

BEFORE THE METRO COUNCIL

RELATING TO DOING BUSINESS WITH) ORDINANCE NO. 95-609A
METRO OFFICIALS, AMENDING)
THE METRO CODE, AND DECLARING AN) Introduced by
EMERGENCY) Councilor Ed Washington

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Section 1. A new Section 2.04.025 entitled "Prohibition Against Doing Business With Certain Former Metro Officials" is hereby added to the Metro Code.

Section 2.04.025 Prohibition Against Doing Business With Certain Former Metro Officials

(a) Except as provided for in subsection (d) below, 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) Metro officials shall be deemed to have authority to exercise official responsibility as follows:

Elected officials 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.

(c) Definitions: For the purpose of this section undefined terms used herein shall be construed as defined in ORS chapter 244; the following terms shall have the following meaning:

- (1) "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 is associated in a nonremunerative capacity.
- (2) "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.
- (3) "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.
- (4) "Doing business" means entering into a direct contractual relationship with a business with which the Metro official is associated.
- (5) "Elected official" means any person elected or appointed as a member of the Metro council, the executive officer, or the auditor.
- (6) "Metro" means all of Metro including any department or branch of Metro including any Metro commission.
- (7) "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.

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

(d) 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:

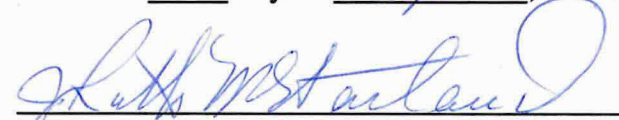
- (1) It is in the best interests of Metro to do business with the Metro official.
- (2) The Metro official took no action while in office that directly related to the preparation of the terms and conditions in the contract documents that may give an appearance of impropriety or favoritism.
- (3) Other 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.

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

Section 2. This Ordinance being necessary for the health, safety, or welfare of the Metro area, for the reason that in order to avoid any question regarding the integrity of

Metro or its officials, an emergency is declared to exist and the Ordinance takes effect upon passage.

ADOPTED by the Metro Council this 7 day of Sept., 1995.



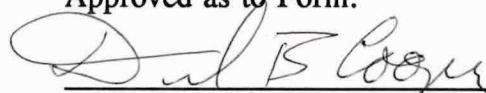
J. Ruth McFarland, Presiding Officer

ATTEST:



Cathy Ross
Recording Secretary

Approved as to Form:



Daniel B. Cooper, General Counsel

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Section 1. A new Section 2.04.025 entitled "Prohibition Against Doing Business With Certain Former Metro Officials" is hereby added to the Metro Code.

Section 2.04.025 Prohibition Against Doing Business With Certain Former Metro Officials

1. Except as provided for in subsection (3) below, 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.
2. Definitions: For the purpose of this section the following terms shall have the following meaning:
 - (a) "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.
 - (b) "Doing business" means entering into a contractual relationship in which the person receives compensation either directly or indirectly for work performed pursuant to a contract or agreement entered into by Metro.
 - (c) "Elected official" means any person elected or appointed as a member of the Metro council, the executive officer, or the auditor.

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

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

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

3. Upon the request of the executive officer or a Metro commission, the council may waive the effect of the prohibition contained in subsection (1) upon making written findings that:

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

(b) 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.

(c) 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.

Section 2. This Ordinance being necessary for the health, safety, or welfare of the Metro area, for the reason that in order to avoid any question regarding the integrity of

Metro or its officials, an emergency is declared to exist and the Ordinance takes effect upon passage.

ADOPTED by the Metro Council this ____ day of _____, 1995.

J. Ruth McFarland, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

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