Gifts with an aggregate value in excess of \$50 from any single source that could reasonably be known to have a legislative or administrative interest, unless a specific exemption to the gift limit applies as set forth in ORS 244.020 (6) (b).

~~(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) During a calendar year, a person who has a legislative or administrative interest may not offer to the public official or a relative or member of the household of the public official any gift or gifts with an aggregate value in excess of \$50.

(c) During a calendar year, a person who has a legislative or administrative interest may not offer to the candidate or a relative or member of the household of the candidate any gift or gifts with an aggregate value in excess of \$50.

~~(Ordinance No. 99-795B, Sec. 1.)~~

2.17.040 Prohibited Use of Official Position

(a) Except as provided in subsection (b) of this section, a public official may not use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment for the public official, a relative or member of the household of the public official, or any business with which the public official or a relative or member of the household of the public official is associated, if the financial gain or avoidance of financial detriment would not otherwise be available but for the public official's holding of the official position or office.

(b) Subsection (a) of this section does not apply to:

(1) Any part of an official compensation package as determined by the public body that the public official serves;

- (2) The receipt by a public official or a relative or member of the household of the public official of an honorarium or any other item allowed under ORS 244.042;
- (3) Reimbursement of expenses;
- (4) An unsolicited award for professional achievement;
- (5) Gifts that do not exceed the limits specified in ORS 244.025 or Metro Code 2.17.030 received by a public official or a relative or member of the household of the public official from a source that could reasonably be known to have a legislative or administrative interest;
- (6) Gifts received by a public official or a relative or member of the household of the public official from a source that could not reasonably be known to have a legislative or administrative interest; or
- (7) The receipt by a public official or a relative or member of the household of the public official of any item, regardless of value, that is expressly excluded from the definition of "gift" in ORS 244.020.

(c) A public official may not solicit or receive, either directly or indirectly, and a person may not offer or give to any public official any pledge or promise of future employment, based on any understanding that the vote, official action or judgment of the public official would be influenced by the pledge or promise.

(d) A public official may not attempt to further or further the personal gain of the public official through the use of confidential information gained in the course of or by reason of holding position as a public official or activities of the public official.

(e) A person who has ceased to be a public official may not attempt to further or further the personal gain of any person through the use of confidential information gained in the course

of or by reason of holding position as a public official or the activities of the person as a public official.

(f) A person may not attempt to represent or represent a client for a fee before the governing body of a public body of which the person is a member. This subsection does not apply to the person's employer, business partner or other associate.

(g) The provisions of this section apply regardless of whether actual conflicts of interest or potential conflicts of interest are announced or disclosed.

2.17.045 Honoraria

(a) Except as provided in subsection (c) of this section, a public official may not solicit or receive, whether directly or indirectly, honoraria for the public official or any member of the household of the public official if the honoraria are solicited or received in connection with the official duties of the public official.

(b) Except as provided in subsection (c) of this section, a candidate may not solicit or receive, whether directly or indirectly, honoraria for the candidate or any member of the household of the candidate if the honoraria are solicited or received in connection with the official duties of the public office for which the person is a candidate.

(c) This section does not prohibit:

- (1) The solicitation or receipt of an honorarium or a certificate, plaque, commemorative token or other item with a value of \$50 or less; or
- (2) The solicitation or receipt of an honorarium for services performed in relation to the private profession, occupation, avocation or expertise of the public official or candidate.

2.17.050 Conflicts of Interest

(a) "Actual conflict of interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person's relative or any business with which the person or a relative of the person is associated unless the pecuniary benefit or

detriment arises out of circumstances described in subsection (b) of this section.

(b) "Potential conflict of interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which could be to the private pecuniary benefit or detriment of the person or the person's relative, or a business with which the person or the person's relative is associated, unless the pecuniary benefit or detriment arises out of the following:

- (1) An interest or membership in a particular business, industry, occupation or other class required by law as a prerequisite to the holding by the person of the office or position;
- (2) Any action in the person's official capacity which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person's relative or business with which the person or the person's relative is associated, is a member or is engaged; or
- (3) Membership in or membership on the board of directors of a nonprofit corporation that is tax-exempt under section 501(c) of the Internal Revenue Code.

2.17.060 Methods of Handling Conflicts of Interests

(a) Except as provided in subsection (b) of this section, when met with an actual or potential conflict of interest, a public official shall:

- (1) If the public official is a member of the Metro Council or MERC Commission, announce publicly, pursuant to Council or Commission rules, the nature of the conflict before taking any action thereon in the capacity of a public official.
- (2) If the public official is any other Metro Official subject to this chapter, notify in writing the person who supervises or appointed the public official to office of the nature of

the conflict, and request that the appointing or supervising authority dispose of the matter giving rise to the conflict. Upon receipt of the request, the appointing authority or supervisor shall designate within a reasonable time an alternate to dispose of the matter, or shall direct the official to dispose of the matter in a manner specified by the supervisor appointing authority.

(b) A member of the Metro Council or MERC Commission, shall:

(1) When met with a potential conflict of interest, announce publicly the nature of the potential conflict prior to taking any action thereon in the capacity of a public official; or

(2) When met with an actual conflict of interest, announce publicly the nature of the actual conflict and:

(A) Except as provided in subparagraph (B) of this paragraph, refrain from participating as a public official in any discussion or debate on the issue out of which the actual conflict arises or from voting on the issue; or

(B) If any public official's vote is necessary to meet a requirement of a minimum number of votes to take official action, be eligible to vote, but not to participate as a public official in any discussion or debate on the issue out of which the actual conflict arises.

(c) Nothing in subsection (a) or (b) of this section requires any public official to announce a conflict of interest more than once on the occasion which the matter out of which the conflict arises is discussed or debated.

2.17.070 Whistleblowing

(a) The Council specifically recognizes the provisions of The Oregon Whistleblower Law (ORS 659A.200 through 659A.224). The Council directs the Chief Operating Officer, pursuant to ORS

659A.221, to establish for Metro the specific regulations and procedures to implement the Oregon Whistleblower Law.

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

(Ordinance No. 99-795B, Sec. 1. Amended by Ordinance No. 02-967, Sec. 1.)

~~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 Chief Operating Officer at the time of filing with the appropriate state agency.~~

~~(b) All Department Directors and Metro commissioners shall file annually with the Chief Operating Officer 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.~~

~~(Ordinance No. 99-795B, Sec. 0801. Amended by Ordinance No. 11-1251, Sec. 1)~~

~~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 meal 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.~~

~~(Ordinance No. 99-795B, Sec. 1.)~~

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.~~

~~(Ordinance No. 99-795B, Sec. 1.)~~

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 Chief Operating 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 ~~;~~ ;

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~~(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.; and~~

~~(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.~~

(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 shall not be construed to permit any activity that is otherwise prohibited by any other statute, rule, ordinance, or other law.

(Ordinance No. 99-795B, Sec. 1. Amended by Ordinance No. 02-967, Sec. 1.)

2.17.090 Financial Interest in Public Contract

(a) Except as provided in subsection (c) of this section, a person who ceases to hold a position as a public official may not have a direct beneficial financial interest in a public contract described in subsection (b) of this section for two years after the date the contract was authorized.

(b) Subsection (a) of this section applies to a Metro contract that was authorized by:

- (1) The person acting in his or her official capacity when the contract was authorized; or
- (2) A board, commission, council, bureau, committee or other governing body of a public body of which the person was a member when the contract was authorized.

(c) Subsection (a) of this section does not apply to a person who held his or her official position when the contract was authorized, but who did not participate in the authorization of the contract.

2.17.100 Regulation of Subsequent Employment Of Metro Officials

(a) A Metro Official shall not:

(1) Within one year after the Metro Official no longer works at Metro:

(A) Become an employee of or receive any financial gain, other than reimbursement of expenses, from any private employer who worked with Metro on matters over which the former Metro Official had authority; or

(2) Within two years after the Metro Official no longer works at Metro:

(A) Be a lobbyist for or appear as a representative before Metro related to any program, project, issue, or activity over which the person exercised authority as a Metro official; or

(B) Influence or try to influence the actions of the agency.

(b) A public official who has been an attorney with the Office of Metro Attorney shall not, within two years after the person ceases to hold the position, lobby or appear before Metro related to any matter over which the person exercised authority as an attorney at Metro.

(c) A public official who has been the Metro Chief Financial Officer or Deputy Chief Financial Officer shall not, within one year after leaving Metro:

(1) Accept employment from or be retained by any private entity with whom Metro negotiated or to whom either awarded a contract providing for payment by Metro of at least \$25,000 in any single year during the time that person held that position;

(2) Accept employment from or be retained by any private entity with whom the office of the State Treasurer or the Oregon Investment Council placed at least \$50,000 of investment moneys in any single year during the term of office of the treasurer; or

(3) Be a lobbyist for an investment institution, manager or consultant, or appear before the office of the State Treasurer or Oregon Investment Council as a representative of an investment institution, manager or consultant.

(d) A public official who as part of the official's duties invested public funds shall not within two years after the public official ceases to hold the position:

(1) Be a lobbyist or appear as a representative before the agency, board or commission for which the former public official invested public funds;

(2) Influence or try to influence the agency, board or commission; or

(3) Disclose any confidential information gained as a public official.

(e) A person who has been a member of the Metro Council may not receive money or any other consideration for lobbying Metro performed for two years after the date the person ceases to be a member of the Metro Council.

(f) Upon the request of the Chief Operating 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; and

(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.

(g) This section shall not be construed to permit any activity that is otherwise prohibited by any other statute, rule, ordinance, or other law.

STATEMENTS OF ECONOMIC INTEREST / FINANCIAL REPORTING

2.17.110 Financial Reporting Requirements

(a) As required by ORS 244.050(m) and ORS 244.060, every member of the Metro Council, and the Chief Operating Officer, is required to file with the Oregon Government Ethics Commission a verified statement of economic interest on or before April 15 of each year, in compliance with ORS Chapter 244. A copy of the Statement of Economic Interest shall also be filed with the Metro Auditor at the time of filing with the appropriate state agency.

(b) 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.

(Ordinance No. 99-795B, Sec. 1. Amended by Ordinance No. 11-1251, Sec. 1)

LOBBYING

2.17.200 Registration of Lobbyists

(a) Within three (3) working days after exceeding the limit of time specified in Code Section 2.17.~~120~~210(a)(5), each lobbyist shall register by filing with the Metro Council a statement containing the following information:

—————(1) The name, email address, telephone number, and address of the lobbyist~~;~~

(2) The name, email address, telephone number 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~~;~~ and

- (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) (1) Except as provided in subsection (d)(2), a lobbyist registration expires on January 31 of the next odd-numbered year after the date of filing or refiling.

- (2) A lobbyist registration filed on or after July 1 of any even-numbered year expires on January 31 of the second odd-numbered year after the date of filing or refiling.

(Ordinance No. 99-795B, Sec. 1. Amended by Ordinance No. 06-1112, Sec. 1.)

2.17.~~120210~~ Exemptions to Lobbyist Registration Requirements

(a) The requirements of Code Section 2.17.~~110210~~ through Code Section 217.~~140240~~ 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~~-.;~~ or
- (5) Any person who spends not more than five (5) hours during any calendar quarter lobbying, excluding travel time.

(Ordinance No. 99-795B, Sec. 1.)

2.17.130215 Prohibited Lobbyist Conduct

(a) A lobbyist may not instigate the introduction of any legislative action for the purpose of obtaining employment to lobby in opposition to the legislative action.

(b) A lobbyist may not attempt to influence the vote of any member of the Metro Council by the promise of financial support of the candidacy of the member, or by threat of financing opposition to the candidacy of the member, at any future election.

(c) A person may not lobby or offer to lobby for consideration any part of which is contingent upon the success of any lobbying activity.

(d) A Metro Official may not receive consideration other than from Metro for acting as a lobbyist in Oregon for Metro.

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2.17.220 Statements of Lobbying Expenses

Any lobbyist who engages in any lobbying activities shall file with the Council by ~~January 31~~April 15 of each year a statement for the preceding calendar year showing ~~the~~ :

(a) The total amount of all moneys expended for food, refreshments and entertainment by the lobbyist for the purpose of lobbying.

(b) 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 Official to whom or for whose benefit, on any one occasion, an expenditure is made for the purposes of lobbying, and the date, name of the non-profit entity, purpose and amount of that expenditure. This paragraph applies if the total amount expended on the occasion by one or more persons exceeds \$50.

(c) Statements required by this section need not include amounts expended by the lobbyist for personal living and travel expenses and office overhead, including salaries and wages paid for staff and secretarial assistance, and maintenance expenses.

(d) If the amount of any expenditure required to be included in a statement is not accurately known at the time the statement is required to be filed, an estimate of the expenditure shall be submitted in the statement and designated as an estimate. The exact amount expended for which a previous estimate was made shall be submitted in a subsequent report when the information is available.

(e) A statement required by this section shall include a copy of any notice provided to a public official or candidate under ORS 244.100.

(Ordinance No. 99-795B, Sec. 1. Amended by Ordinance No. 06-1112, Sec. 2.)

2.17.140230 Employers of Lobbyists Expense Statements

(a) Any person employing on whose behalf a lobbyist who was registered registered, or who was required to register, with the Oregon Government Standards and Practices Ethics Commission at any time during the calendar year shall file with the Council by January 31 commission, according to the schedule described in ORS

171.752, a statement for the preceding calendar year showing the for the applicable reporting period:

- (1) The total amount of all moneys expended for lobbying activities on the person's behalf, excluding living and travel expenses incurred for a lobbyist performing lobbying services;
- (2) The name of any ~~Metro~~legislative or executive official ~~who attended a fund raising event for a non-profit tax exempt entity as a guest of the employer to whom or for whose benefit,~~ on any one occasion, an expenditure is made for the purposes of ~~a lobbyist, but~~ lobbying by the person, and the date, name of payee, purpose and amount of that expenditure. This paragraph applies if the total amount expended on the occasion by one or more persons exceeds \$50. This paragraph does not ~~including~~ apply to information ~~previously~~ reported in compliance with ~~Section 2.17.130~~ORS 171.745; and ~~the date,~~
- (3) The name of each registered lobbyist or entity comprised of more than one lobbyist to whom the person paid moneys for lobbying activities on the ~~non-profit~~person's behalf, excluding living and travel expenses incurred for a lobbyist performing lobbying services, and the total amount of moneys paid to that lobbyist or entity and amount of expenditure.

(b) A statement required under subsection (1) of this section shall include a copy of any notice provided to a public official or candidate under ORS 244.100.

(Ordinance No. 99-795B, Sec. 1. Amended by Ordinance No. 06-1112, Sec. 3.)

2.17.150240 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

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false swearing which the person does not believe to be true and correct to every matter.

(Ordinance No. 99-795B, Sec. 1.)

2.17.160245 False Statement or Misrepresentation by Lobbyist or Metro Official

(a) No lobbyist or public official, as defined in ORS 244.020, shall make any false statement or misrepresentation to any legislative or executive official or, knowing a document to contain a false statement, cause a copy of such document to be received by a legislative or executive official without notifying such official in writing of the truth as prescribed in subsection (b) of this section.

(b) It is a defense to a charge of violation of subsection (a) of this section if the person who made the false statement or misrepresentation retracts the statement or misrepresentation and notifies the official in writing of the truth:

- (1) In a manner showing complete and voluntary retraction of the prior false statement or misrepresentation; and
- (2) Before the subject matter of the false statement or misrepresentation is submitted to a vote of a committee or the Metro Council or is relied upon by an executive official in an administrative hearing.

(c) As used in this section:

- (1) "False statement or misrepresentation" means the intentional misrepresentation or misstatement of a material fact.
- (2) "Material" means that which may have affected the course or outcome of any proceeding or transaction if known prior to the proceeding or transaction.

2.17.250 Public Nature of Reports, Registrations and Statements

All information submitted to the Oregon ~~Government Standards and Practices~~Ethics Commission or Council in any report,

registration or statement required by this Chapter is a public record.

(Ordinance No. 99-795B, Sec. 1.)

2.17.170260 Sanctions for Violations

A

In addition to any such penalties as otherwise may be provided by law, 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.

However, no Metro official shall be subject to any sanction by Metro 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.

(Ordinance No. 99-795B, Sec. 1. Amended by Ordinance No. 06-1112, Sec. 4.)

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 14-1343, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 2.17 TO COMPLY WITH CURRENT STATE LAW AND DECLARING AN EMERGENCY

Date: October 8, 2014

Prepared by: Office of Metro Attorney
Ext. 1511)

BACKGROUND

Metro Code 2.17 established a Code of Ethics for Metro and requirements for lobbyists appearing before Metro. State law on government ethics is found in ORS Chapter 244, and was updated in 2013 to reflect changes passed in the Oregon Legislature. The current provisions of Metro Code 2.17 have not been updated since the passage of that state legislation in 2013. As such, amending the code is needed to ensure consistency with state law.

ANALYSIS/INFORMATION

1. **Known Opposition:** None
2. **Legal Antecedents**
 - a. Metro Ordinance 99-795B (For The Purpose Of Adopting A Code Of Ethics For Metro Officials and Requiring Registration Of Lobbyists)
 - b. Oregon Revised Statutes, Chapter 244 (Government Ethics), Chapter 659A (Unlawful Discrimination)
 - c. Oregon Administrative Rules, Division 20 (Statement of Interest)
3. **Anticipated Effects** Metro Code Chapter 2.17 will be up to date with current state law.
4. **Budget Impacts** None

RECOMMENDED ACTION

The Office of Metro Attorney recommends adoption by the Metro Council of Ordinance 14-1343.